

PLANNING APPLICATION REPORT



Application Number	15/01831/FUL	Item	02
Date Valid	16/10/2015	Ward	Moor View

Site Address	LAND AT FORMER UNIT J, ST MODWEN ROAD, MARSH MILLS PLYMOUTH		
Proposal	Erection of retail unit, associated car parking, landscaping and access		
Applicant	Duke Properties (Marsh Mills) Limited and Next Plc		
Application Type	Full Application		
Target Date	18/03/2016	Committee Date	Planning Committee: 04 August 2016
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Ali Wagstaff		
Recommendation	Refuse		

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1. Description of site

The Site is 1.12 hectares in size and is a brown field site. It is located within, but on the edge of the Parkway Industrial Estate, and adjacent but beyond the Marsh Mills Retail Park which is located across Longbridge Road. The Roundabout on Longbridge road which sits at the south west corner of the site provides the entrance to the retail park; which faces on to the A38 with the back and side of units facing on to Longbridge Road. The site is bordered by St. Modwen Road to the east which leads into Parkway Estate which expands to north and west of the site. Longbridge road is to the south with Marsh Mills beyond and Leigham Manor Drive to the west. To the west running along Longbridge Road is a small run of residential properties, the corner plot on Leigham Manor Drive is currently a surface level car park but has consent for a dwelling. Across Leigham Manor Drive to the north of the dwellings is a small wooded area known as May's Marsh with the River Plym situated beyond.

The site previously contained a large industrial Unit which has been demolished and the site cleared with the exception of a small building and some remaining piles of demolished material. The perimeter of the site is enclosed by blue hording. The site while clear still retains a number of trees including a large pine.

The site rises gently to the north with a slight plateau in the central area. There is a small electric substation on the South-East corner of the site.

2. Proposal description

The Proposal is for the construction of an AI Retail Unit, with the proposed occupier identified as Next, providing a Next Home and Fashion Store. The Store has a gross internal floor area of 7,158 sqm, of this, 4,792 sqm will comprise net retail sales area. This will be made up of 2042 sqm of Fashion goods, 2,378 sqm of Next Home/ Bulky Goods products, a 372 sqm Garden centre and a café of 201 sqm. The floor plate is L shaped with the store being 53.4 metres in width and a maximum of 68 meter in depth on the east elevation, the store is 48 metres in depth on west elevation with a further garden centre and the mechanical plant area beyond. The floor plate of the store is approximately 2981 sqm metres, if the garden centre is included alongside the HV/AC area this increase to approximately 3439 sqm

The store is proposed to be sited to the North-Eastern edge of the site and is 3 storeys in height with a maximum height of 13.725 metres. The store is L shaped with the principle elevation facing on to Longbridge Road with the principal element of car parking in front of the store. Additional parking, including the disabled parking is wrapped around the western side of the store fronting on to St Modwen Road. The vehicular access into the site will remain in the existing location on St Modwen Road. The servicing area for the store will be located at the rear of the store accessed through the car parking facing St Modwen Road, staff parking is also provided in this area.

Internally the store contains 3 storeys, the ground floor will be used for retail sales, the first for retail and an area of storage and the upper story will be for stock room and staff area. The first floor is slightly set back from the store entrance with the second floor further set back covering only 2/3 of the store footprint which will provide a vaulted atrium and the front of the store. To the rear of the store on the ground floor a covered garden centre will be provided and a goods receipt area.

A detailed landscaping strategy has been produced for the site, which retains significant amount of existing trees and vegetation surrounding the East, South and West sides of the site. This will be strengthened with additional planting and landscaping, additional tree planting will be provided in the parking area.

3. Pre-application enquiry

A formal Pre-application enquiry 15/00626/MAJ was submitted for the site on the 9th April 2015. A written response was provided in June 2015 which concluded the Pre-application. The pre-application advised that the proposal was considered to be contrary to the NPPF Paragraphs 23 to 27; Core Strategy Strategic Objective 7, Policies CS06, CS08, and CS05, and Area Visions 3 and 9; the City Centre and University AAP Strategic Objective 1; and Plymouth Plan Part one (Consultation Draft Strategic Objective 3, Policy 4, Policy 21, Policy 24, Policy 44 and Policy 45. It would lead to a significant adverse impact on the City Centre and upon the planned investment in the new Derriford District Centre, and would lead to the loss of an employment site suitable for B8 uses. Officers would therefore be unable to support an application.

4. Relevant planning history

- 10/00764/FUL Redevelopment of site by erection of industrial unit (use classes B1/B8) and a non-food bulky goods retail unit with associated access and car parking area (extension to the time limit for planning implementation of the existing planning permission reference 07/00179)- Application Withdrawn
- 10/00920/EXD Certificate of lawful development for the commencement of development of planning permission 07/00179/FUL for the redevelopment of the site by the erection of an industrial unit and non-food bulky goods retail unit; the works comprising a material operation by the initial works on the construction of the southern vehicular access to the development site- Certificate issued
- 09/00336/ADV Agents sign board –Grant Conditionally
- 07/00179/FUL Redevelopment of site by erection of industrial unit (Use Classes B1/B8) and a non-food bulky goods retail unit with associated access and car parking areas - Grant Subject to S106
- 06/00951/FUL Redevelopment of site by erection of industrial unit (Use Classes B1/B8) and a non-food bulky goods retail unit with associated access and car parking areas - Application Withdrawn
- 04/00368/OUT Outline application for 4,183 sqm of non food retail space and associated parking and servicing - Application Withdrawn
- 01/00281/FUL Change of use, conversion and partial demolition of premises to form 7 units for use within Classes B1/B2/B8 and B8 with ancillary trade sales, with external works including revised access and parking- Grant Conditionally
- 91/01585/FUL Erection of building for steam cleaning canisters. Granted conditionally
- 85/03473/FUL Block J parkway industrial estates St. Modwen road Plymouth marsh mills formation of access way Andre - alignment of highway together with raising floor level of block j2 warehouse - Granted conditionally

5. Consultation responses

Police Architectural Liaison Officer

The Devon and Cornwall Police are not opposed to the granting of planning permission for this application.

Economic Development Department

Economic Development has strong concerns over application and objects for following reasons;

Impact on the City centre - out of town retail will have severe and detrimental impact on vitality and viability of city centre and other centres and Derriford District Centre proposal, it is highly likely

that development will alter the attraction of Marsh Mills and result in further trade draw away from City centre.

Retail habits are changing and Plymouth is facing this revolution in a proactive manner, with construction to start on £40m Drakes leisure in Aug 2016, there is a real potential for the city to capitalise on this momentum. The Council are progressing City Centre & Waterfront Master plans which are identifying key areas for intervention which will generate strategic development opportunities in the city centre. In parallel with identifying, and supporting investment the Council needs to protect the city centre from inappropriate out of town development. A store of this scale and nature would draw shoppers away from the city centre, particularly given its strategic position on the eastern approach to the city and free car parking. This would adversely affect the vitality of the city centre and needs to be resisted.

Clarification is required on how trade diversion is calculated, it does not seem representative given range of goods to be sold e.g fashion which is not sold from Marsh Mills but is in City Centre. Require further cumulative modelling.

Applicant has not considered sequential test in sufficient detail including vacant store and site from emerging master plan.

Development is not in Marsh Mills and will set precedent for further out-of-town application impacting city centre.

Impact on current, planned and future investment - Strong concern development will have severe and detrimental impact on the planned future investment climate of the city centre and have a detrimental impact on the planned public sector lead development Economic Development Department are seeking to bring forward through the city centre master plan and the likelihood of attracting private sector retail development and future investment in city centre

Sequential Sites Availability of alternative opportunities - The following opportunities are either available or are being brought forward by the Council for redevelopment and could accommodate the Next requirement either in its entirety or majority excluding bulky goods/garden element.

Colin Campbell Court is a key gateway to the west end of the city centre. A scheme is being progressed and the Council is actively working with partners to bring forward development. A number of strategic acquisitions have been made by the Council to assemble the different property interests. Mixed use residential led development is proposed, however the masterplan could be revised to accommodate the Next requirement.

Cornwall Street East is identified as a strategic development opportunity in the Masterplan for retail led mixed use redevelopment which could accommodate the Next requirement. Cornwall Street East offers substantial retail redevelopment totalling 15,877 sq m with flexibility for a range of larger footprint retail space and redevelopment of the Council owned multi storey car park.

88 Royal Parade, the former Derrys Department Store provides 12,928 sq m gross retail floorspace over five floors the majority of which is vacant and available. Whilst the two planning applications submitted by the current long leaseholder do not include the level of retail proposed by Next, the building is suitable for all save the external garden centre aspects.

Loss of Employment Land - The proposal will result in loss of over 2,200 sqm of B1/B8 employment land, which the PCC employment land review (2015) identifies an under supply of

deliverable B8 land and such the site should be safeguarded. There is an increased demand across city for employment land.

It is acknowledge application provides some economic impact highlighting investment of £11m on construction, 72 construction jobs and 128 full time equivalent jobs from local area, these do not however outweigh detrimental impacts on city centre or current and future investment

Lack of Marketing - Evidence of marketing provided is weak and would expect to see further detail.

If the LPA find the application acceptable the Economic Development Department would suggest the following;

Planning condition recommended employment and skills plan

Planning obligations for Loss of employment land £72,667

Planning obligation to mitigate impact on city centre.

Additional responses from Economic Development Department to Applicants additional information

1. To respond to assertion that refusal on the basis of loss of employment land is not appropriate Vickery Holman (active local property agents) were engaged by Economic Development Department to advise on the market for employment land in Plymouth and this site specifically.

The key element of this application is whether the site is a viable employment site and therefore whether its loss would be contrary to Policy CS05. With this in mind following point are identified:

- Whether the site in an appropriate location for employment uses - consider that the site is in an excellent location for employment uses, being within a mature and popular industrial park with strong transport links both in to the city and out to the wider road network
- Whether there is likely demand for employment use on this site. - refer to the report by Vickery Holman which demonstrate active requirements for industrial property registered in a 15 week period of 533,000 sqft or 341,450 sqft of purely B class uses. In addition it show a take-up of property over the same period of 409,000 sqft. Considering the total supply in the Plymouth market is 507,000 sqft this shows a healthy and active demand.
- Whether developing employment use on this site is viable- Vickery Holman have prepared a viability appraisal. It demonstrate that a scheme targeting the smaller industrial requirement, would be viable and could achieve a 20% profit.
- Whether there is evidence of sufficient marketing of the site for employment uses that demonstrates its non-viability. Vickery Holman provides a list of the level and type of activity that they would undertake in order to market the site. There is no evidence from the applicant that marketing for employment uses has taken place, it is considered that should the site have been properly marketed it is reasonable to assume that serious interest would have been generated.

In conclusion, Economic Development Department consider this is a viable employment site and that the proposed scheme in 15/01831/FUL would result in the loss of a viable employment site and maintain objection to the application on the basis that it is contrary to Core Strategy policy CS05 (development of existing sites) and policy 21 (delivering sufficient land for new jobs) of the emerging Plymouth Plan.

2. Economic Development have reviewed further information dated 18th May 2016

They consider the evidence for build cost of c£70 per sq ft used by Vickery Holman is robust and is similar to the Royal Chartered Institute of Surveyor's Building Cost Information Service mean value of £67 per sq ft to be a more robust estimate than JLL's unnamed Quantity Surveyor's opinion of £100 per sq ft. On this basis the updated appraisal by the applicant of 13,068 per sq ft as indicated by JLL would still be profitable and therefore viable.

As such it is not considered to be evidence that would change consideration of the subject site, if properly marketed, whether totally or partially developed, would have a reasonable prospect of being occupied for employment purposes.

Highways Authority

The Highway Authority consultation considered in detail the transport assessment which accompanies the application and the scheme proposal. A number of questions are raised in relation to information contained in the Transport Assessment, however it concludes that on balance that the Highway Authority would not wish to raise any objections in principal to planning permission being granted, subject to appropriate planning conditions being included in the granting of planning permission.

Natural Infrastructure Team

Consultation identifies that the key issues relate to biodiversity, landscape and trees. An Ecology Assessment Report which includes an Ecological Mitigation and Enhancement Strategy has been submitted and subject to additional mitigation relating to reptiles and additional information on tree replanting being included, this can be conditioned. It concludes that sufficient information has been submitted and it accords with planning policy requirements subject to detailed conditions.

Following updated information and an updated Ecological Mitigation and Enhancement Strategy the Natural Infrastructure Team considers the application accords with planning policy requirement subject to conditions.

Low Carbon Team

The Low Carbon Team has reviewed the submitted Energy Statement and can confirm the suggested approach is acceptable. A condition is recommended to require provision of energy and carbon reduction measures.

Highways England

Highways England's formal recommendation is that they offer no objection. The response gives consideration to Transport Assessment submitted and identifies concern in relation to how some data has been applied and the Highways England has undertaken their own assessment which identifies more trips generated by the store in the Saturday peak, and that the trips would pass through Forder Valley Junction which the Transport Assessment has not assessed the impact. However Highways England conclude that while this would result in 55 vehicle using this junction in the peak hour the impacts on the individual approaches is smaller and the increase in trips is not considered to be severe. Highways England is content that the impact of the development on the operation of the A38 would not be severe and therefore does not object to the proposal.

Environment Agency

Following submission updated Flood Risk Assessment revision D, subject to the planning authorities view on flooding sequential test, the proposal will be acceptable if planning permission includes conditions to secure appropriate ground and floor levels and preparation and approval of flood management plan.

It recommends that the application is not determined until Plymouth City Council have determined whether the proposal can satisfy the sequential test.

Recommended conditions- Ground and Floor Levels, flood management plan and surface water drainage system.

Lead Flood Risk Authority (LFRA)

Following submission of additional information the LFRA has confirmed that:

- Given South West Water have confirmed that a discharge to the surface water sewer has been addressed, the revised Flood risk assessment will be limited to a rate equivalent to 1/10 year greenfield rates, which is acceptable.
- Further detail will be required of the onsite drainage system and storage system; while the approach set out is acceptable for the car parking area it will need to be revised if additional area is drained to this area of the site.
- An assessment of exceedance flows should be undertaken and provided to ensure that surface water run off does not impact upon Third Party Land or property.
- The requirement for a construction environmental management plan (CEMP) remains.

LFRA have confirmed that these additional matters can be dealt with by Condition should the application be approved.

Public Protection Service

Overall recommendation approval subject to conditions and informatives recommended in relation to Noise, Opening Hours, delivery hours, lighting, limiting cooking operation (Café) and land contamination.

Further consultation confirmed flexibility on delivery hours condition, but requirements for restricted store opening to preserve residential amenity.

Additional land contamination response - on condition wording to overcome applicants issues.

City Centre Company

Summary key points;

Significant concern with the range of goods to be sold in the proposal with large amount fashion goods, which will have direct impact on and dilute trade from City Centre and which will damage future prospect for inward investment.

PCC has engaged LDA consultants to produce a City Centre Master Plan, a blue print for re-vitalised City Centre. While the foot print of retail area is likely to be smaller, the amount of floor space will grow, which will allow other area in the City Centre to diversify, increasing vibrancy of the Centre. To execute the Master Plan significant inward investment will be required and confidence provided to investors of the primacy of the City Centre.

The Application will undermine the ability to secure investment from retailers and significant investment is required to provide more units of size and shape for modern retailers needs.

The site is adjacent to Marsh Mills retail park which has bulky goods conditions, the Novotel Site development also has such conditions. Weakening this position will lead to applications for fashion goods to be sold, reducing the attractiveness of City Centre and investment in redevelopment.

