

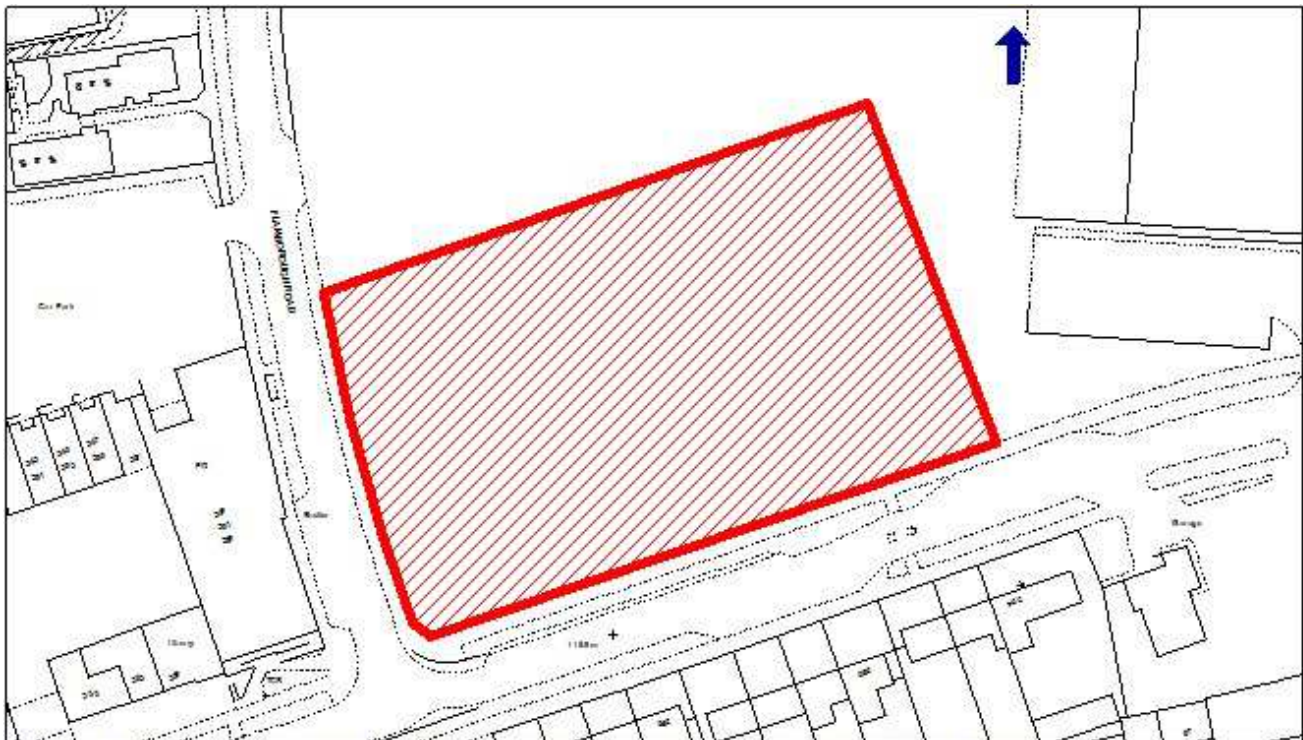
PLANNING APPLICATION REPORT



Application Number	16/01044/FUL	Item	08
Date Valid	03/06/2016	Ward	Southway

Site Address	LAND AT SOUTHWAY DRIVE SOUTHWAY PLYMOUTH		
Proposal	Erection of a Class A1 foodstore (1,842sqm gross floor area) with associated access, car parking and landscaping		
Applicant	Aldi Stores Ltd		
Application Type	Full Application		
Target Date	30/11/2016	Committee Date	Planning Committee: 24 November 2016
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Ali Wagstaff		
Recommendation	Grant Conditionally		

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1. Description of site

The application site is located in the North of the City in the Southway area. The site is located on the corner of Southway Drive and Flamborough Road. The total site area extends to 0.61 Hectares in size.

