

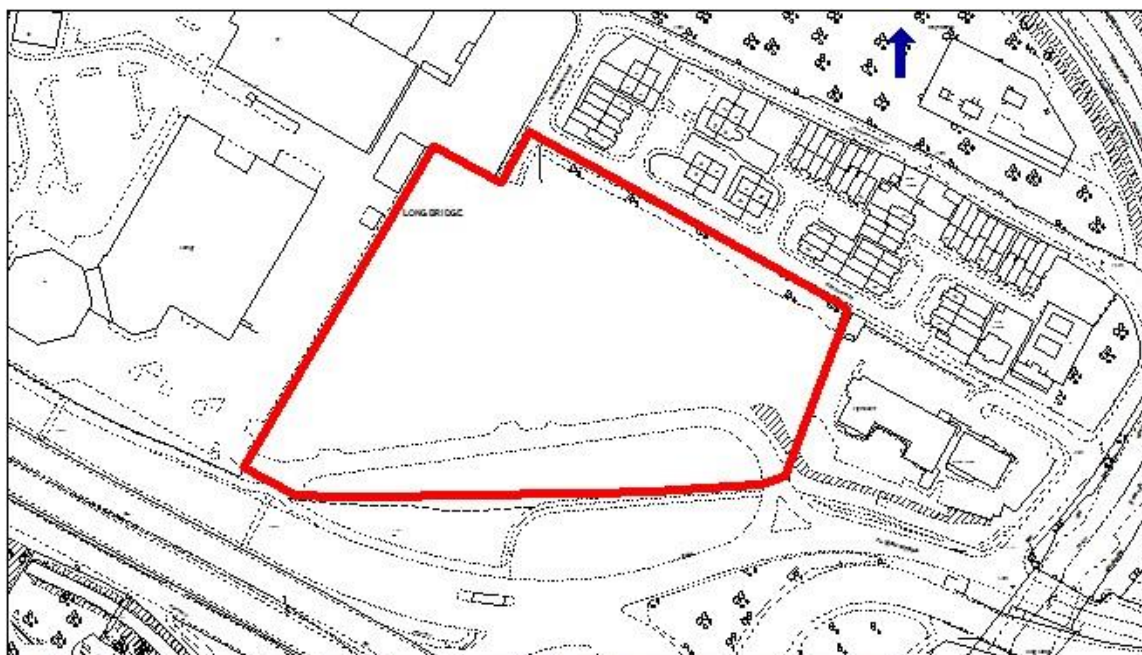
PLANNING APPLICATION REPORT



Application Number	16/01102/S73	Item	05
Date Valid	07/07/2016	Ward	Moor View

Site Address	LEGACY PLYMOUTH INTERNATIONAL HOTEL, 270 PLYMOUTH ROAD, PLYMOUTH		
Proposal	Section 73 application to modify conditions: 2 (plans), 11(car parking provision), 14 (car parking management), 19 (odour control), 20 (delivery hours), 39 (hot food takeaway), 40 (opening hours) of application 12/02320/FUL to allow re-siting of unit 5 (168 sqm) A3 restaurant/café and to trade between 7am - 11pm		
Applicant	EOP II PROP CO I S.A.R.L		
Application Type	Removal or Variation of Condition		
Target Date	31/10/2016	Committee Date	Planning Committee: 27 October 2016
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Ali Wagstaff		
Recommendation	Grant Conditionally Subject to a S106 Obligation		

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1. Description of site

The site is the former Legacy Hotel; it is a site of approximately 2.1 hectares north of the principle junction into Plymouth from the A38 Parkway at Marsh Mills. The hotel has now been demolished and the site is vacant with the central section boarded with protective hoarding. The previous building on site was constructed in the 1980s and was formed by three blocks; a single storey structure with inner courtyard and mono-pitched roof located at the centre of the site with two linked, flat-roof blocks of three and four storeys in height positioned to the north. The building had a simple materials palette of buff coloured brick, aluminium windows and metal cladding to the roof.

Access to the site is via an existing junction with Plymouth Road which provides a direct route onto the site from the Marsh Mills roundabout with egress onto Plymouth Road Eastward only. The access road extends along the front of the site.

A large area of soft landscaping occupies the area in front of the site, and contains a number of bushes and trees. Further grassed areas and planting extend around the remaining boundaries of the site.

The site is bounded by a simple, three-storey, red brick, commercial office development to the east and the large units of Marsh Mills retail park to the west. To the north of the site is residential development arranged around a series of parking courts which are accessed from Marsh Close. These are principally two storeys and are of a similar dark red brick to the nearby office development.

2. Proposal description

The Planning Application is a Section 73 Application which seeks to vary a number of conditions to the previously approved application 12/02320/FUL. That application granted consent for 4 retail units and a restaurant which were located along the western edge of the site with car parking to the east in front of the units. In determining this application the consideration relates to the acceptability of the proposed changes rather than the acceptability of the full proposal as this has already been granted planning consent under application 12/02320/FUL.

The application seeks amendment to the following conditions: - 2 (plans), 11 (car parking provision), 14 (car parking management), 19 (odour control), 20 (delivery hours), 39 (hot food takeaway), 40 (opening hours) of application 12/02320/FUL to allow re-siting of unit 5 (168 sqm) A3 restaurant/café and to trade between 7am - 11pm.

These changes result from two factors, the first is that the developer has updated the external finish to improve the appearance of the building and Retail Park incorporating the requirement for the secured tenants of the scheme. Two, the previously approved scheme which contained 4 retail units and 1 restaurant is now being amended to relocate the restaurant from the south west of the site to the south east. The changes to the conditions facilitate this move and the requirements of the new occupier which includes the ability to sell takeaway drinks and warmed foods. This does not seek consent for a hot food takeaway operation and is related to a coffee shop/café with a takeaway facility.