There is no commitment for Next to retain current Drake Circus Store, the lack of commitment illustrates Next anticipated uplift in attractiveness to attract more trade. This alteration will draw trade from City Centre which is well represented by department stores for BHS, House of Fraser, Debenhams and M&S and major indoor centre.

The site is isolated from Marsh Mills and Novotel site and will function separately with visitor not being able to shop without moving their cars.

Unconvinced that a full review of City centre sites has been undertaken. Applicants should work with owners and the Council to assemble a site for Next's needs which would provide a catalyst for future development in City Centre. Instead an easy option has been taken which will damage the fragile City Centre.

The site will lose 2,200 sqm B1/B8 employment space. An assessment should be carried out to safe guard employment use on site which can accommodate unit of 10,000sqft.

Should the application be approved the following should be considered, a financial contribution toward City Centre mitigation measures, commitment to retain City Centre store for 25 years; restriction on tradability of lease; restriction on floor area and component parts; no convenience good sales; Staff cars not to be parked on site; and no unit subdivision or further floors.

The Plymouth Plan expects investment to be directed to City Centre, it places the City Centre as the primary location for comparison goods. This application will put potential for a re-vitalised, regenerated and vibrant city centre seriously at risk. It will draw trade from City Centre, reduce availability of B1/B8 employment land, increase car movements and the City Centre Company asks for the application to be refused.

Local Planning Team

In relation to loss of employment land the key consideration is the evidence base which underpins Plymouth Plan. specifically the Employment Land Review (ELR). It identifies a strong demand for B8 use class floorspace, which is important to economy. The ELR identifies that sites available for immediate development are very limited. The application site is in a highly accessible location to the strategic road network on an establish employment area. There are no allocations in the Plympton or A38 East Corridor therefore the loss of a site would be particularly harmful to the supply of employment land. Market signals indicate Plymouth will provide a role as a centre for distribution and logistics for the far South West and the largest proportion of demand identified within the ELR is for accessible locations in the A38 corridor and Plympton areas. The evidence therefore supports the view of the economic development department that this development which will result in the loss of employment land will be harmful to the future development of the City.

6. Representations

A total of 531 representations were received, 376 were in support, 19 were objections and 123 were general observations. A number of correspondents who have used the Council's on-line comments form have indicated support, object or general observation but have covered a number different topics in their representation. It is equally the case that some who identified support provided comments which were opposed to the store likewise some who selected object have in their comments indicated support for the scheme.

The letters of Support make the following points;

- The city needs more out-of-town retail and larger stores of this type to compete and to improve Plymouth's retail offer
- The store would become a distinct retail destination and attract shoppers from other areas and tourists
- The store will create 120 new jobs and redevelop a vacant site and benefit the local economy and people
- The store will improve consumer choice and offer a wider range of products in one location
- High quality design will improve the appearance of the area
- Improve current appearance of vacant site, bring new life to site.
- Out-of-town stores offer free parking
- Out-of-town stores are better for disabled people and families with young children
- The existing city centre store is too small
- This would complement existing city centre store, the city centre store needs to be retained
- Convenient and accessible location close to Marsh Mills for people from in and outside the city
- Good location for collecting goods including catalogue and internet orders
- This will increase custom to nearby stores
- This will encourage other large stores into the area
- Parking charges bus access and traffic congestion in the city centre reduce the appeal of the city centre.

The letters of Objection make the following points;

- Need to improve the city centre rather than disperse activity in different locations
- Opening hours are excessive and should be reduced to normal working hours to protect residential amenity
- Noise from the store and associated deliveries is a concern, deliveries to existing stores already create issues
- Dedicated staff parking area should be provided
- Wildlife study does not consider bats in the area, bat boxes should be provided
- Construction hours should be restricted to 07.30 – 16.00.
- There is an existing Next stores in city, site should be for another retailer
- There are problems with the capacity of the road network, nearby residents can't access their homes at peak times
- How would the planning authority enforce conditions when those on existing stores are not enforced
- Parks area should be used for such purposes to reduce demand on the highway for parking to preserve public safety and free flow of traffic
- Double yellow and single yellow lines should be provided on Longbridge Road to allow clear view of the proposed crossings.

Correspondents who marked their forms as Object also made the following comments

- The Next store is needed to improve Plymouth's shopping offer, the city is behind the times.

The letters of Observation make the following points;

- More and better retail parks are needed on the outskirts of the city
- Much needed larger store will improve consumer choice and the city's retail offer
- The city centre can be busy for a limited shopping visit

- Need to encourage people back into town centres
- Vacant city centre Derry's site would be a good opportunity for Next
- Will attract other retailers and investment and strengthen city as a retail destination
- Will improve visual appearance of the area
- Will reduce traffic and pollution in the city centre
- Development would create employment opportunities
- Land won't be used for anything other than retail
- Site is more accessible for disabled people
- Development would alleviate traffic into the city centre
- This opportunity should not be lost
- Traffic in the area is already an issue, particularly if there is an accident
- Staff parking for existing and future users' needs to be considered
- Site is an area of beauty, kingfishers and salmon have been seen in the area
- Investment is needed in the road network.

Non-material planning issues mentioned by correspondents were;

- Instead of building the store and coffee shop the money should be spent renovating the Pannier Market and West End shops
- Next is my favourite store
- This will reduce the need to use Next on-line shopping service
- Plymouth needs more big stores like John Lewis and Ikea
- The store should have a dedicated collection area.
- Next is a good company with good products
- Would want to be sure that Next trades ethically

The applicants have undertaken direct marketing of the application providing presentation material regarding the proposal. They have also had a Facebook advertisement campaign to make people aware of the proposals and the provided comments. This marketing provided a direct link to the Councils electronic representations facility to make representations on the application.

Letter from Joint Applicant

A letter from Next has been submitted on 21st June (who are one of the joint applicants in the planning application)it identifies the follow broad points:

- Next is committed to drive its expansion of stores, both in Town centres and its a few new key large dual format stores.
- Application is for a complementary store which is significantly different to that of the City Centre Store, with 50% of the proposed store for homewares
- There is large home content of the store and City Centre sites are not suitable for the type of store being proposed.
- Online purchase are already capable of collection at existing Marsh Mills store, it is logical (subject to restricted floor space) that customers can buy all items under one roof.
- Plymouth is a top location for Next for dual format store, it will provide £11 million of investment in its construction and create 148 jobs.
- Next is prepared to enter into a commitment to retaining City Centre Store open for 10 years and invest £500,000 in refitting its store in Drake Circus.

- The proposal has received overwhelming public support the statement of community involvement received 313 forms with 96.5% identifying they would like to see new store at Marsh Mills. 2,746 'Likes on the Next4Plymouth Facebook page, 467 supporting representations with only 11 objection submitted on the planning application.
- A new random telephone poll has been undertaken of 1000 Plymouth residents 94.7% were supportive of new store at Marsh Mills.
- Believe planning permission should be granted, there is overwhelming support and the Government places high premium on 'localism'

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) and a suite of other adopted action plans. In the case of this application, the City Centre & University Area Action Plan is relevant.

The development plan is currently being reviewed as part of the Plymouth Plan, which it is now intended will form part of a joint local plan covering Plymouth, South Hams and West Devon (excluding Dartmoor National Park). 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, although significantly Part One of the plan (which sets an overarching strategy) has been subject to consultation and received unanimous approval at a meeting of Full Council. (the Local Plan is intended to be submitted for examination in January 2017)
- 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
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

Environmental Impact Assessment

The development proposed falls within Schedule 2 section 10 b of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The threshold for this section is exceeded and therefore a screening assessment has been undertaken following the receipt of the application. This concluded having considered the requirements set out in Schedule 3 of the regulations that the development will not result in likely significant effects on the environment. Therefore an Environmental Statement will not be required. This is quite a separate judgement in accordance with the above Regulations from that taken below which requires the application to be determined in accordance with quite different legislative requirements and policy in the Framework.

8. Analysis

Executive summary

- ES1 The Proposal is for the construction of an A1 Retail Unit, with the proposed occupier identified as Next, providing a Next Home and Fashion Store. The Store has a gross internal floor area of 7,158 sqm, of this, 4,792 sqm will comprise net retail sales area. This will be made up of 2042 sqm of Fashion goods, 2,378 sqm of Next Home/ Bulky Goods products, a 372 sqm Garden centre and a café of 201 sqm. The store is 3 storeys in height and L shaped, it faces on to Longbridge Road with parking to the front and side of the store with deliveries area to the rear.
- ES2 The application site is 1.12 hectares and is brownfield it is located within, but on the edge of the Parkway Industrial Estate, and adjacent to the Marsh Mills Retail Park. The site has a previous planning approval 07/00179/FUL for the redevelopment of site by erection of industrial unit (Use Classes B1/B8) and a non-food bulky goods retail unit. This is preserved by certificate of lawfulness I0/00920/EXD which confirms the application was commenced and as such it is capable of implementation. Although this provides a fallback position which is a material planning consideration, it is considered that the fall back position should be given only limited weight in the overall planning judgement of the application.
- ES3 This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. In considering the proposal the following policies are considered relevant: SO4, CS02, CS05, CS06, CS08, SO7, SO11, CS19, CS20, CS21, CS22, CS28, CS34 And Area Vision 3 of

the Adopted Core Strategy, CC08, CC10, CC11 of the City Centre and University Area Action Plan and policies SO5, 1, 13, 18, 21, 24, 25, 29, 30 and 41 of the Plymouth Plan and the guidance contained in NPPF and NPPG.

- ES4 In considering the proposal the key matters are considered to be retail matters, employment considerations, consideration of the flood risk management, highways and transportation considerations, the design and landscaping of the store. As well as consideration of the ecology and biodiversity matters, the sustainable use of resources, impact of the store on residential amenity, and land contamination. Of these areas of consideration there are a number of these which are when considered against the relevant material planning considerations including the Local Policies of the Councils Core Strategy and Emerging Plymouth Plan acceptable and able subjected to detailed conditions to be supported by Officers as set out in section 8 analysis of the main report,
- ES5 There are a number of core matters which raise substantial concern to Officers and are considered so significant that they warrant the refusal of the application, these relate to consideration of the Retail and Economic impacts of the proposal and the compliance with the Sequential approach to sites at Risk of Flooding. Provided below is a summary of these key consideration.

Retail consideration

- ES6 The application proposes a A1 retail store with a gross internal floor area of 7,158 sqm, of this 4,792 sqm will comprise net retail sales area. The applicant specifies the store is for a Next Home and Fashion Store and Next are joint applicant. The proposed application site is not located in any of the defined 'town centres' in the retail hierarchy and indeed, given the distance between the site and the nearest defined centres, the application site is 'out of centre' in status. In considering the retail matters associated with the application there are 3 separate but interrelated policy considerations; these are the Retail Strategy for Plymouth, the Sequential Test and the Impact Assessment.
- ES7 As part of Considering the retail elements of the scheme the Council has engaged GVA Grimley (GVA) to provided expert advice on this matter to help inform Officers in the consideration of the application.

Retail Strategy

- ES8 The Council's Core Strategy and emerging Plymouth Plan set out a clear retail strategy for the City, this is focused on maintaining and enhancing the City Centre's role as a major shopping destination and protecting the primary retailing role of the City Centre. Significant importance is placed on the comparison goods sector in under pinning the strategy.
- ES9 The proposal raises significant concerns in relation to the Council's strategy, it promotes a significant quantum of comparison floor space of which a substantial element is not bulky goods in an out of centre location, which is identified to be occupied by one of the most prominent high street retailers. The level and type of retail floor space raises a real concern over its impact on the City Centre in terms of the impact to its vitality and viability and the impact on investment in the Centre, both the Council's Economic Development Department and the City Centre Company have raised concern over this matter in their consultation

responses to the application. Given the detailed consideration in Paragraphs 5-18 of the main report, The proposal is considered to runs contrary to the Council's approach to the Marsh Mills area as a location for Bulky Goods provision and the overarching retail strategy for the City which direct comparison floor space of this nature to the City Centre and then other Town Centre Locations set out in both the Core Strategy and The Plymouth Plan Part One.

Sequential test

ES10 Paragraph 24 of the NPPF and Policy CS08 of the Core Strategy and Policy 41 of the draft Plymouth Plan require the application of the sequential test to retail development proposals which are not located in an existing centre. The general approach undertaken by the applicants to considering sequential sites is not considered by Officers as advised by GVA to be robust or to have demonstrated sufficient flexibility in terms of the scale and format of the store required by paragraph 24 of the NPPF. Of the sites considered by the applicants, officers consider that the former Derry's Department Store, and Colin Campbell Court are suitable and available. Officers also consider that the Applicants have not properly considered the potential of other site including the Cornwall Street area allocated in policy CS11 of the City Centre Area Action Plan, or the proposed new District Centre at Derriford which should be considered before an out of centre site application site. Given the detailed consideration in Paragraphs 19-49 of the main report, it is the view of your officers the applicants have failed to demonstrate compliance with the sequential test.

Retail Impact

ES11 Paragraph 26 of the NPPF, Core Strategy policy CS08 and Policy 41 of the Plymouth Plan require applicant to demonstrate that the proposal will not have an adverse impact on the City Centre or other town centre locations. The applicants consider that the proposal will not have an adverse impact on the City Centre. Officers have concerns over the evidence provided by the applicants and in advising the authority on the impact of the scheme, GVA have provided their assessment of the likely impact of the scheme, the overall conclusion is that the proposal will have a significant adverse impact upon the health of the City Centre. This position also accords with the consideration of the City Centre Company, Economic Development Department in their consultation responses to the application. It is also considered the proposal is likely to have a significant adverse impact on the public and also private sector investment in the City Centre which are again raised in the consultation response from the City Centre company, Economic Development Department.

ES12 Given the detailed consideration in Paragraphs 50-73 of the main report officers have concluded that the proposal is likely to have a significant adverse impact on the vitality and viability of the City Centre and the public and also private sector investment in the City Centre contrary to the requirements of Paragraph 26 of the NPPF, Policy 41 of the draft Plymouth Plan and Policy CS08 of the Core Strategy.

Retail matters conclusion

ES13 Having considered all the relevant matters relevant to the retail consideration of the application, it is concluded that the proposed scheme will have a significant adverse impact on the health of and investment in the City Centre and that insufficient flexibility and lack of evidence has been provided in the sequential test and that there are sequential preferable sites. The proposal will also undermine the Council's retail strategy contrary to the requirement of Strategic Objective 7, Area Vision 3 and Policies CS06 and CS08 of the Core

Strategy and Policies 1, 21 and 41 of the emerging Plymouth Plan and the requirements of para 24-27 of the NPPF.

Economic Considerations

ES14 The application site forms part of Parkway Industrial Site, an established employment location which is in close proximity to the A38. As an existing employment location Policy CS05 of the Core Strategy and Policy 18 of the Plymouth Plan sets out the considerations for the development of existing employment sites. Having considered the applicant's submitted information and the advice provided by the Council's Economic Development Department, supported by Vickery Holman, who have advised them on detailed Economic Matters, it is considered that contrary to the position set out by the applicants, that the site represents a significant opportunity to meet the economic needs of the City and its economy and is a viable employment site and as such as set out in paragraphs 94 -114 of the main report the development is contrary to the requirements of Policy CS05 of the Core Strategy and Policy 18 of the Plymouth Plan. While there are economic benefits including creation of 148 jobs as well as construction jobs these matters do not outweigh the lack of compliance with the overriding requirement of policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan.