The application site is a relatively flat area of land, although slightly higher on the Eastern edge. It forms part of a former now demolished paper factory. The site has during demolition been cleared of the majority of vegetation including a tree line hedge fronting on to Southway Drive and Flamborough Road. A wider area covered by the former Paper Factory has also been cleared. To the West of the site is Southway Local Centre, to the East is a number of business and industrial premises and the South across Southway Drive are residential properties.

2. Proposal description

The application proposes the construction of a Use Class A1 (Retail) Food Store with a gross floor area of 1,842 sqm with associated access, car parking and landscaping.

The store is 1,842 sqm Gross Internal Area (GIA) within this the store comprises a net sales area of 1,254 sqm, it also includes a staff welfare and amenity block of 126 sqm and a storage and warehouse area of 375 sqm.

The store is proposed to be served by 96 car parking spaces, which includes 4 disabled bays and 6 parent and child spaces and it also includes cycle parking rack.

The store is set to the back of the site in the North-East corner with the car parking wrapping around the South and West sides of the store fronting Southway Drive and Flamborough Road. The site access is from Flamborough Road for vehicles with a pedestrian routes available on both Flamborough Road and Southway Drive.

The building is at a raised level to Flamborough Road, resulting in a slight slope to the car parking area although it is cut into the site to the East with a retaining wall to the neighbouring industrial property which is set at a higher level. Due to the cutting in of the store the site level will be lower than Southway Drive which runs along the southern edge of the site.

The external appearance of the building is principally white render with glazing, the West elevation has an extensive glazed treatment facing on to the local centre. The store entrance is located on the South elevation with a glazed entrance way and the elevation as high level window running along the majority of the elevation. The store is single story in height.

The application is supported by a landscaping scheme which provides an area of landscaping surrounding the frontages to Southway Drive and Flamborough Road with tree planting along Southway Drive. The North and East of the site are enclosed by a close boarded timber fence with planting surrounding the perimeter edges of the site.

3. Pre-application enquiry

A pre-application enquiry was logged with the Council on 7th August 2015, this identified concern in relation to the proposed access to the site from Southway Drive and retail matters as areas of concern. The pre-application process was not completed by the applicants.

Clear guidance was given during the process by The Highway Authority that whilst it would not object in principle to the development of the site with a food-store, it would however object in principle to the site being served by forming a new entrance exit from the classified local distributor

road of Southway Drive, but would be supportive of an alternative entrance/exit to serve the site from Flamborough Road.

4. Relevant planning history

03/00738/PRUSE - Use of two-storey office building for stand alone office use within Class BI(A)- Planning Permission required

03/01893/PRUSE - Use of two storey office building (adjacent to Flamborough Road) as separate BI use class offices – Lawful development

05/01085/OUT - Outline application for redevelopment of employment land involving demolition of the former Paper Converting buildings and part of the BAE building and the provision of: 490 dwellings, retention of manufacturing land, business units and live/work units, space for community uses, open spaces and a green 'corridor', a public transport terminal/information point, highways, means of accesses, cycle ways, footways and parking- Grant Conditionally.

5. Consultation responses

Economic Development Department - In considering the site it is noted that:

- The site is remote from the main East/West access route in to Plymouth, the A38.
- The site is in what is now a predominantly residential area which may limit employment uses.
- The site is adjacent to the Southway local centre.

It is considered unlikely that the site would come forward for employment purposes given there are better sites available on the A38 or the International Medical and Technology Park. Given the adjacency to the Southway district centre a retail food store would seem an appropriate. Therefore no objection to the proposal.

Designing Out Crime Officer- No Objection, recommend that the proposed planting along the boundary fence is defensive planting to deter unauthorised access, lighting specified should be to BS 5489-1:2013.

Wales and West Utilities – Pipes located in the area which maybe at risk during construction, request applicant to work with them to ensure safety. Development should not locate over equipment.

Local Lead Flood Authority - Local Flood Risk Management Strategy for this area aims to improve capacity of combined sewerage systems and reduce the risk of flooding from surface water run off. The site is a brownfield site located in EA Flood Zone I which the Environment Agency (EA) defines as being at a very low risk of tidal or fluvial flooding. The site is located in a Critical Drainage Area defined by the Environment Agency as an area where the drainage is at or close to its maximum capacity. Unmanaged surface water run off from this site can contribute to flooding in Clittaford Road at the junction with Kinnard Crescent.