The changes as a result of the proposed conditions are as follows:

Condition 2 (Approved Plans) - relocation of restaurant unit with associated changes to the site layout and reduction in car parking provision. Revised elevation treatment to building façades, with increased glazing entrances and inseting of advertisement panels. Alteration to internal floor spaces for each unit, but retained within the approved A1 floor space of 7,900 sqm. Associated changes to hard and soft landscaping and car parking layout. During the course of the application the entrance

to the retail park has been amended to provide a priority entrance into the retail park rather than a right turn access from the entrance road.

Condition 11 (Minimum Car Parking Provision) reduce the required parking space provision from 268 spaces to 237 spaces.

Condition 14 (Car Park Management Strategy) amend wording to reflect the proposed opening times of the car park in line with change in this regard to condition 40 for the store opening hours. This would allow car park to be open from 7am to 11.30pm, the condition currently restricts the majority of the car park to 8am-8pm Monday to Saturday and 10am to 5pm Sundays and Bank Holidays.

Condition 19 (Odour control) amended wording to remove requirement for extraction and ventilation system to be provided if the unit is not used for the cooking of food.

Condition 20 (Hours of delivery and collection) allow extended delivery hours for the relocated A3 unit to 7 am- 11pm while retaining the wider site in line with previous hours 8am-6pm Monday to Saturday.

Condition 39 (Hot food takeaway) amend the condition which currently restricts sale of hot food for consumption off the premises to allow the sale of reheated or cold food which has been prepared elsewhere.

Condition 40 (Opening hours) is to amend condition to allow the A3 unit to operate 7am to 11pm each day. The condition currently restricts opening on Sundays and bank holidays from 10am to 5pm and Monday to Saturday 8am to 11pm.

While not the subject matter of this application a second full planning application 16/01100/FUL has been submitted for part of the site which this application leaves vacant. That application is for the erection of a “drive thru” restaurant with access, servicing, car parking, landscaping and associated works. The proposed occupier is identified as KFC.

3. Pre-application enquiry

No formal pre-application engagement has taken place on the application. Officers have however discussed how the proposed changes should be submitted, advising that a Section 73 application should deal with all matters, except the additional A3/A5 Unit which should be the subject of a separate full application.

4. Relevant planning history

16/01100/FUL – Erection of drive-thru restaurant (Class A3/A5) with access and servicing arrangements, car parking, landscaping and associated works- Recommended for approval.

12/02320/FUL - Full planning application for demolition of the existing hotel and development of a maximum of 7,900 square metres of A1 retail floorspace and a maximum 712 square metres of A3 restaurant/café floorspace, with access parking, landscaping and associated works- Granted conditionally

99/01123/ADV – Provision of new flag pole and re-siting of existing flag pole – Granted conditionally

94/01044/ADV – Illuminated welcome sign – Granted conditionally

94/00748/ADV – Illuminated welcome sign – Withdrawn

86/01831/FUL – Construction of new entrance/exit road and alterations to car park – Granted conditionally

81/00058/FUL – Erection of 101 bedroomed hotel (amendment to approved plans) – Granted conditionally

79/02608/FUL – Erection of 125 bedroomed hotel including 12 staff bedrooms – Granted conditionally

5. Consultation responses

Police Designing Out Crime Officer - No objections to proposal.

Environment Agency - The variation of these conditions as proposed will be acceptable provided that a condition relating to floodplain compensation can be included on any permission granted and the finished floor level of unit 5 remains at 4.16m AOD as originally proposed.

Economic Development Department - No objections

Highways England – No objections

Natural England - No comment to make on the section 73 application. If the proposal is amended in a way which significantly affects its impact on the natural environment then Natural England should be consulted again.

Public Protection Service- recommend approval subject to conditions, Unit 5 is intended for the sale of coffee and reheating of goods and is set away from the residential properties. There is an acoustic fence sited along the boundary with Marsh Close, together with trees and shrubs. It is therefore not considered that the re-siting of unit 5, with the amended requested trading hours, will have a negative impact on residential properties. There are no objections to the proposed trading/delivery hours; however there must be plans in place to mitigate disturbance. Conditions recommended.

Natural Infrastructure Team – The S106 secured as a result of the previous application is still required towards greenspace.

Local Lead Flood Risk Authority – Raises number of concerns with how flood risk and surface water are to be managed within the scheme. Identify a number of factors which will require further information, these matters are:

- Evidence to demonstrate that the surface water drainage system is designed to the specified standard taking into account the potential for tidelocking. Details of level and condition of the outfall should be assessed.
- The level of ground water on site should be established and attenuation tanks designed to ensure they are not at risk from hydraulic lift.
- Permission to discharge to the proposed drainage system is required to be provided with confirmation of acceptance of the proposed discharge rate.
- An assessment that the system is in suitable condition for the lifetime of the development is required.
- Drawing Ref 4335 – 2900 shows exceedance flows being directed to the car parking area before being directed off the site and into Marsh Close. It should be designed so that discharge is retained on site.
- A maintenance and management schedule for the proposed system should be submitted.
- A Construction Environment Management Plan should be submitted for approval prior to construction.

It has been confirmed that these matters can be controlled by the imposition of the existing two conditions which are in place on the application, in relation to 'a scheme for the provision of surface water management' and 'details of proposed floodplain compensation'.