Flood Risk and Water Management

ES15 In considering the flood risk implications of the scheme it is important to consider whether the proposal has complied with the sequential test directing development away from areas that are at highest risk of flooding as set out in Policy 26 of the Plymouth Plan, Policy 21 of the Core Strategy and chapter 10 of the NPPF. The application site is located within Flood Zone 2 with part of the site being located in Flood Zone 3. It is therefore important to consider whether there are any sites available in lower risk areas from flooding. The sites considered in the retail sequential test discussed above and in paragraphs 119-149 and 116- 129 of the main report in the City Centre and Derriford are all in Flood Risk Zone 1 and as such are considered in flood risk terms to be sequentially preferable to the application site. Given that the conclusion reached in the retail sequential test is that the Derry's Department Store and Colin Campbell Court site are considered to be available and suitable, it is considered that these are sequential sites in flood risk terms as they are in a lower flood risk zone.

ES16 In addition to their being sequentially preferable sites, it was not considered that suitable flexibility had been given in terms of scale and format of the store in the retail sequential assessment. As such in relation to the flood risk sequential assessment it is the case that there is insufficient information in order to ascertain if other sites in lower flood risk zone could accommodate the proposed development. Given the detailed consideration in paragraphs 116- 129 of the main report officers have concluded that there are sites at lower risks of flooding that there are reasonably available sites for the proposed development. It is also the case that in relation to other sites which may also be in sequential preferable location that there is insufficient information to conclude that they are not reasonably available.

Planning Balance and conclusion

- ES17 There are a range of matters which officers consider are suitable and meet the requirement of both the local policies set out in the Core Strategy, and emerging Development Plan the Plymouth Plan as well as the requirement of the NPPF, which weigh in favour of the application. The scheme will also bring a vacant site back into active use and provided a range of employment benefits, the fall-back position equally gives weight to the scheme. However these acceptable elements in the planning balance are not considered to provide sufficient justification to outweigh
- The significant adverse impact on Plymouth City Centre in terms of the impact on the vitality and viability of the Centre and the impact on public and private sector investment in the City Centre,
 - That insufficient flexibility has been shown when approaching the sequential preferable sites and the Council consider that there are available and suitable sites,
 - That the proposal is contrary to the Council's retail spatial strategy.
 - The scheme will result in the loss of viable employment land
 - That there is insufficient information in order to conclude that the proposal cannot be located on sites which are located in a lower Flood Risk Zone and also there are sites located in a lower flood risk zone (Flood Risk Zone 1) which are reasonably available and appropriate for the proposed development.
- ES18 The overall conclusion of officers is that the development is contrary to the development plan and emerging development plan and that there are no material considerations which indicate that development should nonetheless be granted. In terms of the NPPF, this is not a case where the development plan is absent, silent or where relevant development plan policies are out of date. In terms of the NPPF this is a case where policy in the NPPF indicates that permission should not be granted because of the failure to comply with the flood risk sequential approach in paragraphs 101 and 102 of the NPPF and retail policies set out in paragraphs 24-27 of the NPPF. The presumption in favour of sustainable development does not therefore apply.
- ES19 Given the significance of these three areas of policy conflict it is considered that the application cannot be supported by officers and the acceptability of elements of the scheme do not outweigh the significance of these policy conflicts.
- ES20 The scheme therefore cannot be supported by Officers and is as such recommended for refusal for the reason set out in the main report.

Main Report

Introduction

- I. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. In considering the proposal the following policies are considered relevant: SO4, CS02, CS05, CS06, CS08, SO7, SO11, CS19, CS20, CS21, CS22, CS28, CS34 And Area Vision 3 of the Adopted Core Strategy, CC08, CC10, CC11 of the City Centre and University Area Action Plan and policies SO5, 1, 13, 18, 21, 24, 25, 29, 30, 41 and 42 of the Plymouth Plan and the guidance contained in NPPF and NPPG.

Fall Back position

2. The site currently has a live consent for a 2350 sqm gross unit for bulky goods retail and 2226 sqm gross unit for B1/B8 Use from 2007 which is preserved through a certificate of lawfulness demonstrating implementation of the consent in May 2010 shortly before the planning permission expired on 5th June 2010. Whilst the possibility of this fall back position being implemented is a material planning consideration, the weight to be given to it as a material consideration is a matter for the local planning authority to determine in considering the application.
3. There are a number of matters to take into account in considering the weight to be afforded to the fall back position, these include the following considerations;
 - The site has been marketed principally for retail uses with display board identifying the site as to let for retail warehouse development units (it does not advertise B1/B8 element). Given the length of time (8 years) the site has been available to the retail market it seems clear that there has been a lack of market interest to implement the consented development.
 - The retail floor space is controlled via a bulky goods condition on the retail unit. This condition limits the goods which can be sold from the unit to DIY hardware and garden centre products, kitchen and furniture, carpets and floor coverings, electrical goods, cycles, motor and cycle accessories, pet food and pet products and office equipment only. Of the goods which the applicant wishes to sell in this application only the furniture and garden centre products are able to be sold from the unit.
 - The bulky goods/retail floor space conferred in the fall back is 2350 sqm gross, under a third of the size of the store proposed.
 - Evidence provided by Peter Brett Associates in support of the application (supported by JLL report) identifies that in relation to employment element that 'The extant permission does not suit market requirements and represents a substantial over development of the site.'
4. It is clear that, there has been limited retailer interest in relation to the fall back scheme despite marketing for that purpose and the applicants own evidence identifies that for the B1/B8 element it does not suit the market requirements. There is also limited cross over of product sales with the proposals and the floor space is significantly less. Given the above circumstances, it is considered that the fall back position should be given only limited weight in the overall planning judgement of the matters set out below because there seems little prospect of this being completed since the permission underlying it is some nearly 10 years old.

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

5. The application proposes an A1 retail store. The store has a gross internal floor area of 7,158 sqm, of this 4,792 sqm will comprise net retail sales area. The application specifies the store is for a Next Home and Fashion Store and Next are joint applicants with Duke Properties. The proposed application site is not located in any of the defined 'town centres' in the retail hierarchy and indeed, given the distance between the site and the nearest defined centres, the application site is 'out of centre' in status, As such in considering the retail matters associated with the application there are 3 separate but interrelated policy considerations; these are the Retail Strategy for Plymouth, the Sequential Test and the Impact Assessment. Paragraphs 24-26 of the NPPF sets out the requirement for a sequential approach for main town centre uses and the requirement for the assessment of Impact. Paragraph 27 confirms that 'Where an application

fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.'

6. It is important to note that while the sequential test and impact assessment are the principle national policies for consideration it is also important to consider the spatial retail strategy for the city, set out in the Adopted Core Strategy and the Plymouth Plan Part One, which has the status of Draft Development Plan. These set the local policy context for the determination of the retail aspects of the application.

Retail Strategy Policy position

7. The Core Strategy (2007) forms a key part of the Statutory Development Plan for the city, setting an overarching retail strategy in the context of the wider growth strategy for Plymouth. Strategic Objective 7 (Delivering Adequate Shopping Provision) sets out that the City Council will promote new shopping development which contributes to the delivery of the City's vision for sustainable high quality growth. Points 2 and 3 of Strategic Objective 7 seek to maintain and enhance the City Centre's role as a major shopping destination and protecting the primary retailing role of the City Centre. Point 4 identifies the requirement to strengthen the network of District and Local Centres encouraging a range of facilities and service in them. This sets out a clear commitment of the Council to safeguard and enhance the City Centre's primary shopping role and need to strengthen network of centres.
8. Area Vision 3 of the Core Strategy further expands what is planned in the strategy seeking *'To reinforce the City Centre's role as a vibrant and thriving regional destination, providing high quality shopping, recreation, cultural, civic, education and commercial facilities, well connected to surrounding neighbourhoods, as well as being a safe place of quality in which to live'*.
9. Policy CS06 builds upon the strategy identifying that *'The Council will support the development of the City Centre's role as the primary comparison shopping retail destination of the sub region'*. This provides a clear and explicit position for where comparison retail development should seek to be delivered. It also identifies the importance which is placed on the comparison goods sector in under pinning the strategy and future for the City Centre. Policy CS07 identifies where new centres are to be created, identify two proposed district centres and three new local centres. The policy identifies new District Centres at Derriford and Weston Mill. Policy CS07 is part of the proactive strategy seeking to direct retail development in accordance with the retail strategy aiming to address gaps in convenience retail provision.
10. Policy CS08 Retail Development Considerations seeks to amplify this requirement in terms of development management considerations. This is supportive of new retail development which contributes to the delivery of the spatial planning vision and strategy; complies with the sequential approach which prioritises development in existing centres; and will not have an unacceptable adverse impact on the City Centre, district and local centres. It is therefore clear that the Core Strategy has a clear and positive approach to retail development which takes a centres-first approach, establishing in particular the primacy of the City Centre.
11. The strategy in the emerging Plymouth Plan which sets the planning framework for the City to 2031, reinforces the adopted policy set out in the Core Strategy and takes an even more focused approach to the role of the City Centre for the future plan period. It is based on up-to-date evidence base, reflects current national policy and sets out a clear aspiration of the Council to promote new retail development in the City Centre. Policy I of the Plan sets out *'Plymouth City Centre will be seen as the primary location for major comparison goods shopping development, commercial leisure and office development within the city in order to maintain and strengthen its status as a regional shopping destination, as well as a strategic location for higher / further education services.*

The LPA will therefore use its planning powers to promote forms of development that enhance the City Centre in order to reinforce its regional shopping role, whilst resisting developments in other parts of the city and the sub-region which would be prejudicial to this role.'

12. Policy 21 'Provision for shops and services' identifies the requirement for future floorspace provision for the plan period 2011-2031. It further amplifies the position in Policy 1 stating "The allocation of sites and the consideration of proposals to meet provision will give primacy to the regional shopping role of the City Centre and support the City's shopping hierarchy set out in the spatial strategy of this Plan". While Policy 41 further amplifies the retail strategy requiring development to have full regard to the hierarchy of centres with Plymouth city centre as the major destination for retail and main town centre uses, point 4 of the policy goes on to expressly deal with bulky goods provision identifying the allowance of a limited amount of out of centre floor space to meet the needs of bulky goods retail warehouse provision with the primary location of the retail parks in Marsh Mills area where it relates to a format of store which practically or economically cannot be located in the City Centre.
13. As part of the development of the Plymouth Plan and the Council's retail strategy, the authority is taking a pro-active approach to delivering its strategy for the City Centre. The Council has engaged LDA Design to lead project team of consultants to develop a strategic master plan and site allocations strategy for Plymouth city centre which will inform the content of Plymouth Plan Part Two. The work will lead to the publication of an updated delivery-orientated Plan for the City Centre. This new masterplan will seek to support and underpin the work of the authority to bring forward strategic and site specific actions to develop the city centre, including the Council's own land ownership to deliver the enhancement of the city centre and the council's retail strategy.

Impact of Proposal on Retail Strategy

14. The Plymouth Plan clearly retains and amplifies the retail strategy set out in the Core Strategy. The proposal raises significant concerns in relation to the Council's strategy. It promotes a significant quantum of comparison floor space with a 4,792 sqm net retail sales area in an out of centre location, which is identified to be occupied by one of the most prominent high street retailers in the City Centre. While an element of the store may be used to display and sell bulky goods, a significant proportion of the store provides goods which clearly are not. This includes a large amount of children's, men's and women's fashion clothing, other fashion goods (2,042 sq meters) which are not bulky goods. While some of the homeware range is bulky goods this also includes non bulky goods. It is the case that the majority of the goods proposed to be sold in the store are sold from store in the City Centre and that there are other stores including Marks and Spencer, Debenhams and House of Fraser which cover a similar product range from their respective city centre locations. This level and type of retail floor space raises a real concern over its impact on the City Centre in terms of the impact to its vitality and viability and the impact on investment in the Centre (covered in detail below) given the development's location in an out of centre location next to an existing bulky goods location. The provision of a store selling such a large amount and broad range of comparison goods including fashion sold by main high street retailer in this location, with ample adjacent car parking has the potential to derail the Council's retail strategy which is underpinned by the primacy of the City Centre as a focus for investment and the provision of comparison goods floor space.
15. The Council's Economic Development Department and the City Centre Company have also voiced this concern in their consultation responses to the application. They identify that it is not just that the floor space which is proposed which raises concern, but also the precedent it could set, should it be approved, to continue providing comparison goods in locations other than the City Centre which would be detrimental to the health of the City Centre having a severe and

detrimental impact on the vitality and viability of the City Centre and undermine the retail strategy. It goes on to identify that the Council is currently in an advance state of preparing a Master Plan for the City Centre and the Council's Economic Development Department is working to bring forward City Centre development opportunities to enhance the City Centre. The proposal has significant potential to undermine the strategy for the City Centre and undermine current progress to deliver this strategy.

16. This application promotes principally unrestricted comparison goods development at the application site, which would significantly alter the function of the Marsh Mills area (focused on the Marsh Mills Retail Park) away from a location for bulky goods uses. This is a position the Council has sought to strongly maintain Mars Mills as a location for bulky goods to ensure that the primacy of the City Centre for comparison goods is retained. The Council has sought to do this in relation to a proposal for new retail development in this area by controlling the range of goods capable of being sold, to Bulky Goods which have a have particular market and locational requirements. The granting of Planning Application 12/02320/FUL for an additional 7,900 square meters of A1 floor space on the former Legacy hotel was only considered acceptable and to comply with the policies of the Core Strategy where the range of goods proposed was heavily restricted through condition to a limited range of bulky goods which presented a location requirement to justify its location. In comparison the scheme proposed in this application includes high street fashion goods and other retail products which the Council's retail strategy and national policy seeks to direct to 'in centre' and particularly City Centre locations.
17. The applicant's Planning and Retail Statement suggests a number of conditions to control the proposed scope of the retail floorspace which include: restricting the retail sales area to 4,972 sq m net, removing the ability to sell of convenience goods; limiting the clothing and fashion element to no more than 2,042 sq m net sales; and limiting the proposed floorspace to one single unit (and no sub-divisions). The applicant have also identified that the Homeware section of the store could be conditioned such that 2,750sqm would be for the sale of 'home furnishings, furniture, kitchen and bathroom, fittings, lighting, DIY and decorating products, electrical items, garden goods and ancillary goods.' These proposed restrictions do not restrict the retail offer to bulky goods, which have, in some circumstances, particular market and locational requirements which mean that they may only be accommodated in specific locations (such as retail parks in out of centre locations with adjacent surface car parking) and would not impact on the wider retail strategy set out in the Core Strategy and Plymouth Plan. The applicants have also identified that the restrictions they propose make the application, in effect, a personal consent for Next. This view is not shared by officers or the advice received from the Council's retail consultants GVA who are providing expert retail guidance to the authority on retail matters. The proposal, even with the proposed restrictions in place, would enable the sales of a wide and varied product offer and would allow Next or many other town centre retailers to occupy the site. As Planning permissions are attached to the land not to the applicant. This proposal which in fact lies outside the established Marsh Mills retail park is therefore considered to run contrary to the Council's retail strategy and its approach to the Retail Parks in the Marsh Mills area as a location for Bulky Goods provision. In addition it is wholly contrary to the overarching retail strategy for the City which directs comparison floor space of this nature to the City Centre where comparison retailers compete with each other and then other Town Centre Locations set out in both the Core Strategy and The Plymouth Plan part one.
18. Given the above consideration the proposal which seeks to provide a significant quantum of relatively unrestricted comparison floorspace in an out of centre location is considered contrary to the retail strategy of the Core Strategy and Plymouth Plan which direct such floor space to the City Centre as the primary location for comparison goods. Furthermore the proposal is not located on a retail park and is not for bulky good warehouse provision, as such the proposal is

considered contrary to strategic objective SO7, and policies CS06, CS07 and CS08 of the Core Strategy and policies 1, 21 and 41 of the Plymouth Plan.