Require:

- I. A drainage strategy that demonstrates that the proposed drainage system which can deal with the I in 100 year event + 30% allowance, including any attenuation, to deliver a 1% annual exceedance probability (AEP) standard of protection plus a 30% allowance for climate change.

2. South West Water (SWW) to be consulted regarding the proposed connection the surface water sewer and written confirmation of approval submitted, including agreed discharge rates. Discharge rate should be restricted to 1 in 10 year green field rates
3. Submission of A Construction Environment Management Plan
4. Surface water run off for flows exceeding the 100 year return period storm event should be stored on site and not discharged onto third party land or the highway, unless an agreed route can be found for the safe discharge of exceedance flows into the watercourse.

Natural Infrastructure Team – Further information required in relation to:

1. Provide details of how net biodiversity gain can be achieved on site
2. Enhance number of trees proposed to improve biodiversity with improved Landscape Management Plan.
3. Sustainable Urban Drainage Measure should be included in the site.

Low Carbon Team - The low and zero carbon technologies that are being proposed are a 50kWp photovoltaic array and an Arctic Circle plant recovers waste heat. Report identifies these technologies achieve a minimum of 30% reduction in CO₂ this satisfies that the proposed solution meets the policy requirements and can be delivered through a condition.

Public Protection Service– Approval subject to Conditions

In relation to ground contamination the recommended remediation measures appear appropriate, the ground gas monitoring is not complete and cannot be agreed until completion of the relevant monitoring- Condition recommended.

Given the access arrangement and proximity to residential area a condition relating to delivery hours is recommended 7am- 10 mon-sat, 9am-5pm Sundays and bank holidays.

Local Highways Authority (LHA) – No objection subject to appropriate mitigation.

During the pre-application and application process significant objections were given to proposal for access from Southway Drive including, impact on highway network, loss on parking, nuisance from vehicle movements (residents opposite proposed entrance). Following the revised layout the following comments are made:

The revised site layout plan, with access on Flamborough Road, provides a considerable betterment to the previous scheme. It delivers a better relationship to Southway Centre, retains on street parking, improves highway safety and free flow of movement and provides 30m of queuing potential within the site before any queuing on the highway might occur. The traffic generation associated with the proposed Aldi supermarket use is not considered to give cause for concern in relation to the capacity of the local highway network.

The resurfacing on the pavement, two new pedestrian access, and two new pedestrian crossing points would help reinforce connections between the store and the local centre providing a more cohesive proposal from a transport and highways perspective.

In relation to the S106 contribution the applicant has asked for consideration to be given to the additional complexity and cost of the scheme and have contested the requested infrastructure contributions. The LHA have advice that since original request consultation from the LHA that the Derriford Bus Interchange has now largely been completed and as such consideration has been given

to the offer of the developer to up-grade the local site surroundings and public realm, providing pedestrian crossing points, resurfacing of a section of footway, and the planting of trees. The LHA consider that the developer offers in-lieu of a strategic transport contribution, is considered on balance acceptable.

Civil Aviation Authority (CAA) (including advice from Department for Transport)-

While Public Safety Zone Map is not withdrawn since there is no air traffic at the Plymouth Airport the Public Safety Zone can no longer exist. Should the airport reopen in future after a development is in place, the policy does not impose retrospective restrictions neither does it deal with restrictions as a result of planning aspirations around an airport. It applies only to new development proposed after the airport is in operation and handles the required Air Traffic Movements to trigger a PSZ. It is for Plymouth City Council to determine what action to take on any planning matter in relation to the anticipated opening of the airport.