Local Highways Authority – Has no objection to the grant of planning permission. The Transport Assessment submitted justifies why the application is acceptable in Highway terms. While the car parking level is reduced, the reduction of the A3 use makes this acceptable. The changes to trip generation are negligible to the consented scheme and do not impact on the highway or cause capacity or safety issues. The location of the drive thru allows queuing to be contained in the site and will not interfere with the local highway network. Overall the layout and changes set out in the application are acceptable, as is the change of the MOVA condition to be fully implemented pre-occupation.

6. Representations

15 letters of representation have been received which object to the application. The key points from the representations are set out below:

- Impact on residents of the Marsh Close area need to be considered
- Traffic generation in surrounding residential streets (Marsh Close area)
- Increased traffic generation and congestion particularly Plymouth Road and Longbridge Road
- Impact on already busy area at rush hour with potential for accidents
- Impact of on street parking
- Late opening hours at takeaway facilities
- Surrounded area is saturated with takeaways
- Concerned about litter from restaurants and takeaway
- Impact on residential amenity from; cooking odours, opening hours, traffic noise and general disturbance
- Exacerbate issues already created by McDonalds with antisocial behaviour at all hours (boy racers)- impact on residential amenity
- Impact of early morning deliveries and refuse collection
- Confirmation of car park being closed
- Confirmation no direct access from Marsh Close
- Confirmation of tree retention and boundary treatment for Marsh Close area

7. Relevant Policy Framework

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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

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

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

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

8. Analysis

1. 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.
2. The application is a section 73 application which seeks to amend detail set out within conditions 2, 11, 14, 19, 20, 39, 40 of application 12/02320/FUL, therefore the consideration of this application focuses upon the changes proposed and their acceptability, rather than the acceptability of the scheme as a whole, which has already been established in the granting of the application.

Alterations to Layout and scale and design of buildings

3. The principle element of change to the layout relates to the removal of the A3 restaurant from the southwest end of the run of buildings and its relocation to the southwest corner of the site, and consequential changes to the car parking layout and hard and soft landscaping. The other key change relates to the relocation of the entrance into the retail park, the revised entrance to the retail park changes to a priority access rather than a right turn off the access lane, and is relocated approximately 40 metres further east. The landscaping area to the northeast of the building has also been amended; the previous application had a raised

landscaped bank with a close boarded timber fence, which has now been replaced by a concrete retaining wall, with close boarded fence above and with a flat Dry Swale area behind.

4. Visually these changes to the layout are considered acceptable and are not out of keeping with the overall appearance of a small retail park. They are considered to present a good quality of built form, with integrated landscaping. A key consideration of the previous application was the proximity of the buildings to Marsh Close and the impact on the residential amenity, which led to the layout being amended to move the buildings away from that area. This application retains the built line previously considered acceptable and retains the landscaping area and the trees. The exact arrangement for this boundary area is controlled by conditions 22 (Landscape Design), 23 (Soft Landscape Works), 26 (Details of Tree Planting), 28 (Existing Tree/Hedgerow to be retained/protected), and 30 (Details of Enclosure and screening). The proposals with these conditions attached are considered to provide an appropriate visual barrier and relationship to the scheme. The alterations to the external car parking area are relatively minor visually and retain a strong landscaped approach which is also considered acceptable in principle and is again controlled via the existing conditions.
5. The application makes a number of changes to the external appearance of the building, this includes the increase in height of the building and alteration to the external appearance. The wider impact of these changes is not considered by officers to be significant and makes no major alterations to the proposal in its setting. Officers however feel that the more immediate relationship to properties in Marsh Close needs more careful consideration, in relation to the height of the building. The previous application had a pitched roof with a parapet on the east elevation; this alongside the expanded distance from the properties ensured a suitable relationship. The revised approach to this application extended the parapet feature along the north elevation facing the residential properties. Following negotiation, this has been removed, which improves the relationship. The pitch and eaves of the roof of the building are slightly higher than that previously approved, however given the distance and large vegetation along the boundary, this increase is not considered to create an inappropriate relationship in line with the requirements of CS34.
6. Changes to the elevations include the enlargement of the glazed entrances to the retail units, the substantial increase in glazing wrapping around the east and south elevation of unit 4, and the setting down of the signage area within the elevations rather than raising up beyond it. These changes are considered to be an enhancement on the previous application presenting an improved visual appearance. The relocated A3 unit appearance is principally rendered with a mix of red brick, cedar cladding with aluminium framed glazed entrance and window with a single pitch roof. This building and design is considered acceptable and appropriate given its location. The exact finish of the external materials of all buildings will require submission under condition 31 of the application.
7. The removal of the former large A3 unit has left a large triangular void to the south of the 4 retail units; this area of the site is the subject of a separate full planning application (16/01100/FUL) for an A3/A5 drive thru restaurant, with access and service arrangement, car parking, landscaping and associated works. While the aspirations for this development are understood and are recommended for approval, that proposal is not included in this application. It is therefore appropriate to ensure that this area is appropriately treated should application 16/01100/FUL not be approved or developed. Therefore a condition is

proposed requiring detail of the treatment of that area, should that application not be developed, to ensure that the area forms an acceptable part of the wider site.

8. Overall the changes are considered appropriate and to accord with the requirements of policies CS02 and CS34 of the Core Strategy and policies 29 and 30 of the Plymouth Plan.