Sequential Test

19. Paragraph 24 of the NPPF sets out the requirement for a sequential approach for proposals for main town centre uses. It notes "*Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.*"
20. Policy CS08 of the Core Strategy and Policy 41 of the draft Plymouth Plan also requires the application of the sequential test to retail development proposals which are not located in an existing centre. This requires an assessment of whether there are sequentially preferable sites which could accommodate the development.
21. Of particular importance is the final part of paragraph 24 of NPPF which requires applicants and local authorities to demonstrate flexibility on issues such as format and scale. The NPPG also notes that certain main town centre uses may have particular market and locational requirements which mean that they may only be accommodated in specific locations.
22. The applicant's initial sequential site assessment was considered, by officers and with guidance from GVA who have been instructed to provide expert guidance to the Council in considering the retail matters, it was not considered to be robust and the following concerns identified:
 - A failure to consider all potential sequentially preferable sites;
 - An assessment which relies upon historic data and not an up-to-date assessment; and
 - Concern over the lack of a flexible approach, as required by the NPPF, to the consideration of alternative sites.
23. Officers requested further information in relation to these matters and identified which sites in the city centre are considered to represent potentially sequentially preferable sites (including those where the Council owns the freehold interest and those being considered by the City Centre Masterplan). Contact details of the relevant officers responsible for the Council's land ownership and the city centre masterplan work were provided, in order that the applicants can consider and investigate these locations as part of their updated sequential site assessment. The applicants were also advised during the pre-application process of the development of the city centre masterplan and, in addition, during the course of the application officers have brought to the applicant's attention the developing work of the masterplan. In addition, the consultation responses from the City Centre Company and Economic Development Department have also identified the current work on the City Centre Masterplan. However, the applicants have not engaged with this process. The applicants in their final submission to the application state that they were not invited to engage in the masterplan, however the Council has brought the work to the applicants' attention numerous times and provided the contact details for the officer leading the process. The lack of engagement with this process or the engagement with Council officers in relation to sites within the Council's ownership is a significant concern and does not demonstrate that a proper investigation of all sequential sites has been undertaken.

Locational requirements and flexibility

24. In demonstrating compliance with the sequential test, it is important to consider whether there are any locational requirements which affect the ability to locate the proposed development in a sequentially preferable location. Paragraph: 011 Reference ID: 2b-011-20140306 of the NPPG which is entitled: How should locational requirements be considered in the sequential test? - identifies that *“Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification”*.
25. The applicant’s position on these matters is set out in section 3.2 and 6.3 of its Planning and Retail Statement along with its supplementary information, which have sought to demonstrate why the proposed development can not be located on more central sites. This body of information and analysis has been considered by officers and in the supporting advice provided by GVA. The views of officers and GVA are provided below, although as an initial observation, the locational requirements identified by the applicant appear to mostly relate to the relatively small bulky goods element of the proposed development rather than the whole of the proposed development. Within the total net sales area of the proposed store, 2,378 sqm net will be used for the sale of homeware goods. Whilst a further breakdown of this product range has not been provided by the applicant, it is important to note that homeware includes both bulky and non-bulky items, many of which are sold from town centre locations.
26. A number of requirements that Next have identified do not set this operator apart from other retailers. For example, the requirement for storage and staff accommodation is not unique to Next Home and fashion model, as the majority of high street retailers require staff area and back office space and storage.
27. The applicants also state a requirement to locate near other bulky goods stores as bulky goods retailers prefer to locate close to similar stores since this promotes linked trips and that there are a concentration of homeware retailers at Marsh Mills. However, officers do not consider this to be a sufficiently robust specific locational requirement and one which is not in fact reflected in the suggested conditions which do not limit even the sales of the homeware section to bulky goods. Moreover, whilst the concept (and benefits) of co-location is understood, the same does easily apply to city centre locations in respect of the goods proposed to be sold particularly the comparison goods.
28. It is acknowledged that specific bulky goods stores do benefit from being served by adjacent surface level parking. In the applicant’s Planning and Retail Statement (paragraph 6.3.3) an appeal decision (PINS reference: APP/J4423/A/13/2189893) in Sheffield is referenced to demonstrate this requirement for Next. However the Sheffield appeal relates to a materially different format of store in Next portfolio: a Next Home and Garden (H&G) store. Paragraph 8 of the appeal decision confirms that the proposed Next H&G store would sell home-ware and garden products, but would not sell general clothing, footwear or fashion goods. This cannot be seen to provide justification for this currently proposed store which is made up of a number of elements including over 2,000 sqm net of fashion/clothing. In addition, the Sheffield appeal was also based on the local circumstances and evidence and is not considered to have a significant bearing on the circumstances relevant here. It is also important to note that other operators who have similar retail offer to the store proposed such as Debenhams, House of Fraser, Marks and Spencer’s, and John Lewis, are all able to provide this offer successfully for town/city centre locations. It is also important to note that the bulky goods sold within Next stores are generally not available for collect from the store, and instead they are home delivery items. This further limits the requirement for adjacent car parking for the easy transit of large goods from the store. It is therefore considered that the applicant’s imposition of specific out-of-centre locational

requirements associated with this element is not reasonable nor a robust approach to assessing sequential sites for the proposed floor space.

29. In addition to considering locational specific requirements, it is also important that flexibility is demonstrated in the consideration of the sequential test. Paragraph 010 Reference ID: 2b-010-20140306 of the NPPG expands on the issue of flexibility stating that *“is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal”*.
30. The general approach undertaken by the applicants to flexibility is not considered robust by the Council or GVA. The applicants have, during the course of the application, sought to demonstrate that their approach is reasonable by demonstrating that the assessment should be based Next’s Home and Fashion operational model. The applicant’s assessment focuses on this requirement alone and the consolidation of Next’s full retail under one roof. The applicants also state that the Next business model relies upon the full range of Next products to be available for the proposal to be viable, and that the format is clearly distinguishable from all other Next Stores.
31. In considering alternative sites in the sequential search, the applicants have considered a reduction in size of the proposed store (70% of the proposed stores gross internal floor area). The applicants state that using this figure filters out sites that are plainly too small to accommodate the business model and secondly that business model relies on a certain scale and format of development.
32. The approach taken is not considered to demonstrate sufficient flexibility in terms of the scale and format of the store required by paragraph 24 of the NPPF. GVA who have assisted the authority in considering the retail elements of the scheme have raised substantial concern with the approach taken by the applicants. In relation to the general approach taken, GVA are concerned that the applicants’ assessment relies on the self-imposed requirements of Next and just one of their retail formats. Whilst Next are one of the applicants, it is important to remember that any planning permission issued by the Council would run with the land (i.e could be occupied by other retail operators). It is therefore considered by GVA that the sequential test lacks the necessary robustness and GVA also go on to advise that Next have also not considered flexibility in its proper sense and have raised concern with the decision to consider the sites on their ability to accommodate 70% of the proposed store.
33. GVA have highlighted the following considerations in this regard:
 - Consideration needs to be given to the existing Next stores in Plymouth which are already available to shopping population of Plymouth and sell a wide range of Next’s products. As such, and with regards to the need for flexibility, there appears to be no strong justification as to why Next need a very large store, of a self imposed new format, to sell same product range as already available, when there is no suggestion of any problems with the existing stores.
 - The self imposed constraints surrounding the proposed business model appear to relate to the Home and furniture element of the business.
 - GVA disagree with applicants that the customer/trading profile of in-centre and out-of-centre Next stores is materially different to justify a new large out-of-centre store.

- There is evidence of Next Fashion and Home stores being smaller than the 70% minimum flexibility imposed for this sequential site search and therefore GVA question why the 70% minimum is reasonable and appropriate.

34. It is therefore considered by officers, informed by the advice of GVA, that the overall approach taken by the applicants in relation to flexibility is not sufficiently robust.

Assessment of Alternative Sequential Sites

35. Notwithstanding the concerns regarding the demonstration of flexibility, it is important to consider the potentially suitable and available sequentially preferable sites as part of the determination of the application. During the course of considering this application, officers have identified further sites for the applicant to consider and set out below is a summary of the assessments provided by the applicant and the conclusions reached by GVA and officers.

36. From the outset, it should be noted that, in undertaking its sequential assessment, the applicants have in part relied on historic data and assessments (for the City Centre Area Action Plan), from the Plymouth retail and centres study 2012 and the consideration of a previous application for retail development at the former Legacy Hotel (13/00942) site at Marsh Mills. However, it is important to note that some time has now passed since the publication of the evidence they rely on and significant progress has been made with the Master Plan for the city being prepared and that the Council's Economic Development Department are actively seeking to bring forward redevelopment potentials including purchasing sites. There has also not been provided by the applicant any evidence that they have contacted landowners, site promoters or lease holder to establish the current position on the sites being considered.

Vacant units

37. The applicants' initial assessment concluded that there were no available vacant units in the City Centre capable of accommodating the whole proposal. The applicants have also noted that Next already operate a store from the City Centre and that another store would not be viable for the business. The applicant's supplementary assessment considered a wider range of vacant sites and this included the former Derrys department store and former Sports Direct Store on Armada Way. The former Sports Direct unit has, during the determination of the application, been re-occupied and therefore can be discounted from the analysis. Leaving aside the Derrys unit, the applicants' assessment has concluded that there are no suitable vacant units and officers agree with this conclusion.

38. In relation to the former Derrys store, the applicants had initially acknowledged that it is available although their updated analysis suggested that this is now not the case in light of recent resolution of the Council to grant two planning permissions for mixed use redevelopment. In relation to the issue of suitability, the applicants acknowledge that the site is of sufficient size, but that the site does not meet the operational requirements of Next's own business model, given the lack of accessible surface level car parking and lack of ability to provide a garden centre. Next also identify a lack of footfall in the area around the unit and that they do not require two city centre stores.

39. It is clearly the case that the Derry's unit is large enough (gross internal area 22,018 sqm) to be occupied by the proposed store (4,792 sqm gross internal area). It is also the case that two planning permissions have recently been approved (subject to signing a S106 agreement) for the site, however according to the marketing sign outside the store is available for a department store opportunity. The applicants do not appear to have contacted the site owners to confirm

it is not available for continued retail use. Officers therefore consider that evidence has not been provided that the unit is not available and the applicants' analysis contains short-comings in the assessment not least that the site owner has not been contacted to confirm the availability of the unit. Therefore as a vacant retail unit on the market the site is considered to be available.

40. The justification from the applicants for the premises not being suitable relates principally to the lack of adjacent surface level car parking and ability to provide the garden centre element. The garden centre element is not a feature of all Next Home/Fashion stores and the need for adjacent surface level car parking is not a requirement of all products sold by the operator and given that the bulky goods can not be taken away from the store this reduces the need for such provision. It is also noted that Argos are located in the unit and do successfully sell a range of goods including bulky goods some which can be collected from the store and a loading bay within the unit is available. In addition, there are other department-style stores in the City Centre, selling a range of non-bulky and bulky goods, which are able to trade without an adjacent surface level car parking area as Derrys did from this site. As a consequence, officers do not consider that the applicants' analysis regarding the issue of 'suitability' should be accepted and that given that the proposal is for relatively unrestricted A1 floor space the site is considered suitable for this use.

Cornwall Street

41. Significant parts of Cornwall Street (on both sides of Armada Way) are allocated for retail development in the City Centre AAP. Therefore, the Cornwall Street sites, particularly to the east of Armada Way, are a particular focus for the sequential site assessment for this application.
42. The applicants' assessment relies principally on the findings of the City Council's 2012 Retail Study which considered that a retail-led redevelopment scheme on Cornwall Street would not be brought forward till 2026. This leads the applicants to conclude that Cornwall Street cannot be considered to be available for the proposed development. The applicants have also suggested at para 6.4.9 of their Planning and Retail Statement that also a retail warehouse style scheme within a scheme identified for a department store would be unviable. The applicants, when considering the suitability of the Cornwall Street area, have also referred to the conclusions of the City Council in relation to the historic retail warehouse proposals at the former Legacy hotel at Marsh Mills, which concluded that the Cornwall Street area was not suitable for bulky goods scheme.
43. As stated above, the offer of the proposed retail store, in terms of its product range, is very similar to a department store all be it smaller in scale and as such the assessment made by the applicants is not accepted. Equally the proposed store is not considered by officers to be similar to the form of retail development considered in the Legacy Hotel application (which was for a bulky goods retail park which was controlled by a pure bulky goods condition). The applicant has also identified that there are no single vacant units in the area capable of locating the unit and that comprehensive redevelopment of the site is not being progressed. In this regard it is important to note that the site is allocated in City Centre AAP, which forms part of the Council's development plan. It is also as identified in the consultation response from Economic Development Department as being, in part, in the Council ownership and identified in the emerging City Centre Masterplan for retail lead mix use redevelopment (including the potential to provide for large foot print retail space). In addition, the applicants have made no contact with the Council or provided evidence of having approached landowner to properly consider the site in its current context including the developing Masterplan.

Colin Campbell Court

44. Colin Campbell Court is also allocated in the City Centre AAP for redevelopment and has long been considered a key regeneration project for Plymouth City Centre. The applicants' analysis has identified that the Council has had plans to redevelop the site for 14 years and the site remains in fragmented ownership since the rejection of a CPO proposal. The applicants also refer to the promotion of the site by Trathen Properties and the contents of the officer's report for the former Legacy Hotel site retail proposal. The applicants suggest that Colin Campbell Court cannot be considered to be a suitable alternative as it would not be suitable for large retail warehouse development. The applicants' analysis goes on to refer to the Plymouth City Centre Development study which identifies the site as suitable for a range of use, highlighting that it is unlikely to be able to provide large scale high street retailing.
45. Officers disagree with the applicants' assessment of the Colin Campbell Court area and are particularly concerned that it does not represent an up-to-date assessment of the site. The Economic Development Department have identified in their consultation response that the site is identified in the emerging City Centre Masterplan as a key gateway to the West End of the City Centre and is suitable for mix use residential led regeneration and that feasibility work for the site has been undertaken. It also importantly confirms that the scheme for the site is being progressed for the redevelopment of the site and that the Council has made strategic acquisitions with support from the Homes and Community Agency, which will enable phased redevelopment. Finally the consultation response identifies that while the Master Plan currently focuses on residential led redevelopment it could be revised to accommodate Next's requirements. The final response from the applicant points to the fact that the master plan does not have a focus on large format store, to justify its assessment of the site, however clear guidance has been provided by the Council's Economic Development Department that this could be amended to take in to account the requirements of Next. As a consequence of these matters, officers consider that the Colin Campbell Court area should not be discounted from the sequential site assessment and that the Site is suitable for A1 retail store of a similar scale to that proposed and can be made available.

Other City Centre Sites

46. The applicants have also included an assessment of other sites in the City Centre, including: Bretonside Bus Station, the Civic Centre, the heart of the Independent quarter (block of units adjoining the market) and parts of Royal Parade. In relation to Bretonside Bus station, this site is currently being progressed for Drakes Leisure scheme and is therefore not available. In relation to the other sites, whilst officers and GVA have concerns with the applicants assessment of these sites, it is considered that none are likely to represent suitable and available alternatives for the proposed development.

