

ADDENDUM REPORT

Planning Committee



Item Number: 6.2

Pages: 39-90

**Site: Land Land at Former Unit J, St Modwen Road, Marsh Mills
Plymouth**

Planning Application Number: I5/0183/FUL

Applicant: Duke Properties (Marsh Mills) Limited and Next Plc

Additional submissions from the Applicant

Following the completion of the Officer Committee report two letters have been received one from the joint applicant Next and one from the Agent for the application which includes a Draft S106 agreement

Letter from Applicants Agent Peter Brett Associates

The Letter sets out the potential benefits of the Proposal identified by the Applicant and their agent. This includes:

- Investment of at least £11m in Plymouth with further benefits to construction sector.
- Generation of £300,000 per year Business Rates
- Creation of 148 jobs and industry leading training opportunities
- Regeneration of redundant site to provide employment for first time in 16 years
- Sensitively designed landmark retail store
- New pedestrian links
- Improved consumer choice
- Commitment from Next to remain trading in the City Centre for 10 years which facilitate investment of £500,00 in refurbishing existing Store
- Commitment to local labour agreement
- Approval rating of 94.7% for a new Next store at Marsh Mills based on a random telephone poll of 1,000 residents

The letter confirms Next previous offers for planning conditions

- Retail Floors area shall be restricted to 4,792 sqm net sales and shall only be used for the sale of clothing and footwear, home furnishings, furniture, kitchen and bathroom, fittings, lighting, DIY and decorating products, electrical items, garden goods and ancillary goods.
- Clothing and footwear sales area shall not exceed 2,042 sqm net sales
- Floorspace shall not be used for the sale of convenience goods (other than ancillary items or items sold in the ancillary café)
- ancillary café shall not exceed 201 sqm

- The retail floorspace approved shall trade a single unit and shall not be subdivided.

Letter from the Joint Applicant Next

Letter from the applicant was also received under separate cover prior to the production of the officer report. Its contents are summarised on page 48 of the Planning Committee Report Pack and the Content of the S106 obligation offer made is referred to in section 11 of the Committee Report on pages 84-85 in relation to offering to keep open the Drake Circus Store for a period of 10 years and the investment of £500,000 in the refitting of the Drake Circus Store.

Draft S106 Agreement

The submission included a Draft Section 106 Agreement prepared on behalf of the applicants. This Draft Section 106 Agreement sets out that:

1. Next covenants with the Council as follows:

1.1 subject to sub-paragraph 1.2 of this Schedule 2, Next shall keep open for retail trade during usual business hours the Drake Circus Store for a period of 10 years from the Commencement Date.

1.2 the covenant referred to at sub paragraph 1.1 of this Schedule 2 shall not apply and shall not be enforceable by the Council against Next in the following circumstances:

1.2.1 where the Drake Circus Store is required to be closed for trading:

1.2.1.1 for the purposes of carrying out repairs and/or alterations;

1.2.1.2 during periods of staff training, stocktaking and preparation for sales;

1.2.1.3 following any damage caused by an insured risk and/or an uninsured risk and/or

1.2.1.4 where any action or omission of any third party prevents Next from trading from the Drake Circus Store;

1.2.2 in the event that the Council provides written confirmation that the covenant contained in sub-paragraph 1.1 of this Schedule 2 shall not be enforceable for any further reason.

The Section 106 Agreement contains neither Next's offer to invest £500,000 in the refitting of their Drake Circus Store nor the Town Centre Mitigation Measures totalling £500,000 suggested by Officers with the support of the City Centre Company.

Additional Letters of Representation

Further Letters of Representation have been received following the production of the Officers Committee Report, 12 Letter of representation have been received as of 2nd August. These representations raise the following broad points

I Objection stating:

- Inappropriate application for the site, it identifies congestion on roads and impacts on local residents to access their properties and that the store will further compound this situation. It also identifies noise issue with early morning deliveries and the disruption it causes.

II Letter of support stating:

- Support for proposal for New Next Store, creating a great opportunity for the City and encourage shopper from wider area
- Plymouth should have larger stores like Exeter and Bristol
- Proposal creates job opportunities

- Disappointed that the Council is considering blocking proposal. It should not block the opportunity to put Plymouth on retail map and if the Council keep refusing stores planning applications Plymouth will be bypassed
- Identify issue with City Centre including access and parking making it difficult to collect deliveries from the City Centre store and the Council's approach to managing the centre
- Other growing cities allow out of centre stores and it is a natural progression for a growing urban area
- Existing store is constrained by size and collection facilities
- Council should deliver people's aspiration for the store
- Existing Next Store is too small
- Site is prime location for passing trade.

All the issues raised in these additional letters of representation have been addressed in the officer report.

Factual Correction Informative

The in brackets no negotiation should be deleted, the remained of the wording is correct.

INFORMATIVE: REFUSAL (~~NO NEGOTIATION~~)

() 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.