Impact on surrounding area amenity

9. There are a number of alterations to conditions which have the potential to alter the relationship to the surrounding properties' amenity. As set out above, in principle the alterations to the appearance and scale of the built form are not considered to result in an unduly negative relationship and are acceptable. However the change in location and operation of unit 5 required a more detailed consideration alongside the consequential changes to the car parking layout. Significant concern has been expressed by local residents in this regard.
10. The proposed relocation of Unit 5 is closer to the residential properties than the previous unit, it is approximately 50 metres from the closest residential properties. It is acknowledged that the relocated building and wider use will create the potential for disturbance from noise and vehicle movement; however they will be reduced by the fence and boundary planting already secured. Consideration of the potential implications of the proposal have been provided by the Council's Public Protection Service, who consider the relocation of the unit with the extended trading and delivery hours acceptable, subject to plans being in place to mitigate disturbance. This includes the requirement for a delivery strategy to limit disturbance, and a condition limiting the noise emissions from machinery. These conditions are considered reasonable and appropriate and will reduce the impact the development has on residents. The consultation response also recommends an alteration to the proposed amended condition 19, to ensure that should hot food ever be sold from the unit, that mechanical ventilation to control odour be submitted to and approved by the Council. This would ensure that should hot food, which is likely to generate odour, be sold from the store, mechanical ventilation to control odour would be provided. This would protect residential amenity in the surrounding area and as such the proposed change recommended is considered appropriate. Given the inclusion of the takeaway facility on the site, concern has been expressed in relation to the increase in litter production from the site and the impacts on the surrounding area. To ensure that this impact is mitigated it is important to ensure that adequate facilities for waste disposal are provided for the service users of the facility, it is therefore considered that a condition to require the provision of waste facilities should be attached.
11. Concern over the impacts of increased parking has also been expressed in relation to the Marsh Close area. The previous application secured a S106 contribution towards the implementation of a residents parking zone within Marsh Close and parking restrictions in the vicinity of the site. Given the securing of these measures, it is considered that any potential implications will be mitigated against. It is therefore concluded that in relation to the implications of the scheme on residential amenity, that the proposed changes, subject to conditions, are acceptable and accord with the requirements of policy CS34 of the Core Strategy and policy 30 of the Plymouth Plan Part One.
12. The previous application had a car park management strategy and a controlled barrier to limit access into the main car parking area to reduce disturbance from unauthorised vehicles outside operational hours. While the requirement for a car parking management strategy

remains, the alteration to the conditions and site plan, have the potential to increase activity and potential disturbance. The potential implications have been addressed with the applicant and a revised layout plan has been provided, this includes a high kerb running east-west and raised bollards outside Unit One, to restrict the access to the area of car parking closest to the properties after 8pm. This is considered to reduce any potential disturbance. In addition, the barrier at the entrance to the main car park will close the car park at 11:30pm. These measures are considered to maintain, alongside the other restrictions, an appropriate relationship with the residential properties, in accordance with the requirement of policy CS34 of the Core Strategy.

Flood risk

13. The previous application was considered acceptable in flood risk terms subject to condition 4 which secured the submission of flood plan compensation and condition 5 which ensured a satisfactory surface water drainage system. Both these conditions will be retained.
14. Updated technical evidence in relation to flood risk and surface water management have been submitted to support the application and has been reviewed by the Local Lead Flood Risk Authority (LLFRA), who have provided a detailed technical response to ensure that a satisfactory solution can be established for the management of surface water and its discharge. Further information has been provided by the applicant to resolve these concerns. In considering the application it is important to consider that application 12/02320/FUL was considered suitable for planning approval subject to the imposition of conditions 4 and 5 and as such the determination of this application focuses on the proposed changes. Agreement has now been reached with the LLFRA that, subject to the retention of the condition already in place, the strategy for flood risk and surface water management are acceptable in principle, subject to a number of key pieces of information being submitted in the discharge of conditions 4 and 5.
15. The Environment Agency (EA) have advised that the application as proposed will be acceptable, provided that a condition relating to floodplain compensation can be included on any permission granted and the finished floor level of unit 5 remains at 4.16m AOD as originally proposed. These matters are considered essential to ensure that the scheme is safe from flood risk and delivers adequate flood plain compensation and will be included in amended condition 5 and in a new condition to secure the finished floor level. Subject to these conditions, it is considered that the scheme is acceptable in flood risk terms and accords with policy CS12 of the Core Strategy, and Policy 26 of the Plymouth Plan Part One.

Highways and parking provision

16. The previous proposal was considered acceptable for the site, subject to a number of measures being secured, this included: - the provision of Microprocessor Optimised Vehicle Actuation (MOVA) at the Marsh Mills and other local junctions, re alignment and enlargement of the existing junction into the site and S106 contributions to enhance local cycle network and parking restriction in the Marsh Close area. An updated Transport Assessment (TA) has been submitted with this application, which has been considered by both Highways England and the Local Highways Authority. The proposal reduces the overall quantum of development reducing the size of the A3 unit through a smaller unit being provided, however the inclusion of the takeaway facility does alter the type of movements generated. Highways England have raised concern with some of the technical assumptions made in relation to the likely trip generation and have considered their own trip generation assessment of the site. While higher than that set out in the TA, they do not consider it will have a severe impact on the operation of the A38 Trunk Road.

17. The proposals have also been given detailed consideration by the Local Highways Authority, who following the alterations to the retail park entrance and the improved car parking layout are satisfied that the impacts of the proposed scheme will be adequately mitigated by the measures secured in the previous application, to ensure the safe operation of the local highway network. The scheme will also reduce the overall level of car parking proposed and the layout of the car park provided. It is considered that the level of car parking is sufficient for the proposed scheme and the layout will allow an appropriate design for vehicles to manoeuvre and the drive thru to safely operate within the site. As stated above in paragraphs 11 and 12, the car parking restrictions for access are altered from that previously proposed, however the replacement measures and Car Parking Management Strategy will ensure that the parking is appropriately managed in the site.