6. Representations

Letters of Representation received in relation to the application

27 Supports

- Support proposed store, which will benefit local area
- Boost competitive shopping in the area, help elderly, young families and those with out transport
- Proposal supports Southway's growing population
- Increase competitiveness of food shopping in the area
- Create local employment opportunities
- Current site is an eyesore
- Support regeneration of local area
- Reduces need to travel to other stores

Number of letters of support identify concern over:

- proposed entrance require it to be relocated to Flamborough Road or Clittaford Road
- Southway Drive already suffers congestion, concern over school children safety which will be an exacerbation of existing issues.
- Concern over loss of on street parking bays and limited local residents parking
- Noise and disruption to residents should be minimalized

Observations (3)

- Aldi will offer competition to the Coop who monopolise local shopping
- Benefit to local residents, reduce need to travel
- Support increased retail offer
- Store will support new residential growth in the area

Objections (4)

- Developable land is in short supply, Plymouth needs affordable housing not another supermarket.
- One identifies support for the proposal as positive addition to area, as well as objecting to the application.

2 objections have been received from other large retailers raising the following points:

- Proposal not in a defined centre and needs to comply with sequential test. Other sites are available which should not be discounted in other centres
- Derriford District Centre is sequentially preferable location, the application has failed to demonstrate sequential test is passed
- Question whether the site is edge of centre to Southway Local Centre in sequential terms
- Impact assessment is based on Council's 2012 survey not the current 2016 study, as such applicant's information is flawed and not robust.
- Raise concern with assumptions in report of the store's trading and offer and as such it's likely impact on other in-centre stores for top up and main food shopping trips which is under estimated
- Concern over impact on Southway Local Centre and anchor store (Coop supermarket). Impact has been underestimated. The scheme will have significantly adverse impact on the centre and anchor store.
- Applicant's assessment fails to consider impact on investment in existing and proposed Derriford Direct Centre.
- Loss of employment space from previous scheme which has not been mitigated. Concern over compliance with Core Strategy policy CS05
- Identify likely traffic issues with proposal
- No direct links to local centre, question whether site is edge of centre
- Loss of on street parking,
- Recommend application refused but if approved conditions should be applied to limit range of goods

Community Engagement

A Statement of Community engagement has been submitted with the application.

The applicant have contacted Ward Councillors, provided leaflets to 3,036 local addresses with proposal details and contact deals for people to discuss the proposals.

Current consultation

As a result of the relocation of the proposed access from Southway Drive to Flamborough Road the application has been re-consulted upon, to allow the community and interested parties to comment on the updated proposals. The consultation period is due to end on 22nd November. Further representations received will be summarised in an Addendum Report at the Planning Committee Meeting.

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
- Shopping Centre Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

8. Analysis

Introduction

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. In considering the application the key considerations relate to retail matters, highways and transport, employment considerations, land contamination, landscape and ecology, impact on residential amenity, sustainability measures, future of the Plymouth Airport implication for the wider area, character of the area and design. In considering these matters the key policies relevant are Strategic Objective SO7 and 11 and policies CS02, CS05, CS07, CS08, CS20, CS22, CS28 and CS34 of the Core Strategy, Policies 2, 4, 13, 18, 21, 25, 29, 30, 41 and 44 of the Plymouth Plan and the guidance of the NPPF and NPPG.

Retail Considerations

3. The application proposes the construction of a A1 retail store for the principle sale of convenience goods, the store has a Gross Internal Area (GIA) 1,842 sqm within this the store comprises a net sales area of 1,254 sqm and of this approximately 20% is for the sale of ancillary comparison goods. In considering the retail matters of the scheme there are three key interlinked considerations. These are (1) the compliance with the sequential test, (2) the impact of the scheme on the vitality and viability and investment in the network of centres required by paragraph 24-27 of the NPPF, (3) how the scheme accords with the spatial retail strategy set out in the Core Strategy and Plymouth Plan.

Plymouth's Retail Strategy

4. Plymouth has a strong retail strategy for the future of the city and it is important that proposals for retail and other town centre uses are considered in this context. 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 services in them. Policy CS08 (Retail Development Considerations) seeks to amplify this requirement in terms of development management considerations. The policy states that *'The Council will enable the enhancement of consumer choice and strengthening of the vitality and viability and accessibility of the district / local centres by supporting new retail development.'* It sets out 7 criteria to consider of which all but point 2 are relevant. Point 2 relates to meeting a proven need which is no longer part of NPPF approach to town centre uses and as such this part is no longer relevant.
5. The Plymouth Plan reinforces the approach of the Core Strategy, Policy 21 identifies the support for the city's shopping hierarchy and the need for proposals to have regard to the adequacy of the spatial distribution of food shopping and that in accordance with principle of sustainable linked communities the Local Planning Authority will seek to ensure every residential area has at least one local convenience store. Policy 41 again reiterates the approach to the hierarchy of centres, it also requires a proposal to be of an appropriate scale

to the centre and not have adverse impact on other higher order centres or proposed centres. It also identifies the Derriford District Centre as a key part of the strategy for the City.