Derriford District Centre

47. The applicants have also been asked to consider the development plan allocation of a new district centre in Derriford. The applicants suggest that delivery of the new centre is unclear and therefore the new centre should not be considered an available alternative. The applicants also suggest that the proposed centre is not suitable for the proposed development as the format and function of the proposal for a retail warehouse would be incompatible with the vision for a sustainable mixed use urban centre given the store requirement for surface level car parking and modern servicing requirements. It does however also identify that the proposed store at Marsh Mills would not impact upon Next's consideration for a store in the centre in the future.

48. In principle, the role of Derriford as a new district centre does not make it unsuitable for the principally unrestricted retail development. It is a sequentially preferable location and, if the City Centre cannot produce a suitable and available site for the proposed development (which officers do not accept has been demonstrated), then Derriford would be next in the sequence of locations for consideration. Officers do not consider that the applicants' assessment is robust enough in relation to the new centre and considers that, if Next would potentially occupy space with the centre, then this (in-centre) opportunity, where it would also support wider regeneration, should be considered before the out-of-centre application site at Marsh Mills.

Sequential Test Conclusion

49. In relation to the sequential test required by Paragraph 24 and 27 of the NPPF, Policy 41 of the Plymouth Plan and Policy CS08 of the Core Strategy, officers do not consider that the applicants have shown sufficient flexibility in terms of form and scale when approaching the assessment of alternative sites and premises. Furthermore, officers have concluded that the applicants' assessment of alternative sites is not based upon an up-to-date position bearing in mind the current work of the Council and the emerging Master Plan. As a consequence, it is the view of your officers the applicants have failed to demonstrate compliance with the sequential test and therefore it is not possible to conclude that there are not suitable and available sequential sites and Officers consider that Derry's Store and Colin Campbell Court are both potentially suitable and available sites for A1 retail Store.

Retail Impact

50. In addition to the Council's retail strategy and consideration of the sequential test, the other key consideration of retail planning policy is the impact of the proposed development on Town Centres in the City. Given the scale of the proposed floorspace and range of comparison goods which can be sold from the store, consideration of the impact is largely focused upon the City Centre.
51. The over-arching national planning policy guidance on impact is set out in the NPPF which divides impact in to two specific but interlinked areas. Paragraph 26 of the NPPF states that:

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

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

52. The Core Strategy policy CS08 identifies that the Council will enable the enhancement of consumer choice, with criteria 6 of this policy notes that development should not have an

unacceptable adverse impact, including cumulative impact, on the vitality and viability of the City Centre and surrounding district and local centres.

53. The draft Plymouth Plan builds upon the Core Strategy position, with proposed Policy 41 stating:

The provision of new retail floorspace and other main town centre uses will be positively planned for in accordance with the following principles and spatial priorities:

3. A limited amount of out of centre retail floorspace to meet the need for bulky goods retail warehouse provision will be provided for. The primary location for this floorspace will be at the existing out of centre retail parks at Marsh Mills, where it relates to a format of store which practically or economically cannot be located in the City Centre or another centre in the retail hierarchy. This floorspace will be closely controlled in terms of size of units, overall amount of floorspace and type of occupier, and will only be permitted if it is shown through a retail impact assessment that there is no significant adverse impact on any other centre in the city, existing or proposed.

5. All proposals for new edge of centre and out of centre retail development with a floorspace greater than 500 square metres (net) must be accompanied by a retail impact assessment, including proposals for extensions and mezzanines which would take the total floorspace over 500 square metres (net). Any proposal which would have a significant adverse impact on the vitality and viability of an existing centre or prejudice the deliverability, vitality and viability of a proposed centre will not be permitted.

54. The assessment of impact submitted by the applicants sets out their case that the proposed development will not have a significantly adverse impact on the health of the City Centre. The applicants consider that the proposed retail store will have only a modest amount of trade diversion from the City Centre and that this will be significantly outstripped by the forecast growth in the comparison spending in the City Centre over the period 2014-2018.

55. The applicants' retail impact assessment has been, in part, based on the survey of household shopping patterns commissioned for the City Council's 2012 Plymouth Retail and Centres Study. The turnover of the store is based on net sales area of 4,792 sqm, using two different sales densities, £4,500 per sqm net for fashion goods and £2,500 per sqm for the homewares section of the store. The applicants' assessment predicts the proposed store to have a turnover in 2018 of £16.1m. It considers that £5.81m (34% of the store's turnover) will be diverted from the City Centre, which will result in an impact of 1% (which they note is less than 10% of the anticipated expenditure growth to the City Centre between 2014 and 2018). When the cumulative impact with other schemes is factored in, this diversion from the City Centre increased to £6.53 m and results in a 1.1% impact on the City Centre's comparison goods turnover.

56. The applicants also identify that even if the whole turnover of the clothing/fashion element of the proposed store were to be diverted from the City Centre, then the City Centre's comparison goods turnover would only be impacted by 1.5%. The conclusion of the applicants' assessment is that the proposed store's impact on the City Centre will not be significantly adverse.
57. Following a review of the applicants' impact assessment, officers have concerns over the evidence provided by the applicants. In advising the authority on the impact of the scheme, GVA have provided their assessment of the likely impact of the scheme, and identified the following concerns regarding the applicants' assessment:
- The forecast pattern of trade draw to the proposed store (i.e. the source of residents' expenditure within the store);
 - The robustness of the base data used in the applicants' assessment (i.e. the household survey data);
 - The suitability of a range of assumptions used in the applicants' assessment.
58. As a consequence of these concerns, GVA have undertaken their own impact assessment to help inform the authority. It is based upon a more recent survey of household shopping patterns (undertaken in 2015). It also takes a different approach in relation to the likely pattern of trade draw to the proposed store, which GVA consider is more realistic in light of current shopping patterns and the retail offer of the proposed store. GVA's assessment identifies that the proposed store will, at 2021, will divert £10.5m of trade from the City Centre, (nearly double that forecast by the applicants) which will result in an impact of 1.4% of the City Centre's comparison goods turnover. Within this total level of diversion, £8.2m will be clothing/fashion expenditure and £2.3m will be furniture/home furnishing turnovers expenditure. When this forecasted impact is considered alongside the impacts of existing retail commitments elsewhere in the city (£29.4m) the total cumulative impact on the City Centre's comparison goods turnover will be 5.3%. This figure is five times higher than the impact identified by the applicants and raises substantial concern with regards to the vitality and viability of the City Centre.
59. GVA advise that, when judging the overall impact of the proposed on the vitality and viability on the City Centre, it is important to not just consider the financial impact figure alone but to consider the trading overlaps between the proposal and wider function of the centre. In this regard GVA note that spending on clothing and fashion items makes a significant contribution to the overall comparison goods turnover of the City Centre. This accounts for 40% of the total comparison goods turnover of the centre and GVA advise that visits for clothing and fashion goods are a key reason in attracting shoppers to the City Centre. Given this consideration GVA advise that the provision of a 7,200 sqm gross store with a net sales area of 4,800sqm which is larger than the existing Next store in Drake Circus (and in relation to other city centre stores is only rivalled in size by Marks & Spencer, Debenhams and House of Fraser) is likely to pose significant competition to the City Centre, selling a range of goods which will directly compete with the city centre retailers.
60. GVA's overall conclusion is that the proposal will have a significant adverse impact upon the health of the City Centre. This position also accords with the consideration of the City Centre Company, Economic Development Department in their consultation responses to the application. The responses from Economic Development Department consider that out of town retailing of the nature proposed in this application will have a severe and detrimental impact on the vitality and viability of the City Centre. The Strategic Development response also identifies that a store of the scale proposed will draw significant number of shoppers away from the City Centre particularly given its strategic position on the eastern approach to the city and provision

free car parking. The City Centre Company also identify that they have a significant concern with the range of goods that are proposed to be sold from the proposed retail unit, particularly the high concentration of floor space for fashion goods which will diluting trading from the City Centre.

61. It is clear that there are two different positions regarding the impact of the proposal presented by the applicants and key consultees (including the Council's adviser GVA). Officers having fully considered the proposal and evidence provided and share the concerns of consultees and the position set out by GVA. It is considered that the risks identified are very real and the proposal, given the large overlap of goods being sold within the City Centre, particularly the clothing and fashion goods, is likely to have significant adverse impact on the health of the City Centre.
62. Such a position is contrary to the requirements of paragraph 26 of the NPPF, Policy 4I of the draft Plymouth Plan and Policy CS08 of the Core Strategy. In drawing this conclusion, it is not just the level of trade diverted away from the City Centre but also the potential for the proposed store to provide a rival shopping destination for the City Centre. This has the potential to affect levels of vitality in the City Centre, as the intended occupier Next are one of the key anchor retailers in the City Centre.

Impact on Investment

63. In addition to the effects upon the health of the City Centre, the potential impact on existing, planned and committed investment in the City Centre is also a key consideration for this application.
64. In considering the potential impact on city centre investment, it is important to take into account the Council's spatial retail strategy. The spatial strategy is based upon the City Centre as the focus for retail development and investment and is a central theme to the Core Strategy and the emerging approach of the Plymouth Plan.
65. The long term sustainability, health and growth of the City Centre is crucial to the future of the City. Therefore, it is important that a positive investment climate is provided and that the authority takes a proactive stance to preserve the City Centre. This provides existing business with the confidence to re-invest and grow their businesses. It also provides new businesses, looking to invest in the City Centre, with the confidence that it is a viable location. This is crucially important as city centre redevelopment schemes can be more difficult to deliver. Therefore, to make such investment happen, a positive city centre first approach must be taken. The proposal is considered to conflict with such a positive approach by promoting a large amount of relatively unrestricted Class A1 floor space in an out of centre location, and which will have significant potential to impact on the investment climate in the City.
66. The Core Strategy and City Centre and University Area Action Plan set out a positive planning framework for the City, allocating sites for future development. However, given the recession, the development in the City Centre, has been limited. The City Council has sought to meet this challenging position post-recession to drive forward new investment and improvements in the overall economy are helping this come to fruition. The development of Drakes Leisure on the former Bretonside Bus station is a key example of this, with the Council working positively and pro-actively with developers. There is a key opportunity as identified by the consultation response from Economic Development Department to capitalise on this a drive forward future growth.

67. The development of the City Centre Master Plan is also key to future investment with the Council, supported by the City Centre Company, taking a positive approach to delivering regeneration and enhancement in the City Centre. The Council is investing in the delivery of city centre opportunities, to bring in private sector investment associated with the sites identified in the master plan. The Economic Development Department have identified that they consider the proposal will have a detrimental impact on the planned future investment climate in the city and that the prospect of investment by one of the main high street retailers in an out-of-centre location would be hugely detrimental to the investment climate.
68. The Economic Development Department go on to identify two opportunities which are available or being brought forward by the Council for redevelopment. It identifies current work on Colin Campbell Court where feasibility work has been undertaken and the Council is actively working with partners to bring forward redevelopment including making strategic acquisitions with the support from the Homes and Communities Agency. It also identifies Cornwall Street East, which is identified as a strategic development opportunity in the emerging Master Plan and where there is developer interest. Given this position the proposal for a substantial quantum of A1 retail floor space in an out of centre location has the potential to undermine the public and private sector investment in the City Centre they identify.
69. The response of the City Centre Company also raises substantial concern, indicating that the proposed development will reduce the attractiveness of the City Centre and that undermine confidence for investment in the City Centre. Likewise, the Council's Economic Development department have raised concern that the proposal will have a severe and detrimental impact on current, planned and future investment in the City Centre.
70. Therefore, it is clear that the proposal generates a substantial concern to the investment climate in the City Centre, at an important point in time for the centre.
71. Unfortunately, the assessments provided by the applicants in relation to the 'impact on investment' test is limited in detail and appears to be based on historic information rather than any attempt to properly investigate the current investment opportunities in the City Centre. Opportunity to gain this understanding has been given to the applicants with notification of the emerging masterplan work given at both the pre-application and the application determination stages by officers. The applicant identifies that they have not been invited to part take in the master plan however this is not the case, with officers identifying the work and providing contact details for the officer leading the project. The applicants also note that no letter of representation have been submitted by retailer or investor identifying that this demonstrates their case regarding lack of impact. While this is the case the lack of representation can be for a range of reason both commercial and other and it is important to note that the City Centre Company do raise substantial concern who represent the operators in the City Centre.
72. The GVA advice also identifies that the type and scale of development proposed (relatively unrestricted comparison floor space) has the potential to affect investment in the City Centre. This is an important consideration, as occupiers such as Next are potential occupiers for new redevelopment schemes and the proposal if approved would show a lack of focus of the authority to similar occupiers limiting the potential for their future investment in the City Centre. GVA also identify this concern, identifying that the decision of the council to support an out of centre location for a city centre trader has the potential to set a precedent for a future direction of travel for the Council's attitude to such development which could effect the attitudes of potential new and existing investors and how they view the robustness in the City Centre. They also identify the potential of the scheme to impact on investment by existing occupiers in the City Centre. This is an important consideration as while future investment is important to improve the City there is also a strong need for existing occupiers and landlords to

invest in their existing stock to maintain and improve the appearance and appeal of the City Centre.

73. Given the above considerations, officers have concluded that the proposal is likely to have a significant adverse impact on the public and also private sector investment in the City Centre at a key point in time in the future development of the centre. The proposal is therefore considered contrary to the requirements of Paragraph 26 of the NPPF, Policy 41 of the draft Plymouth Plan and Policy CS08 of the Core Strategy

Other Retail Considerations

74. While there are clearly substantial concerns with the proposal and the evidence submitted in relation to the sequential test, the impact of the scheme and its compliance with the Council's retail strategy it is important to consider whether there are any other matters which need to be considered in the balance of considerations of the retail merits of the scheme.
75. There is in this regard the need to consider that there is a fall back position on the site which conferred by Certificate of Lawful Development for the redevelopment of the site by the erection of an industrial unit and non-food bulky goods retail unit. This allows the construction of 2350 sqm of bulky goods store which needs to be given due weight. In considering it weight it is important to acknowledge that it would allow retail development on the site. This is however of a substantively reduced quantum to the scheme proposed which have a GIA of 7,158 with a net retail area of 4792 sqm. It is also for bulky goods (restricted by condition). Of the product ranges allowed by the condition only the garden centre element and the furniture sales of the proposed unit could be sold from the unit. It is important in this regard to note that it is only furniture and not ancillary or associated goods which is allowed, such as furnishings. As stated above the element of the Next Store identified as being for Home ware only a proportion of this is for actually bulky goods such as furniture. It is therefore considered that the existing live consent adds only a limited amount of weight to the consideration. This is further reduced given that the applicants have identified that the extant scheme in relation to the employment element does not suit market requirements and represents a substantial over development of the site and also that the site has not been, despite marketing for a number of year been attractive to the market. It is therefore concluded that the limited weight afforded to the fall back position does not out way the negatives identified.
76. It is also the case that there is a significant degree of public support for the proposal demonstrated by the letters of representations of which a number support the scheme and an increase in out of centre stores and the accessibility of the site. The representations also identify the constraint of the City Centre and access to it as supporting factors. It is clear that the proposal does have an element of public support particularly given the proposed occupier, there are however some representation with do not support the proposal which site for example the need to improve the City Centre. It is also important to acknowledge the responses from consultees with particular relevance to that of the City Centre Company who represents the traders of the City Centre and the economic development and Economic Development Department who all have substantial concern over the impacts of the scheme. It is not therefore considered that the support for the scheme is not of such compelling magnitude to lead officers to consider that it would out way the negative retail impacts of the scheme.