18. Given the above, it is considered that the proposed alterations to the scheme are acceptable and would accord with the requirement of policies CS34 and CS28 of the Adopted Core Strategy and Policies 13 and 22 of Plymouth Plan Part One.

Pre-commencement Conditions.

19. Since the determination of the previous application 12/002320/FUL the Town and Country Development Management Procedure Order 2015 has come in to force, amending the previous legislation. Section 35 part 1 (a) requires that where planning permission is granted subject to conditions, the notice must state clearly and precisely their full reasons for each condition imposed; and in the case of each pre-commencement condition, for the condition being a pre-commencement condition. Consideration has been given to this requirement specifically in relation to justification of the Pre-Commencement conditions. Those where it is considered there is justification have been retained as pre-commencement conditions, however those where the requirement for them to be pre-commencement is not sufficient, have been amended to a point in the development which is considered justified.

20. In conclusion it is considered that the amendments applied for under this Section 73 application to application 12/02320/FUL and the conditions are acceptable and are suitable for conditional planning approval.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

The Proposal is not liable to pay CIL, which only applies to Residential Development and Retail Superstores.

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.

Planning obligations were agreed on application 12/02320/FUL and the alterations set out in this Section 73 application are not considered to alter these requirements or the amounts secured. As such a new linked Section 106 agreement has been agreed which secures the following, as set out in the original application:

- £10,000 towards parking restrictions in the vicinity of the site and the provision of a residents parking zone within Marsh Close.
- £20,000 contribution towards the provision of the strategic cycle network including improvements to National Cycle Network 27 in the vicinity of the site and connections to it in the Marsh Mills/Coypool area.
- £35,000 contribution to enable biodiversity improvements to be delivered in accordance with the Efford Marsh Local Nature Reserve Management Plan.
- £6,500 Planning Obligations Management Fee relating to the administration, monitoring and management of the Planning Obligation.
- All of the above payable upon commencement of development.

12. Equalities and Diversities

The proposed development will be available to all members of the public and will not prejudice against age, gender, religion, sexuality, ethnic background or nationality. The development will be fully compliant with the Disability Discrimination Act and therefore access for the disabled is provided.

The site is accessible to people from all areas of the city as the site is extremely well served by public transport, being adjacent to an existing Park and Ride site. The development will also provide car parking and cycle storage.

The development will be available to all equality groups. The application therefore does not have any adverse impacts on any equality groups.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the changes proposed accord with policy and national guidance and specifically policies CS02, CS12, CS21, CS28 and CS34 of the Core Strategy and Policies 13, 26 and 30 of the Plymouth Plan.

The alteration to the development proposal will ensure a form of development which delivers, subject to detailed conditions, an acceptable solution to flood risk and surface water management.

The siting, design, materials and finish of the development are considered to be acceptable and in keeping with the appearance and character of the area. The alteration to the approved scheme and amended conditions are not considered to have a significant adverse impact upon neighbouring properties and will contribute to the regeneration of the area as a whole.

Officers consider that the application constitutes sustainable development that is consistent with the requirements of the National Planning Policy Framework and compliant with the Councils adopted Local Development Framework planning policy.

It is therefore recommended that the development be conditionally approved subject to the satisfactory completion of the above S106 Obligation and subject to the amended conditions set out below.

14. Recommendation

In respect of the application dated **07/07/2016** and the submitted drawings

10163_L04_06 North East Elevation Overlay, 10163_L01.01.R Proposed Site Plan, 10163 L94.01.F Softworks and Planting Plan, 10163 L93.01.D Hardworks Plan, 10163 L04.01.F Proposed Unit Elevations, 10163 L03.01.E Proposed Retail Units - Sections, 10163.L94.02.C Proposed Boundary Detail 1, 10163.L94.03.B Proposed Boundary Detail 2, 10163.L94.04.B Proposed Boundary Detail 3, 10163 L02.02 Proposed Unit 5 Floor Plan, 10163 L02.01.C Proposed Ground Floor Plan Units 1 - 4, Transport Assessment, Planning and Retail Statement, noise assesment, flooding and drainage over view.,it is recommended to: **Grant Conditionally Subject to a S106 Obligation**

15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:

10163_L04_06 North East Elevation Overlay, 10163_L01.01.R Proposed Site Plan, 10163 L94.01.F Softworks and Planting Plan, 10163 L93.01.D Hardworks Plan, 10163 L04.01.F Proposed Unit Elevations, 10163 L03.01.E Proposed Retail Units - Sections, 10163.L94.02.C Proposed Boundary Detail 1, 10163.L94.03.B Proposed Boundary Detail 2, 10163.L94.04.B Proposed Boundary Detail 3, 10163 L02.02 Proposed Unit 5 Floor Plan, 10163 L02.01.C Proposed Ground Floor Plan Units 1 - 4

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the

Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

Justification: To ensure that the construction phase does not unduly impact on local amenity such as disturbance to local residents or disruption to traffic and parking.

PRE-COMMENCEMENT: FLOODPLAIN COMPENSATION

(4) Prior to commencement of the development, details of proposed floodplain compensation, including a review of the amount of storage required and details of its future maintenance shall be submitted to and agreed by the Local Planning Authority.

Prior to use of the development, it shall be demonstrated to the satisfaction of the Local Planning Authority that the floodplain compensation has been completed in accordance with the agreed details. The floodplain compensation shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that this development manages flood risks appropriately and does not increase flood risk to third parties in accordance with policy CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

Justification:

To ensure the drainage and surface water provisions within the development are adequately provided for before development commences and do not cause undue problems to the wider drainage infrastructure.