6. The Core Strategy and Plymouth Plan set out a clear retail strategy which focus on the network of centres serving the city. In considering this proposal it relates to an edge of centre site to the existing Southway Local Centre. Concern has been expressed as to whether the site is edge of centre. The site sits across the road from the Southway Local Centre and while the centre is in a contained precinct format, access is achievable from the site to the centre with two pedestrian routes provided which link to an existing and a proposed crossing of Flamborough Road. It is therefore considered by officers that the proposal is edge of centre to the local centre. Given the nature of the local centre the proposal with the accesses as set out provides the best achievable method of integrating to the centre.
7. The store proposed is the size of a small full range supermarket, which is considered appropriate to a local centre the size of Southway and serving a relatively large local catchment, particularly given the housing growth in the local area over the last 10 years. Providing a new facility of this nature will help expand the offer provided by the centre to the local community and is likely to generate potential for linked trips to other stores in the centre.
8. In relation to the Local Centre, The Council's Adopted Shopping Centres Supplementary Planning Document (SPD) 2012 identifies a number of key issues to be considered in future for the Southway Local Centre. It identifies that the centre appears to be functioning well with vacancy rates below average. Excluding the very small local centre on Clittaford Road, the local centre provides the community focus for the neighbourhood of Southway. It concludes that the Council will support proposals which enhance the centre's vitality and viability and identifies that the centre is adjacent to industrial buildings which are to be redeveloped and there may be opportunities to encourage further retail/commercial uses which could reinforce the local centre's vitality and viability. The proposed site relates to the area of land identified in the SPD. The letters of representation largely accord with this assessment with many residents identifying their support for a new food store in this location. On basic assessment it is considered that the principle of the store's location is in accordance with the aspirations of both the Plymouth Plan and Core Strategy however there is a need as required by both the Local Policies in both documents and the NPPF to consider in detail the Sequential Test and Impact Assessment.

Retail Impact Existing Centres

9. Paragraph 26 of the NPPF requires proposals over 2,500 sqm to undertake an assessment of the likely impact of proposals on existing, committed and planned investment in centres and the impact on the vitality and viability of in centre locations. Policy CS08 of the Core Strategy and policy 41 of the Plymouth Plan also places this requirement on assessments, although the Core Strategy predates the floor space threshold set by the NPPF, and the Plymouth Plan sets a local threshold of 500sqm of where an impact assessment is required.
10. The application is supported by a full retail impact assessment which is based upon the Council's previous 2014 City Centre Development Study. The assessment deals with the convenience element of the store, excluding the comparison goods section of the store.

While this is not the most robust approach, it is not considered of sufficient concern, given the limited quantum of comparison sales area. However to ensure this is limited the total floor space will require to be controlled via condition to limit the potential impact.