Retail Conclusions

77. Having considered all the relevant matters relevant to the retail consideration of the application, it is concluded that the proposed scheme will have a significant adverse impact on the health of and investment in the City Centre and that insufficient flexibility and lack of

evidence has been provided in the sequential test and that there are sequential preferable sites. The proposal will also undermine the Councils retail strategy contrary to the requirement of Strategic Objective 7, Area Vision 3 and Policies CS06 and CS08 of the Core Strategy and Policies 1, 21 and 41 of the emerging Plymouth Plan and the requirements of para 24-27 of the NPPF. The clear advice in the NPPF para 27 is that an application that fails to satisfy the sequential test or is likely to have significant adverse impact should be refused.

Highways and transportation considerations

78. In considering the highways and transport impacts of the scheme the key policies relevant are CS28 of Core Strategy which set out the Council's existing strategy for high quality and sustainable transport System for the City and the emerging Plymouth Plan policy 13 which seeks deliver a safe, accessible, and sustainable transport system.
79. The proposed store would be served by 180 car parking spaces including 12 disabled spaces and 10 Spaces reserved for staff use. 24 Cycle spaces and 2 motorcycle spaces would also be provided. The site access will be provided through the enhancement of the existing access from St Modwen road. The servicing of the site will be provided through the same access with a rear gated service yard which provides suitable turning space for HGV in a secure area, A Travel Plan has also be submitted for the Store.
80. The scheme includes two pedestrian zebra crossings on Longbridge Road, one either side of the roundabout and an additional section of footway along the front of the site facing on to Longbridge road.
81. The level of car parking spaces is considered by the Local Highways Authority sufficient to meet the needs of the store and able to be contained within the dedicated car parking provided. Concern over the increased car parking demand and impact on street parking is identified in a number of the letters of representation, as is the impact of the traffic and servicing of the store. While the proposal will generate and additional demand in these areas it is considered that the car parking provided is adequate for the store and the inclusion of a travel plan will help ensure more sustainable transport options are promoted. The Site while out of centre is in close proximity to a number of local bus services, enabling the staff and visitors to access the store by mean other than private vehicle. It is also a positive aspect of the scheme that off site mitigation in the form of enhanced crossing facilities and expansion of pavement is provided which enables an improved environment for pedestrians. Concern has also been expressed in relation to the impact of the servicing on the surrounding area. The proposal has located the servicing area and means of access away from the surrounding residential area, this is considered an appropriate approach and will limit the potential impact that service vehicle may generate. Given the location of the proposal in a predominantly commercial and retail area the additional impact it creates is not considered to generate a detrimental impact on the surrounding area and as such is considered appropriated subject to appropriate condition to preserve the amenity of the neighbouring residential uses.
82. The store is located in an accessible location, it is accessible from the Local Cycle network and is in a reasonable proximity to bus stops which serve the area, it is also accessible for vehicle movements. It is in close proximity to the A38 and the Forder Valley Junction which provides access to the local highway network. While the location is an advantage to the accessibility of the scheme to vehicular traffic it is a key consideration to consider the impact the scheme will have on the wider highway network in accordance with Policy CS28 of the Core Strategy and Policy 13 of the Plymouth Plan. A detailed transport statement has been submitted in support of the proposal following pre-application engagement with the authority. Both the Highways Authority and Highways England have considered this in detail, both organisations have raised

concerns in relation to the detailed assessment and some of the assumptions made which have a bearing on the level of trips likely to be generated. Highways England have undertaken their own amended assessment. While both organisations consider that more trips will be generated by the scheme they have both concluded that they do not consider that the impacts of the scheme will be severe and would not wish to object to the application. It is therefore acknowledged that the store will generate more movements than the transport assessment acknowledges, however the additional movement and their peak times is not considered to overburden the local highway network or the strategic highway network to result in a significant adverse impact or result in a reduction in the free flow of traffic.

83. Given the factors above it is concluded that the scheme is in a relatively accessible location and that subject to adequate conditions securing the travel plan, off site mitigation, sight lines, highways engineering details, loading details, cycling provision and car parking provision that it is acceptable in relation to highways and transportation considerations.

Design

84. Section 7 of the NPPF sets out the National approach to ensuring good design in development, identifying good design as a key aspect of sustainable development.
85. Strategic Objective 4 Delivering the Quality City of the Adopted Core Strategy seeks to Promoting attractive buildings that enrich the qualities of existing places and enhance the quality of new places; with Policy CS02 setting out detail requirements to Design with point 3 of the policy seeking development to 'Contribute positively to an area's identity and heritage in terms of scale, density, layout and access.' Policy CS34 also set out detailed consideration to be taken into consideration in determining planning applications. The emerging policy in the Plymouth Plan again places significant weight on achieving good design with Policy 29 'Place Shaping and the Quality of the Built environment' requiring Development proposals to meet good standards of design and protect and improve the quality of the City's built Environment.
86. The proposed store sits on the edge of the Parkway Industrial Estate and adjacent to the Marsh Mills Retail Park, this provides the back drop and principle setting to the proposed store. The development is set to the back of the site facing on to Longbridge with car parking provided to the front and North West side of the store. The principle elevation provides a high quality, principally glazed frontage facing on to Longbridge Road. The active frontage wraps around the North West Elevation, fronting St Modwen Road with sections of full height glazing and an element of active frontage along the majority of the elevation. There are also elements of active frontage on the South East fronting on to Leigham Manor Drive. This design approach provides a strong relationship of the building to the streets it fronts on to and the facing of the principle elevation towards the roundabout provides a good response to the setting of the site.
87. The scale of the building takes guidance from the surrounding buildings and their industrial/ retail character and massing. It is set back from the edge of the site with landscaping providing a building which sits within its context of the site. The landscaping strategy provided greens the frontages of the building on the principle frontages and provides an enhanced setting to the store proposed.
88. In conclusion the design of the store is considered to provide a good quality response to its setting and an appropriate addition to the area in terms of the built form and landscaped setting in conformity with the requirements of the NPPF and Local Policy.

Landscaping

89. The Landscaping of any proposal plays an important role in how the development proposed fits in to the wider setting and also the contribution it can make to the wider ecological value of the area. Policy CS34 of the Core Strategy requires development to positively contribute to the townscape, landscape and biodiversity of the local environment, with the emerging policies of the Plymouth Plan, retaining this importance of Landscaping in Policy 29 'Place shaping and the quality Built Environment'.
90. The proposal has been submitted with a detailed Landscaping Strategy for the site. The proposal provides a strong treatment of the perimeter of the site with significant tree planting within boarder area of the site. While the proposal does include the loss of three lower order trees, the extensive replanting with a range of species is considered to substantially mitigate this loss. The ground planting on site is split in two distinct typology area, to the eastern perimeter it consists of a ground cover of native shrub block to reinforce the existing planting on this side of the site; providing a complimentary link to the wooded area across Leigham Manor Drive. The Western Perimeter of the site provides a lower ground cover with wildflower meadow planting with bulbs and also the trans-located orchards from other areas within the site. This provides a strong landscaped perimeter of the sites, which is in keeping with the established pattern along Longbridge Road on the perimeter of the Marsh Mills Retail Park.
91. The central car parking area to the front of the store also includes further tree planting with 16 further trees which break up the expanse of surface leave parking. The proposed landscaping strategy for the site is in conclusion considered to present a suitable strategy which is appropriate in its wider context and will positively enhance the wider area. In conclusion the proposed landscaping strategy is considered to present a quality scheme which will support the proposal subject to conditions to secure its provision, implementation and management.

Ecology and bio-diversity

92. The impact of development proposal on the surrounding ecological features and biodiversity is an important consideration in determining the suitability of the application. The Site while located on an industrial area lies directly across Leigham Manor Drive from a small wooded area known as May's Marsh A semi-natural woodland forming part of the Lower Plym Valley with the River Plym, Leigham Woods County Wildlife Site (CWS) and May's Marsh Plymouth Biodiversity Network Site situated to the east of Leigham Manor Drive, opposite the site. The designated site has been identified to potentially support roosting, foraging and commuting bats. The proposed site itself is currently vacant and surrounded in hoarding, following the demolition of the majority of previous buildings on site historically. Parts of the site have been over grown and have piles of broken slab which present the opportunity for protected species habitat. The site also has a number of established trees and existing hedgerows.
93. Strategic Objective 11 Delivering a Sustainable Environment of the Core Strategy sets out the spatial framework to maintain a clean and sustainable environment through amongst other measures conserving and enhancing biodiversity having particular regard to the maintenance, restoration and recreation of priority habitats and species with Policy CS19 further setting out the Council's approach to promoting the effective stewardship of the city's wildlife and policy CS34 seeking to ensure that schemes have adequately considered the on and off site impacts in terms of wildlife, natural resource use and pollution. These requirements are amplified by the emerging policies in the Plymouth Plan Policy 24. In considering this policy requirement it is important to consider the Ecologic assessment report which has been submitted in support of the application covering the potential impacts of the scheme. This has been considered in detail by the authority's Natural Infrastructure Team. A small number of areas of concern were raised in relation to tree replanting, translocation of orchard, the suitability of the mitigation strategy

and the applicant has further addressed these matters during the application process and updated the Assessment and the Ecological Mitigation and Enhancement Strategy and a Five Year Landscape and Biodiversity Management Plan. The approach set out is now considered to deal appropriately with the policy requirements of both the Core Strategy and Emerging Plymouth Plan. A number of representations have identified the ecological value of the site and surrounding area and the value of the area for species including Bats and Kingfishers. These have been considered and the mitigation measures proposed and controls set out limiting factors which have the potential to impact on the ecological value of the site and surrounding area, subject to these matters being controlled by condition it is considered to ensure the acceptability of the scheme. This will include translocating existing Bee Orchards as part of the proposed Landscaping strategy which also provides through the strategy adopted the creating of habitats which can be exploited for Bat foraging and commuting purposes. The scheme also provides sparrow nest features and bat boxes as well as retaining the large mature trees and will limit light spill into neighbouring natural features. The scheme is therefore considered acceptable in relation to the ecological and biodiversity considerations, subject to conditions.

Economic Consideration

94. In considering the economic considerations of the scheme it is important to consider the employment policies set out in the Plymouth Plan, Core Strategy and the requirements of the NPPF, it is important to consider the evidence submitted by the applicants and that supplied by consultation responses from Economic Development and Local Plan team to weigh up the evidence and form a balanced view and conclusion on the scheme. It is also necessary to consider that there is an extant consent on site which allowed the demolition of the previous unit on the site for the redevelopment of the site for a mix of employment and retail purposes as a fall back position. As set out in the fall back section above it is considered that the existing consent can be afforded a limited weight in the determination of the application.
95. The application site forms part of Parkway Industrial site, an establish employment location which is in close proximity to the A38. As an existing employment location Policy CS05 of the Core Strategy sets out the considerations for the Development of existing employment sites it identifies *'Development of sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal'*. The policy then sets out 5 consideration of which three are potential relevant to the consideration of the application:
- 1. Whether the proposal would result in the loss of a viable employment site necessary to meet the area's current or longer term economic development needs, taking into account the overall level of provision indicated by Policy CS04.*
 - 2. Whether the site is in an appropriate location for, or suited to, the needs of the city's priority economic sectors.*
 - 5. Whether the neighbourhood within which the site is located already has a good range of employment opportunities available for local people, or the proposal will deliver a mixed use development which continues to provide for a good range of local employment opportunities.*
96. Point 2 is not considered specifically relevant given the more updated position set out in updated evidence base including the 2015 Economic strategy which moves away from priority sectors and instead focused on stimulating and supporting the wider economy and requirements of the city in relation to the economy. As such the principle points are 1 and 5 which are considered relevant in the consideration of the application. In addition to these requirements it is also important to consider the emerging Plymouth Plan. Strategic Objective 5 seeks to create a more prosperous city for all creating conditions for high quality and sustainable growth and

key part of this objective is to ensure there is a supply of employment land of the right type and location to meet the needs of new and existing business. Policy 18 also amplifies this position and that of the Core Strategy identifying that change of use of existing employment sites will only be allowed if specifically provided for by the Plymouth Plan to deliver wider strategic objectives, where there are overriding and demonstrable economic, regeneration and sustainable neighbourhood benefits from doing so, or where there is no reasonable prospect of a site being used for employment use in the future.

97. In the supporting information provided by the applicants they seek to establish that Policy CS05 does not apply to the consideration of the application sighting that the policy refers to existing employment uses and that the site is vacant and not allocated as an employment site in the Development Plan. This position is not considered correct. Policy CS05 deals with the Development of existing sites, the site in question is clearly an employment site, it is on an existing employment Park (the Parkway Industrial Estate) its last active use was as industrial use, and it has, although of more limited consideration an extant consent with an employment use. The Core Strategy Diagram 4 Spatial Distribution of Employment provision which clearly shows 'Major Existing Industry Estates' which clearly marks out the Parkway Industrial Estate. It is therefore considered that Policy CS05 is of key consideration of the application.
98. The applicants while establishing their position do then go on to consider the key requirements of the policy. The further information submitted by the applicant including the report by JLL raises a number of matters which they consider should be taken in to account.
99. The further evidence provided by the applicant identifies that;

'To allow an informed review of these matters, JLL were instructed by the applicants to prepare the enclosed 'Employment land and buildings report' ('the JLL report'). This report confirms that:

- There has been a long-term decline in the demand for warehousing and distribution floorspace. Over a seven-year period, 30.48ha of employment land has been delivered. Of that land, only 0.1ha is for B8 use.*
- Plymouth as a distribution location, because of the constraints imposed by the Tamar crossing, is fundamentally less competitive (and therefore attractive in market terms) to employers.*
- Long-term annual take-up of employment land is 2.63ha. There is 77.6ha of employment land currently available in Plymouth, indicating a supply of nearly 30 years.*
- The development appraisal shows that the site generates a negative profit on cost i.e. the site is not viable.*
- Added to this, the extant permission does not suit market requirements and represents a substantial over development of the site. If a more realistic quantum were adopted, this would increase the loss associated with the development.*
- Even assuming nil land value, the site is not viable for employment use. If a realistic land value was adopted, this would make the site even less viable.*

With reference to Policy CS05, the report conclusively demonstrates that the proposed development would not result in the loss of a viable employment site for the simple reason that the site is not viable. It follows that the site cannot be regarded as 'necessary to meet the area's current or longer term economic development needs'. The reference in Policy CS05 to 'the overall level of provision indicated by Policy CS04' does not mean that Policy CS04 should be cited in conjunction with Policy CS05'.

100. The consultation responses which have been received from both the Council's Economic Development Department including the Vickery Holman Report and Council's Local Planning

Team present a different picture for the employment market and the site. The consultation responses received identify the potential importance of the site for employment purposes and that the scheme will result in the loss of valuable employment land. The Employment Land Review, Arup 2015 highlights the need particularly to safeguard employment areas, particularly land which immediately deliverable, such as this site. It also identifies a strong demand for B8 floorspace and that the city has an under supply of developable B8 land. The site is also one of those of those considered by the Employment Land Review to form part of the supply of employment land in the city.