PRE-COMMENCEMENT: SURFACE WATER DRAINAGE

(5) No development shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- details of the drainage during the construction phase
- a timetable for construction
- a construction quality control procedure
- details of the final drainage scheme
- a plan for the future maintenance and management of the system.

Prior to occupation of the development a report shall be submitted demonstrating that the approved scheme has been implemented on site. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure the provision of a satisfactory means of surface water control and disposal during construction and for the final development in accordance with policies CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

Justification:

To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure

PRE-COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS

(6) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; signs, lighting etc.); planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

Justification:

To ensure the landscaping can be properly incorporated within the development proposals.

PRE-COMMENCEMENT: ARBORICULTURAL METHOD STATEMENT

(7) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail how trees and the landscaped zone on the northern boundary of the site are to be protected during construction. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees and the landscaped zone on the northern boundary of site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (24) 2007 and policies and provisions of the NPPF.

Justification: To ensure the protection of landscaping and trees from the impacts of construction.

PRE-COMMENCEMENT: CONTAMINATED LAND

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

Section 1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The

scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

Justification: To ensure that risks to health through contamination are properly considered and addressed before building works commence.

PRE-DCP: ACCESS/HIGHWAY IMPROVEMENTS

(9) No development shall take place above the damp course layer until all details of the proposed changes to the site access road and its junction with the public highway have been submitted to and approved in writing by the Local planning Authority including details of safe uncontrolled cycle and pedestrian crossing across the site entrance which shall incorporate a central refuge island. The approved details shall be strictly adhered to during the course of development.

Reason:

In the interests of the safe and efficient operation of the local and trunk road networks, and to ensure that appropriate and safe access is provided in accordance with Policy CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007 and policies and provisions of the NPPF.

PRE-DCP: DESIGNING OUT CRIME

(10) No development shall take place above the damp course layer, a scheme detailing how the principles and practices of the 'Secured By Design' scheme are to be incorporated into the development, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of creating safer and sustainable communities in accordance with The National Planning Policy Framework and Local Planning Policy CS32 Designing Out Crime of the Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

PRE-DCP: DETAILS OF ENCLOSURE AND SCREENING

(11) No development shall take place above the damp course layer until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used. The works shall conform to the approved details and shall be completed before the development is first occupied.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

PRE-DCP: EXTERNAL MATERIALS

(12) No development shall take place above the damp course layer until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

PRE-DCP: SURFACING MATERIALS

(13) No development shall take place above the damp course layer until details of all materials to be used to surface external areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

PRE-DCP: LIGHTING DETAILS

(14) No development shall take place above the damp course layer until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be fully implemented before the development is first occupied and henceforth permanently maintained unless written agreement is given by the LPA to an alternative lighting scheme.

Reason:

To ensure that any external lighting does not cause excessive light pollution and a resultant adverse impact upon the residential amenity of neighbouring properties in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

PRE-DCP: SUSTAINABILITY - ON-SITE RENEWABLES

(15) No development shall take place above the damp course layer until, the applicant has provided to the Local Planning Authority a report for approval identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L of Building Regulations. If such requirements are to be provided by means of a biomass boiler in full or part, details shall also be provided to demonstrate that the boiler will be used, which shall include a commitment to maintain the boiler and details of how a long term fuel supply can be secured and delivered.

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

Reason:

To comply with Policy CS20 of Plymouth's LDF Core Strategy and in accordance with Government advice contained within the NPPF.

PRE-DCP: MAINTENANCE SCHEDULE

(16) No development shall take place above the damp course layer until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

Pre-occupation Conditions

PRE-OCC: CAR PARK MANAGEMENT STRATEGY

(17) Prior to the occupation of the proposed development a car parking management strategy shall be submitted to and agreed in writing by the Local Planning Authority to restrict maximum stay at the car park to 3 hours together with measures to monitor and enforce such a restriction and appropriate signage. The car parking management strategy shall also include details of how access to the car park will be restricted outside the permitted opening hours (0700-2300 Monday to Sundays and Bank Holidays) and how the northern section of the car park shall be restricted between 20:30-08:00 Monday to Sunday and Bank Holidays. The development will not be brought into use until such time that the agreed car parking management strategy has been implemented. The car parking management strategy shall thereafter be so retained and maintained.

Reason:

To restrict the length of stay to a maximum of 3 hours to prevent long stay and commuter car parking to ensure an adequate level of car parking is provided for the development and in the interests of the residential amenity of the adjoining properties in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

PRE-OCC: ELECTRIC VEHICLE CHARGING POINTS

(18) The development shall not be brought into use until 2 electric vehicle charging bays with appropriate infrastructure have been provided within the car in accordance with details to be submitted to and approved in writing by the LPA

Reason:

In order to promote the use of electric vehicles in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Paragraph 35 of the NPPF.

PRE-OCC: NOISE

(19) The noise producing equipment specified in the application (Mechanical Ventilation Extraction, Refrigeration and/or Air Conditioning Units) shall be installed as described in the application and before commissioning shall be tested and shall achieve the following sound levels:

The noise emanating from such equipment (LAeqT) shall not exceed the background noise level (LA90) as described in the noise assessment as 38dB by more than 5dB, including an adjustment to allow for the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Prior to occupation of the development, a report shall be submitted demonstrating that the above sound levels have been achieved. The above standards shall thereafter be maintained for the lifetime of the development.

Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006 - 2012) 2007 and policies and provisions of the NPPF.

PRE-OCC: WASTE STORAGE

(20) Prior to the commencement of the uses hereby permitted a suitably screened and covered area for the storage of waste shall be provided on site to accommodate lidded refuse storage containers, the details of the storage area shall have been previously submitted to and agreed in writing by the Local Planning Authority. The approved details shall thereafter be permanently retained and maintained.