101. The Vickery Holman report, commission by Economic Development Department identifies during a 15 week period an active requirement for industrial property for 533,000 sqf or 341,450 sqf of purely B class. It also identifies that as of January 2016 that there is only 507,010 sq ft of industrial space available a 170,000 sqf difference from that identified by the applicant. It also identifies that in relation to supply of industrial buildings an on going theme in the market of a lack of supply of industrial stock coupled with and increased demand. Vickery Holman have also raised concern with the applicants view that the A38 is seen as a cul-de-sac finishing at Plymouth. It is considered by officers that the Parkway industrial estate also has good quality access to the A38 and that Plymouth is not a dead end constrained by the Tamar Bridge and that the economic strategy of both Core Strategy and Plymouth Plan is to support economic growth rather than to accept that other locations are more preferable and to growth the economic profile of the city.
102. Vickery Holman go on to identify a significant improvement in the employment land market which have made developments viable once again and an increased demand from occupiers looking to construct their own buildings, and increase demand for industrial properties over the last 3 years.
103. The position set out from Vickery Holman provides a much more positive position for the employment market in the City and a need for further provision to meet the demand. The consultation response from the Council's Economic Development department also identifies that there is an increasing demand across the city for such land, and that in 2014/15 152 specific enquiries were received through, the Councils commercial property search facility, over 46% of these was were for B classes premises. It also identifies that since April 2015 the council has received 136 specific enquires of which 49% were for B class uses. This identifies there is a clear demand for space to meet the need of the sector. Given this position advised it is important to consider the application site is a currently available principally clear site with accessible services which is located on an employment estate in a prominent location. The site has good vehicle access and is located in close proximity to the A38 for distribution purposes. The site is therefore considered to represent a significant opportunity to meet the economic needs of the City and its economy.

Viability of employment site

104. It is important to consider in relation to the policy CS05 not just whether the site is suitable and an appropriate location to meet the employment needs of the city, but also if the loss is of a viable site. The evidence provided by the applicants, includes a viability appraisal of an employment scheme on the part of the site previously approved for employment use with a gross internal area of 23,960 sq ft which would even with a zero land value provide a negative Profit on Cost of -10.2% which would suggest the site is not viable. Vickery Holman Report (commissioned by Economic Development Department) has also prepared a viability appraisal. It is based up their market experience, the appraisal is of a scheme over the entire site (that is the subject of this application) assuming the sale of units due to the lack of freehold industrial stock and the demand from groups for such space. It includes the provision of 33 industrial

units of 1,500 sq ft with flexibility to house larger units. It allows a land value of £545,000 (£190,000 per acre) which would provide a scheme with a potential profit on cost of 20.2%. This is considered to present a tangible scheme based on local market experience and requirements which shows the site is viable for employment purposes. The applicants have raised concern with the assessment made by Vickery Holman identify that the scheme affects the whole site not the element with extant consent for employment uses, they have also provided an amended appraisal for a more limited scheme showing it not to be viable. Given that the site is in an employment Park and is a suitable site for such uses the applicants view on the inappropriateness of the appraisal is not supported by Officers or Economic Development Department. In relation to the updated appraisal by the applicant this principally reduces the scale of the scheme and increases the build cost from £70 per sq ft to £100 per sq ft. This change in cost has been addressed in the updated response from the Councils Economic Development Department in consultation with the Authorities Viability Officer who consider that the figure of £70 per sq ft is robust and is in line with the Royal Chartered Institute of Surveyors Building Cost Information Services mean value of £67 per sq ft. It is therefore considered that the approach taken by the applicant is not robust and that if the build cost is altered in their revised appraisal then even their reduced scheme is shown to be viable.

105. Given the experience of Vickery Holman and the position of Economic Development Department it is considered that while some forms of economic development may not be viable, that the site, contrary to the assertions of the applicants, it is viable for employment purposes. It is therefore considered that there is clear evidence (as set out above) a role for the site to meet the economic requirements of the city and that there is also a demand for such sites but also that the site is a viable employment site. The proposal is therefore considered contrary to criteria 1 of Policy CS05.

Balancing other Economic considerations

106. While there is conflict with the requirements of Policy CS05 in forming a balance judgement on the economic considerations it is also important to consider whether the scheme will deliver a mix use development which continues to provide a good range of local employment opportunity and 'where there are clear environmental regeneration sustainable community benefits' required by policy CS05 and The requirement of policy 18 of the Plymouth Plan which identifies that '*Change of use of existing employment sites **will only be allowed** if specifically provided for by the Plymouth Plan to deliver wider strategic objectives, where there are overriding and demonstrable economic, regeneration and sustainable neighbourhood benefits from doing so or where there is no reasonable prospect of a site being used for employment use in the future.*' And the Requirements of Paragraph 19, 20 and 22 of the NPPF.

107. The Plymouth Plan is based upon up to date evidence base and the approach as also set out in the Core Strategy does not seek to simply protect employment land but takes a flexible approach to considering sites. In considering this, it is important to balance the consideration that the site would provide a viable employment site necessary to meet the city against the benefits of the proposal should also be considered as required by these policies.

108. The proposal would see a site which has remained vacant brought back in to use and that the use, would create 148 jobs and additional employment during the construction stage, which would help provide local employment opportunities. Equally the local area does also have a good range of employment opportunities from the parkway industrial Estate and the Retail Park. There therefore are regeneration and employment benefits as required by both Policy 18 of the Plymouth Plan and criteria 5 of Policy CS05 of the Core Strategy to the scheme.

109. However as set out in the section above dealing with the retail considerations, there are significant negative impact of the scheme in relation to the retail strategy of the City which would have significant negative impacts for the City Centre which increase the weight against the potential economic benefits. It will also drawing retail jobs away from the City Centre to this site which is not a benefit when this site is clearly suitable for other employment jobs It is also important to consider that while the proposal would bring the site back in to use. It should also be considered whether the site has been adequately marketed for employment purposes.
110. This point was identified in the consultation response from Economic Development Department the applicant has responded that there is no policy requirement to demonstrate adequate marketing of the site. While this is the case it is important in consider that if the site has been exposed to the market to allow interest in the market to be realised in making an informed planning decision.
111. The evidence from the applicants identifies that the site has been marketed through retained agent Hartnell Taylor Cook for the enabling retail uses. The site has also been market by display board on site but only in relation to the retail element. It also identifies that there had been interest in employment uses early in the previous extant schemes history however these were not realised and that the agent has having regard to B8 permission had engaged with a number of trade counter operators. This is not however sufficient evidence as request by the Council (supported by Vickery Holman's position on adequate marketing) in relation to the marketing of the employment land. Without the provision of such evidence it is not possible to conclude that the site over the intervening years since consent was granted would not have been able to deliver economic development either for the extant scheme or other employment uses.
112. Had the site has be promoted to the market for employment purposes adequately and yet there been no evidence of interest for class B development it may have been possible to concluded that the site is not suitable for employment purposes. This is also important in the context of para 22 of NPPF, reflected in Plymouth Plan policy 18, which requires that the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for allocated employment purposes should not take place.
113. In the absence of such evidence officers consider it can not be concluded that the site is being unnecessarily protected for employment purposes by the council, nor that it is not an appropriate and suitable location for employment use or that the site is not viable for employment purposes. It is therefore clear that the application is in conflict with the employment policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan.
114. While there are benefits to the scheme these are not considered to out weigh the lack of compliance with the overriding requirement of policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan. The proposal is therefore considered contrary to the Economic Polices of the Development Plan and Emerging Plymouth Plan.

Sustainable Use of Resources

115. The sustainable use of resources is an important consideration in new development Strategic Objective 11 and policy CS20 of the Core Strategy and Policy 25 of the Plymouth Plan set out the key local considerations in this area. The proposed store will maximise energy efficiency through the specification of high performance building fabric and a range of passive measures which are incorporated in to the building design. The Energy Statement also presents a series of potential active building design measures that are proposed to be implemented within the building to reduce energy demand and ensure energy is used more efficiently. This includes an Air Sources Heat Pump which in addition with the other passive and active measures will ensure

the schemes compliance with emerging Policy 25 of the Plymouth Plan and Policy CS20 of the Core Strategy and the requirement to offset 15% of the predicted carbon emissions. The acceptability of these measures has been confirmed in the consultation response from the Council's Low Carbon Team, subject to condition requiring their implementation. It is therefore considered that the proposal adequately deals with the policy requirements for Sustainable use of resources set out in Policy CS20 of the Core Strategy and Policy 25 of the Plymouth Plan, with the exception of the SUDS measures which are covered separately in section below on Flood Risk and Water Management

Flood Risk and Water Management

116. In considering the implications of the scheme there are two key areas which need to be considered these are whether the proposal has complied with the sequential test directing development away from areas of highest risk of flooding and whether the proposal can appropriately deal with the local issues associated with flood risk and surface water this is set out in Policy 26 of the Plymouth Plan, Policy 21 of the Core Strategy and chapter 10 of the NPPF.

Flood risk and water management (site specific)

117. The initial information and flood risk strategy submitted by the applicants was not considered robust and objections and additional requirements were raised by both the Lead Flood Risk authority and the Environment Agency. The applicants have undertaken substantial additional work dealing with the water management and flood risk on the site with an updated Flood Risk Assessment revision D, and detail provided of how surface water can be managed have been set out by the applicants with consultation with both the Environment Agency and South West Water.

118. The submitted information now identifies that the ground and floor levels of the store can be sufficiently elevated above the design flood levels and that the car parking can be graded so that flood water depth is limited and that there will be no net loss in flood plain storage such that flood water from the site would be displaced within the local area. The proposed surface water from the store is proposed to be discharged directly through a pipe to the River Plym at an appropriately attenuated rate. The remaining surface water will be attenuated via a proposed scheme and discharged into the surface water sewer which is agreed with South West Water and will be controlled to an acceptable flow rate.

119. The Environment Agency (EA) now considers that based upon the additional information submitted including an updated Flood Risk Assessment by the applicants that the proposal is acceptable if planning permission includes appropriate conditions to secure appropriate ground and floor levels for the development and have recommended that conditions are included which require ground and floor level to be provided. They also require a condition on any approval that a detailed flood management plan should be submitted and approved. While the proposed flood alleviation measures are acceptable to the EA they also advise that the application is not determined until the authority have concluded whether the proposal can satisfy the flood risk sequential test. This matter is considered further in the section below.

120. The Lead Flood Risk Authority have also fully reviewed the updated submissions from the applicants and raised a number of additional queries which have now been addressed by the applicants with additional information. It is now the case that the Lead Flood Risk Authority are now satisfied that South West Water have confirmed that a discharging surface water sewer into their system is acceptable, and that the discharge to the surface water sewer will be limited to a rate which is equivalent to 1 in 10 year greenfield rates. They have

however raised a number of areas where there is still an element of concerns these relate to the requirement to provide detail of the exact on site drainage system . They also advise that a further assessment of exceedance flows should be undertaken and provided to ensure that surface water run off does not impact upon Third Party Land or property and that a Construction Environmental Management Plan is still required. These matters have been addressed with the applicant and they have proposed that these matters are capable of being dealt with via conditions. This has been discussed by officers with the Lead flood Risk Authority and it is concluded that these measures can be dealt with via condition should the application be approved.

I21. Given the above consideration in relation to the site specific approach to flood risk and surface Water Management the proposal is acceptable subject to detail condition requiring submission of further information regarding the specifics of the development.

Sequential Test

- I22. The aim of the flooding risk sequential test is to ensure that a sequential approach is taken which steer development to areas with the lowest probability of flooding will occur. Paragraph: 019 Reference ID: 7-019-20140306 of the NPPG 'What is the aim of the Sequential Test for the location of development' identifies the sequential approach identifying: *The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.*
- I23. The application site is located within Flood Zone 2 with part of the site being located in Flood Zone 3. It is therefore important to consider whether there are any sites available in lower risk areas from flooding. As part of this consideration it is noted that the site has an extant consent for a mix use scheme which includes retail development however as set out in the consideration above only a limited degree of weight is attributed to this factor and as such it is not considered that this factor outweighs the requirement to undertake a sequential test, but may be a consideration in the final conclusion on the compliance with the sequential test.
- I24. The applicants initially considered the following sites; Colin Campbell Court; Cornwall Street; Bretonside Bus Station; and two sites in Derriford, while these are identified as all being identified in lower flood risk zone it is concluded that although they are at lower risk of flooding that given the sites are in Critical Drainage Areas (CDA) they are considered Areas at Risk of Flooding.
- I25. This assessment was considered by the EA to be misleading and they raised concern with assessment of sites and the consideration of sites in CDA's, stating that CDA'S are identified for purposes of ensuring proposals are accompanied by a flood risk assessment. The EA also advise the authority to consider other known sites which could be reasonably considered available for retail development and that of the sites assessed only Colin Campbell Court is identified as being subject to flood risk although it is still in Flood Zone 1, other 4 sites can be considered to be at lower risk than proposal site.
- I26. The Applicant provided updated sequential test and considered further sites in line with those considered with the Retail Sequential Test. This assessment reaches the conclusion that the sites considered are not available or suitable and therefore, the proposed development site is the most appropriate site available. It is accepted by officers that if there are not suitable and

available sites in a lower flood risk zone, then the proposal is suitable in its location, given the flood measures provided and the use being a less vulnerable use in flood risk terms. However as advised by the EA it is important for the authority to consider if the sequential test has been passed. In this regard, consideration of the flooding sequential test is considered by officers to be linked to the retail sequential test since the sequential sites in retail terms are in flood zone 1 and therefore if there are sites which are suitable and available in retail terms the sites given their location in flood risk zone 1 are also sequentially preferable in relation to the flooding sequential test.

127. The conclusion reached in the retail sequential test is that the Derry's Department Store and Colin Campbell Court site are considered to be available and suitable. It is therefore considered that these are sequential sites given they are in a lower flood risk zone. It is acknowledged that Colin Campbell Court is at risk from surface water flooding, this is most significant on the roads surrounding the site. The flood risk of the proposal site has been discussed with the EA who have advised officers that the flood risk of the Colin Campbell Court is less significant than that of the proposal site (at Marsh Mills) given it is in a lower flood risk zone and the risk is from surface water flood risk while the application site is at risk from fluvial flood water. 101 of the NPPF advises that development should not be permitted if there are reasonably available sites appropriate in areas with a lower probability of flooding. It is not considered by officers that the extant consent is such a significant material consideration to outweigh this lack of compliance with the sequential test.

128. In addition to their being sequentially preferable sites it is also important to consider that the advice from GVA in relation to the applicant's sequential retail test that it does not show suitable flexibility in terms of scale and format of the store and that it has failed to supply sufficient information to demonstrate compliance with the retail sequential test. Given that this conclusion relates to sites which are in a lower flood risk zone than the application site it is also the case that there is insufficient information in order to ascertain if other sites in lower flood risk zone could accommodate the proposed development. Given the above consideration the development is therefore considered contrary to the requirements of Paragraphs 100-101 of the NPPF in relation to the Sequential test.

Flood risk conclusion

129. In conclusion while the site specific flood risk strategy and measures are considered suitable, (subject to conditions), in accordance with policy CS21 of the Core Strategy, Policy 26 of the Plymouth Plan and the national requirements of chapter 10 of the NPPF the first requirement is to consider whether the proposal accords with the flood risk sequential test. In this regard it is considered that there are reasonably available sites for the proposed development in lower flood risk zone with a lower probability of flooding. It is also the case that in relation to other sites which are also in sequentially preferable location that there is insufficient information to conclude that they are not reasonably available.