Reason:

To ensure that trade waste does not constitute a hazard to public health or detrimentally affect the visual appearance of the neighbourhood in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF..

PRE-OCC: LANDSCAPE WORKS IMPLEMENTATION

(21) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

PRE-OCC: A3 UNIT 5 DELIVERY STRATEGY

(22) Prior to the occupation of unit 5 A delivery strategy plan shall be submitted to, and approved in writing by the Local Planning Authority prior to the opening of the unit 5 (A3 Use Class) . The approved scheme shall be implemented prior to the opening of the unit and permanently thereafter.

The strategy should include the type of delivery vehicles to be used, the location of delivery drop of areas and measure to limit the noise and disturbance generated.

Reason:

To protect the residential and general amenity of the area from disturbance for noise at unreasonable hours and avoid conflict with policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

PRE-OCC: WASTE BIN PROVISION

(23) Prior to the occupation of Unit 5 details of waste bin provision shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full prior to the opening of the unit and permanently retained thereafter.

Reason:

To sure the waste generated from the site does not impact on the visual appearance and residential amenity of the surround area and in accordance with the requirements of policies CSA34 of the Core Strategy and policy 30 of the Plymouth Plan Part one.

PRE-OCC: GRAMPIAN - 'MOVA' PROVISION/OFF-SITE HIGHWAY WORKS REQUIRED

(24) No part of the development hereby approved shall be occupied until the Local Planning Authority and Highways Agency have approved in writing a full scheme of works to provide Microprocessor Optimised Vehicle Actuation (MOVA) Control at the following junction:

(i) Marsh Mills Junction A38 (T)/A374/B3416.

No part of the development hereby approved shall be occupied until the Local Planning Authority has approved in writing a full scheme of works to provide Microprocessor Optimised Vehicle Actuation (MOVA) Control at the following junctions:

(ii) B3416 Plymouth Road Longbridge Road junction.

(iii) B3416 Plymouth Road Coypool Road junction.

(iv) B3416 Plymouth Road Woodford Avenue Junction.

No part of the development hereby approved shall be occupied until the approved works are in place, are operational and have been confirmed as being so by the Local Planning Authority and Highways Agency unless otherwise agreed previously in writing with the Local Planning Authority.

Reason:

To ensure the safe and efficient operation of the local and trunk road networks and to ensure that appropriate and safe access is provided in accordance with policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

PRE-OCC: LOADING AND UNLOADING PROVISION

(25) Before the building hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

PRE-OCC: CYCLE PROVISION

(26) The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 23 staff bicycles and 18 customer bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

PRE-OCC: MINIMUM CAR PARKING PROVISION

(27) Unless otherwise agreed previously in writing with the Local Planning Authority, notwithstanding the level of car parking shown on the submitted plans, the building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 236 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

PRE OCC: REMAINING LAND

(28) The development hereby permitted shall not be occupied unless and until planning application 16/01100/FUL or any future approved variation of that permission has been implemented on the area of land shown on Plan 10163_L01.01.Q (shown with diagonal lines and identified as Area for future development) or a scheme for the hard and Soft landscaping of that area has been submitted to and approved by the Local Planning Authority.

Development shall be undertaken in full accordance with the detail submitted or the planning permission set out above.

Reason:

To ensure that satisfactory appearance and landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

PRE-OCC: TRAVEL PLAN

(29) The buildings hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

Other Conditions

CONDITION: ODOUR CONTROL

(30) Prior to any use of the A3 Unit (Unit 5), for the cooking of food, a mechanical kitchen extract ventilation system to control the emission of fumes and smell from the premises shall be installed in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason:

To protect the residential and general amenity of the area from odour emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provision of the NPPF.

CONDITION: HOURS OF DELIVERY AND COLLECTION

(31) Deliveries and collections should be restricted to the following times:

Monday to Saturday - 08:00 to 18:00hrs

Sundays and Bank Holidays - No deliveries or refuse collections.

The exception shall be unit 5 (as identified on plan, I0163_L01.01.Q Proposed Site Plan) which should be restricted to deliveries and collections in the following times:

Monday to Sunday (including Bank Holidays) 07:00 to 23:00 hrs

Reason:

To protect the residential and general amenity of the area from disturbance from noise at unreasonable hours and avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

CONDITION: SOFT LANDSCAPE WORKS

(32) Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turving, mulching and plant protection.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

CONDITION: DETAILS OF TREE PLANTING

(33) The plans and particulars of the landscaping works submitted in accordance with condition 22 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

CONDITION: TREE REPLACEMENT

(34) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and are subsequently properly maintained, if necessary by replacement and provisions of the NPPF.

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

(a) No retained tree, hedgerow or any of the plants/shrubs on the northern boundary shown to be retained on the approved plans, shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

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

© The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with details to be submitted to and agreed previously in writing with the Local Planning Authority and in accordance with Section 6.2 of BS 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

CONDITION: BULKY GOODS RESTRICTION

(36) Notwithstanding the permitted use of the retail units hereby permitted falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the development shall only be used for the sale of bulky goods falling within any of the following categories (and for no other purposes within the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification):

- (i) DIY products, materials, tools and machinery for the repair, maintenance or improvement of the home, the garden and motor vehicles;
- (ii) Electrical goods and other domestic appliances of a bulky nature;
- (iii) Furniture, beds, floor coverings, wall tiles, soft furnishings and textiles of a bulky nature;
- (iv) Cycles, motor and cycle accessories of a bulky nature;
- (v) Kitchen units and accessories of a bulky nature;
- (vi) Office Furniture and Equipment of a bulky nature.

For the avoidance of doubt, only the above products and no others shall be sold at any time.

Reason:

In order to protect the vitality and viability of the City Centre and other centres in Plymouth from significant harm, to ensure the range of goods sold is appropriate for the site's location and is in line with that tested in the submitted Retail Impact Assessment and the Sequential Assessment; to ensure the range of goods sold complies with policies CS01, CS06, CS07 and CS08 of the adopted Local Development Framework Core Strategy (2006-2021) 2007, together with paragraph 24 and 26 of the National Planning Policy Framework.

CONDITION: FLOORSPACE RESTRICTION

(37) The gross internal retail floor areas of each of the ground floor and mezzanine levels hereby approved shall be constructed strictly in accordance with submitted drawing 10163 L02.01 Proposed Ground Floor Plan Units 1 - 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that order with or without modification), the gross retail floorspace of any unit hereby approved shall not be physically enlarged, extended, or reduced in any way within the envelope of the buildings in which they are located, at any time, unless prior approval for any such change has been obtained in writing from the Council.

For the avoidance of doubt, the gross retail floorspace of any unit shall not be reduced or subdivided in any way nor shall any additional floorspace be created by the addition of additional floors or additional mezzanine levels beyond the 70% level shown on the submitted plan in any of the units hereby permitted.

Reason:

In order to provide an acceptable form of development, to comply with policies CS06, CS07, CS08 and CS12 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 and policies and provisions of the NPPF.

CONDITION: RESTRICTION ON PERMITTED CHANGES OF USE

(38) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no change of use of the proposed A3 unit to a use falling within Classes A1 or A2 of Part 3 of Schedule 2 to that order shall be carried out without the consent in writing of the Local Planning Authority.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate, but that a proposal to use the premises for any other purpose would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

CONDITION: BULKY GOODS RETAIL - NO FOOD SALES

(39) Notwithstanding the permitted use falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the A1 premises shall not be used for the sale of food for consumption on or off the premises.

Reason:

The use of the site for the sale of food would be contrary to Policy CS08; In the interests of the safe and efficient operation of the local and trunk road networks, and to ensure that appropriate and safe access is provided in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

CONDITION: NO TAKE AWAY HOT FOOD

(40) Notwithstanding the permitted use falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the A3 premises shall not be used for the primary cooking of unprepared food. Only reheated or cold food that has been prepared elsewhere shall be sold from the premises, unless otherwise agreed in writing with the local planning authority.

Reason:

The use of the premises for such a purpose would be likely to cause more harm local residential amenity due to increased noise and disturbance caused by the frequent arrival and departure of customers, and/or traffic and parking problems outside the premises and in adjacent streets than considered in the determination of this application, contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

CONDITION: UNIT 5 FINISHED FLOOR LEVEL

(41) The finished floor level of the proposed Unit 5 shall be at least 4.16m AOD.

Reason:

To ensure that the development is safe from flood risk and in accordance with policies CS12 of the Core Strategy and Policy 26 of the Plymouth Plan Part One.

CONDITION: OPENING HOURS

(42) The A1 uses hereby permitted shall not be open to customers outside the following times: 0800 hours to 2000 hours Mondays to Saturdays inclusive and 1000 hours to 1700 hours on Sundays and Bank or Public Holidays.

The A3 use hereby permitted shall not be open to customers outside the following times: 0700 hours to 2300 hours Mondays to Sundays and Bank or Public Holidays.

Reason:

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

CONDITION: USE OF LOADING AREAS

(43) The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

Informatives

INFORMATIVE: CODE OF PRACTICE

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

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(2) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

INFORMATIVE: TRAVEL PLAN

(3) The document required in connection with the Travel Plan should be based upon the Council's guidance for Travel Plans published on the Council's website and should, where possible, be created using iTRACE, an online travel plan management tool available through Plymouth Transport and Infrastructure. The applicant is advised to contact Plymouth Transport and Infrastructure prior to preparation of this document for site-specific advice on the requirements for the Travel Plan, which are likely to include:

- (a) appointment and contact details of a Travel Plan Coordinator
- (b) recommendation of the use of iTRACE
- (c) site specific targets, measures and management/monitoring plan.

INFORMATIVE: TOILET FACILITIES

(4) An adequate number of toilet and hand washing facilities should be provided for use by customers as well as staff, in order to meet the provision laid down in Approved Document G and BS 6465-1:2006 & A1:2009. The aforementioned documents must be referred to in order to determine the number of facilities required in each unit in which people are invited to sit and eat based on the number of covers and staff. The facilities should be adequately ventilated with a minimum of 15 air changes per hour to remove stale air and odour.

INFORMATIVE: DRAINAGE

(5) The drainage in a food preparation area should be fitted with a grease separator in line with Building Regulations Approved Document H and prEN1825-1:2004, design in accordance with prEN1825-2:2002 or other effective means of grease removal.

INFORMATIVE: KITCHEN LAYOUT AND DESIGN

(6) The applicant/s should submit details of the proposed layout and design of any proposed kitchen to the food safety and standards team prior to the installation of any equipment in order that comments can be made regarding the layout and compliance with hygiene regulations.

INFORMATIVE: DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(7) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance. Index-linking may also apply.

INFORMATIVE: EXTINGUISHMENT OF PUBLIC HIGHWAY RIGHTS

(8) Before the access road shown on the approved plan is constructed the public highway access rights over part of the associated land shall be formally extinguished in accordance with Section 247 of the Town and Country Planning Act.

Reason:

In the interests of public safety and amenity in accordance with Policies CS28 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

INFORMATIVE: CONDITIONAL APPROVAL

(9) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.