Residential amenity

130. The proposed site is located on Parkway Industrial Estate; the plot sits at the edge of the industrial area and has a number of residential properties adjoining the eastern side of the site. It is therefore important to consider the inter relationship between the residential uses and that proposed. In considering the potential impacts the key policies to consider are policy CS34 which sets out Planning application considerations, policy CS22 which seeks to protect people and the environment from unsafe, unhealthy and polluted environments and policy 30 of the Plymouth Plan Safeguarding environmental quality, function and amenity. The principle consideration is whether the scheme will have an unacceptable impact on the residential amenity

of the properties in the surrounding area. Retail uses and residential properties are considered to be uses which are capable of being located in close proximity and this is considered to be the case in this instance. The store is set back within the site distancing it from the run of residential properties which will limit the potential disruption caused to the properties. The servicing area of the store is also located at the furthest point from the properties and noise and disturbance generated will be limited by this distance and the building itself which will provide a screen to acoustic noise from the use of this area. The location and access to the site and service area is also separated from the residential properties therefore the impacts of delivery vehicles will be reduced. Overall it is considered that the relationship of the store to the surrounding properties is acceptable in principle.

131. While the principle of the development is considered acceptable to residential amenity, it is however the case that there is a potential for noise and disturbance to be created. Therefore to preserve the residential amenity it is considered necessary to condition elements of the operation in order to create a form and operational limitations which retains a balance between operational requirements and residential amenity. In this regard a number of representations have been received which identify concerns in relation to the store and the impact it could have, this includes issues with opening time, staff working late, delivery hours and impact of parking and vehicle movement. A detailed consultation response has been received from the Council's Public Protection Service who have recommended a series of conditions to preserve the amenity of the residential uses, these include, a construction management strategy to control construction, limiting the delivery and opening hours of the store, limiting the cooking operations from the café element, limiting lighting, retaining the loading area in its location and details of waste storage. The proposed conditions advised are considered necessary to achieve a form of operation which would preserve the residential amenity of the surrounding properties.
132. A letter from the applicants' agents has however raised a number of concerns with the suggested conditions by the Public Protection Service as worded and the restrictions they place on the development. Were the application to be approved it is considered that the points raised in relation to the conditions proposed in relation to external lighting, and a pre-commencement Land quality assessment which are valid and slight rewording would be acceptable and still preserve the residential amenity. The applicants' letter however propose to remove a suggested store operating hour condition, sighting the results of the environmental sound survey do not show a level of disturbance which would impact amenity and that the condition would impact any future changes to store trading hours and the extended store trading hours at sales. The suggested condition restricts the opening hours to that of the Store and is considered given the location and proximity to the residential properties to be reasonable and required to preserve their amenity were the application to be approved. Allowing a store to trade for potential 24 hours in such close proximity to residential properties is not considered acceptable, the movements and use of the store and car park are considered likely to result in an unacceptable relationship and it is therefore considered that the suggested condition is both necessary and reasonable. It is acknowledged that this may create an operation issue at sale times, however without detail of the hours being submitted and the impacts being considered, restricting the opening hours is considered reasonable and necessary.
133. The letter also seeks to extend the delivery operating hours extending the deliveries time window from recommended restriction of 8am-8pm Monday to Friday to 7:30am to 9pm. This matter has been considered in detail with Public Protection and in light of the representations received; given the location of service area and its entrance, the distance from the residential properties and the barrier created by, the store and the woodland the potential for disturbance is considered limited and unlikely to result in a detrimental impact over the additional time period. It is also acknowledged that the previous scheme approved on the site was considered

suitable with an even longer range of operational hours. It is therefore on balance considered acceptable to condition a longer period for deliveries.

I34. In conclusion the proposal subject to appropriate conditions is considered to represent an acceptable form of development in relation which preserves the residential amenity of the surrounding properties.

Contamination

I35. Given the previous use of the site for industrial purposes it is important to ensure that land contamination is adequately dealt with, to ensure contamination would not impact the future use of the site or result in detrimental future impacts to the surrounding area, in accordance with policy CS22 of the Core Strategy. The application is supported by a ground contamination assessment and a geo-environmental Investigation. These have identified elevated concentrations of potential contaminants in area of the site and that further intrusive geo-environmental investigation will be required which will then inform the development of an appropriate remediation measures and a strategy of implementation. Officers in the Councils public protection team have considered the submitted reports and agree with the recommendation for further site characterisation works and that these should inform a detail remediation strategy for the site. It is therefore considered that subject to a detailed condition which requires a site characterisation assessment, the submission and implementation of a detailed remediation scheme and a requirement to report unexpected contamination, that the scheme is suitable for approval.

Planning balance

I36. The proposed retail store has been considered in detail by officers there are a range of matter which officers consider are suitable and meet the requirement of both the Local Policies Set out in the Core Strategy, and emerging Development Plan the Plymouth Plan as well as the requirement of the NPPF. This includes the over all design of the store and how it contributes to the street scene and character of the area. A quality landscaping strategy is also provided further improving the environment created. The scheme also provides a suitable strategy to deal with the ecological considerations and biodiversity value of the site and surround area. These all weigh in favour of the scheme. Equally subject to appropriate conditions the highways and transportation, impact on surround uses amenity, site specific flooding strategy and land contamination are all considered to be acceptable. The proposal will also bring the site back into active use and will provide a range of new employment opportunities as part of the proposal although this is tempered and indeed outweighed, in the view of officers by the real potential for retail jobs and investment to be drawn away from the City Centre. It will also provide new crossing facilities for pedestrians. These benefits need to be considered in the planning balance as positive aspects of the scheme. There is also the fall back Scheme to consider however given the limited weigh attributed to it, it is not considered to add weigh in favour of the scheme and is a neutral consideration in the planning balance. These factors do need to be considered against the impacts of the scheme and its lack of compliance with key policy considerations.

I37. The proposal is judged to have a significant adverse impact on Plymouth City Centre in terms of the impact on the vitality and viability of the Centre and the impact on public and private sector investment in the City Centre. The evidence submitted in support of the scheme has failed to show sufficiency flexibility in terms of the scale and format when approaching the sequential preferable sites and the Council consider that there are available and suitable sites for the type and scale of development proposed. The scheme would furthermore be detrimental to the

Council's retail spatial strategy which seeks to direct comparison retail development in the City Centre to maintain and enhance its role as regional shopping role.

138. The scheme will also result in the loss of viable employment land in an established employment area which is well located in a highly accessible location in close proximity to the strategic highway network and capable of meeting the needs of B1/B8 operators of which there is an increasing requirement for sites of which there is an under supply. It is also the case that there is insufficient information in order to conclude that the proposal can not be located on sites which are located in a lower Flood Risk Zone and also there are sites located in a lower flood risk zone (Flood Risk Zone 1) which are reasonably available and appropriate for the proposed development. As such compliance with the flood risk sequential test has not been demonstrated.

139. The application is considered contrary to the requirements of Strategic Objective 7, Area Vision 3 and Policies CS06 and CS08 of the Core Strategy and Policies 1, 21 and 41 of the emerging Plymouth Plan and the requirements of para 24-27 of the NPPF in relation to the retail element of the scheme. It is also contrary to the requirement of employment policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan. The scheme is also considered contrary to the requirements of policy CS21 of the Core Strategy, Policy 26 of the Plymouth Plan 100-101 of the NPPF in relation to the Flooding Sequential test. Officers give significant weight to these impacts which militate against the grant of permission.

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

The proposed development is not liable for a Community Infrastructure contribution.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

In this instance Officers do not consider that in relation to the Retail Impacts of the proposal that there are mitigation measures which can sufficiently mitigate the impacts of the store such to warrant officers to recommend the approval of the application. Provided below for Members information are a range of measures which were members to consider approving the scheme should be sought to reduce the potential impact on the City Centre.

Planning obligations in respect of the following matters:

- £500,000 toward Town Centre Mitigation Measures to be used towards
 - Marketing activity- to include TV/Large format outdoor to promote city to wider catchment and also remind of wide retail offer, will include territory research, new brand creative and B2B marketing. £300,000 over a five year period.
 - Wayfinding-improved signage with distances and also street signage to promote areas and brands within the Centre (to prevent a boards etc.) £150,000
 - Applying window graphics to vacant units in partnership with colleges and LEPs to promote and encourage occupancy of units, and new business, and to improve the appearance of the high street, £100,000
- A Requirement to retain a City Centre Store for a period of 10 years

Following the request of officers for the applicants to consider these measures, the applicants have identified that they do not have any intension of leaving the City Centre and are therefore are committing to stay trading in the existing Drake Circus unit for a minimum of 7 years. The letter received from Next on 21st July has now stated that Next would be willing to enter an agreement to retain City Centre Store for 10 years. In relation to the contribution towards mitigating the impact of the scheme on the City Centre the Applicant had offered to enter into an agreement to invest £500,000 in refitting their existing Store in Drake Circus to a modern standard. Officers did not consider this would contribute to mitigating the potential impact and therefore with the support of the City Centre Company sort to provide a range of measure which have the potential to mitigate some of the impacts of the proposal (set out above). The applicant has having considered this request identified that the proposed contribution is not agreed and that it does not consider the request would meet the statutory test of being necessary to make the development acceptable in planning terms. Officers do not agree with this position and would, should Members of the Committee be minded to approve the application would recommend that such contribution toward the City Centre measures rather than Next refitting their existing store should be sought.

12. Equalities and Diversities

The proposal provides direct surface level access to the store and has disabled parking identified to serve the store. The proposed internal layout has been designed with Stair, Equators and Lifts also be provided to ensure an equality of access to the whole store. it is therefore considered that the proposal adequate provides for all sector of the community.

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 does not accord with policy and national guidance and specifically the requirements of Strategic Objective 7, Area Vision 3 and Policies CS06 and CS08 of the Core Strategy and Policies 1, 21 and 41 of the emerging Plymouth Plan and the requirements of para 24-27 of the NPPF in relation to the retail element of the scheme. Specifically the retail strategy of the Core Strategy and Plymouth Plan, the significance of the impact of the proposal on the health of the City Centre and investment climate in the City Centre and the compliance with the sequential test.

It is also contrary to the requirement of employment policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan, resulting in the loss of employment viable employment land.

The scheme is also considered contrary to the requirements of policy CS21 of the Core Strategy, Policy 26 of the Plymouth Plan 100-101 of the NPPF in relation to the Flooding Sequential test.

The overall conclusion of officers is that the development is contrary to the development plan and emerging development plan and that there are no material considerations which indicate that development should nonetheless be granted. In terms of the NPPF, this is not a case where the development plan is absent, silent or where relevant development plan policies are out of date. In terms of the NPPF this is a case where policy in the NPPF indicates that permission should not be granted because of the failure to comply with the flood risk sequential approach and retail policies. The presumption in favour of sustainable development does not therefore apply.

Given the significance of these three area of policy conflict it is considered that the application can not be supported by officers and the acceptability of elements of the scheme do not outweigh the significance of these policy conflicts. As such the application is recommended for refusal.

14. Recommendation

In respect of the application dated **16/10/2015** and the submitted drawings, it is recommended to:
Refuse

15. Reasons

RETAIL STRATEGY

The proposed scheme will lead to a major new comparison retail store being provided in an out of centre location and outside of an established retail park where only bulky goods retailing is supported by the Local Planning Authority (LPA) (only where it complies with the policies of the Core Strategy and cannot be located in the City Centre or another centre in the retail hierarchy). As such it is contrary to the LPA's retail strategy as set out in Strategic Objective SO7, Area Vision 3 and Policies CS06, CS07 and CS08 of the Adopted Core Strategy and Policies 1, 21 and 41 of the Plymouth Plan: Part One, which has the status of draft development planning policy. The proposal will work against the delivery of this strategy which seeks to support the primacy of the City Centre as a comparison shopping destination and its regional shopping role, and to direct retail investment to 'town centre' locations which will support the delivery of the wider city vision. It will have a significant adverse effect on the retail investment climate of the City Centre and it will fail to realise sufficient positive regeneration benefits for the city to outweigh the negative impacts of the proposal. This is contrary to paragraph 26 of the NPPF

SEQUENTIAL TEST

The submitted Sequential Site Assessment has failed to demonstrate that the applicant has complied with the requirements of paragraph 24 of the National Planning Policy Framework and Policies CS06 and CS08 of the Adopted Plymouth Core Strategy and Policy 41 of the Plymouth Plan: Part One (as draft development plan policy), in respect of the sequential approach.

The applicant has not shown sufficient flexibility in terms of scale and format when approaching the assessment of sequentially preferable sites or properly explored the availability and suitability of 'town centre' sites to accommodate the proposed development. The applicant has therefore failed to demonstrate that the town centre options have been thoroughly assessed as sequentially preferable alternatives. The Local Planning Authority believes that there are opportunities within the

City Centre which are both suitable and available to accommodate the proposed development, taking into account the NPPF requirement for flexibility. Additionally, the proposed District Centre at Derriford would represent a sequentially preferable location in the retail hierarchy. This is contrary to paragraphs 24 and 27 of the NPPF.

IMPACT ASSESSMENT

The Local Planning Authority considers that the applicants have failed to accurately assess the impact of the proposed development on the vitality and viability of, and investment within, the City Centre. The Local Planning Authority considers that the development of the proposed Class A1 retail floorspace in this 'out of centre location' would have a significant adverse impact on investment in, and the vitality and viability of the City Centre. This is contrary to paragraphs 26, 27 of the NPPF and Policies CS06 and CS08 of the Adopted Core Strategy 2007 and Policy 1 and 41 of the Plymouth Plan: Part One.

EMPLOYMENT

The proposal would result in the loss of a viable employment site on the Parkway Industrial Estate which has good vehicle access and connection to the A38 and will set an undesirable precedent for further loss of employment sites in this location. The proposal does not provide clear environmental, economic, regeneration and sustainable community benefits to outweigh the loss of the employment land which has a reasonable prospect of being used for employment purposes in the future, as such the proposal is considered contrary to, Policy CS05 of the Adopted Core Strategy, and Policies 2 and 18 of Plymouth Plan Part One (as draft development plan policy). With regard to paragraph 22 of the NPPF the site has not been shown to be one where there is no reasonable prospect of the whole site being used for employment purposes.

Furthermore inadequate information has been submitted to demonstrate the site has been adequately marketed for B1/ B8 use to demonstrate there is no reasonable prospect of the site being used for those purposes.

FLOODING

The submitted flood risk sequential assessment has failed to demonstrate that proposal cannot be located in areas of lower probability of flooding contrary to the requirements of paragraphs 100 and 101 of the National Planning Policy Framework and Policy CS21 of the Adopted Plymouth Core Strategy 2007 and Policy 26 of the Plymouth Plan: Part One (as draft development plan policy), in respect of the Sequential Test.

There is insufficient information provided by the applicant to demonstrate that proposal cannot be located in areas of lower probability of flooding and the Local Planning Authority believes that there are opportunities within areas of lower flood risk which could accommodate the development of a similar scale of A1 retail store.

INFORMATIVE: REFUSAL (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 works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer

of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

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).

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

CS06 - City Centre

CS07 - Plymouth Retail Hierarchy

CS08 - Retail Development Considerations

CS21 - Flood Risk

CS05 - Development of Existing Sites

AV3 - Plymouth City Centre

SO7 - Delivering Adequate Shopping Provision Targets

NPPF - National Planning Policy Framework March 2012

PP01 - Enhancing Plymouth's Strategic Role

PP02 - Unlocking Plymouth's regional growth potential

PP18 - Delivering sufficient land for new jobs

PP21 - Provision for shops and services

PP26 - Dealing with flood risk

PP41 - Defining the spatial provision of retail development and main town centre uses