11. The Impact Assessment assumes a base year of 2014 and design years of 2016 and 2019 and utilises 2012 price year which is considered a reasonable approach. The assessment takes into account recent consents in the assessment and a sales density of £11,549 has been applied which is considered acceptable. The assessment identifies a store turnover of £10.38 million in 2016 rising to £10.50 in 2019. The assessment identifies that 81% of the turnover will be derived from stores in the identified catchment area with 19% from beyond the catchment. The potential cumulative impact in 2019 on the 'in centre' locations is mostly under 4% of each centre's turnover with the exceptions being the Wolsely Road Local Centre at 7.87%, Union Street at 6.87% and Mutley Plain at 6.08% and an impact on the City Centre of 4.77%. The assessment also attributes trade diversions from a range of out of centre store which are not afforded policy protection. The assessment did not however attribute any impact to the Southway Local Centre. While the applicant has sought to justify this, it is not accepted by officers. The applicant has however provided an assessment which identifies an impact at 7.67% on the Southway Local Centre.
12. A health check have also been provided for centres in the catchment area including Southway, Roborough, Estover, Transit Way, St. Budeaux, Mutley Plan, Plymouth City Centre. It concludes that none of the centres are particularly vulnerable to retail impact and that they are not aware of any planned investment in the centre that might be impacted upon by the proposed development. With the exception of the City Centre, this assesment is shared by officers. It is considered that the City Centre is in a more fragile state, however given the proposal more local role and successful trading of the convenience stores in the centre (Sainsburys, Iceland and Tesco Metro) it is not considered that the impact from this proposal, selling the range of goods identified in this location, would have a significantly adverse impact on the City Centre.
13. Significant concern has been expressed by other retails in the letter of representation in relation to the likely impacts of the proposal and also the data presented by the applicants. It is acknowledged that the Retail Impact Assessment produced by the applicants is based upon the previous retail study by the Council rather than the current Draft Retail Study2016. It is also raised that the level of impact identified is not representative. While it would be beneficial that the updated 2016 Retail study were utilised, this is not a requirement and as such an assessment based upon the evidence and local circumstance needs to be considered by officers.
14. While there is an element of concern over the figures set out by the applicants, in determining the application consideration is given to the evidence present by the applicants, the view expressed in the letters of representation, the health of the centres and also the local circumstances. Within the City a number of new smaller supermarkets have opened in Plymouth in recent years. This included an Aldi at Greenbank, 2 Lidl's on Wolseley Road and a Lidl at Roborough. These stores have opened and trade successfully along side the existing district and local centres and the store within them. Concern was expressed in relation to a number of these stores at application stage that the impact of their opening would close or impact on the existing stores in those centres, however these store now successfully trade along side the centres. This provides a degree of assurance that this store would equally be able trade successfully along side other centres.

15. In relation to the level of impact and, having considered the data presented alongside the concerns raised, it is not likely in the view of officers to result in a potential significant adverse impact on either the health and likely investment on any individual centre, the network of existing centres or the component stores within them. Furthermore in relation to the Southway Local Centre it is also acknowledged that the proposed store will be likely to increase the potential for linked trips to the centre which will enhance its vitality and viability. To ensure the impact is limited a condition restricting the sale of goods and operation format is recommended which will reduce the potential for some elements of direct competition.

Retail Impact Proposed Centre

16. It is also important to consider the impact that the proposal could have on the delivery of and investment in the proposed Derriford District Centre proposal. The store is within the wider area of the proposed new centre which is a central part of the Council's retail and wider strategy of both the Core Strategy and Plymouth Plan. Food store provision is likely to be a key component of the new centre to meet the wider needs of the North of the City. Concern has been expressed in representations over the potential of the store on the proposed District Centre particularly given the updated recommendations set out in the Draft Plymouth Retail Study 2016.

17. The Derriford and Seaton Area Action Plan prepared for the area, anticipated a food store in the District Centre of at least 2500 sqm net although this is not an adopted AAP. The current Draft 2016 Retail Study identifies that *'we consider that a food retail element is a very important part of the centre, in terms of both the vitality that it provides and also the role that it will play in serving the day-to-day needs of the local (residential and working) community.'* In recommending the approach to the District Centre going forward the 2016 study still supports a larger supermarket and but also identifies *'the potential of a discount foodstore, alongside a more convenience-store based format (such as Co-op, Marks & Spencer Simply Food, Tesco Express, Sainsbury's Local) would be attractive propositions for the market and could provide the same or similar amount of floorspace as one large supermarket but offering choice and competition for local residents and workers'*

18. In the context of this application consideration relates to whether this proposal would be likely to impact the investment in bringing forward the centre. This matter has also been raised in the letters of representation. In this regard the current proposal is limited in nature, but a similar store could form part of the Derriford District centre. In retail terms the Southway centre and this site is not as preferential location as the District Centre would present. It is not on a main through fare, which the Derriford District Centre will be, which benefits from proximity to the A386 and the new Forder Valley link road. It also does not have such a large commercial catchment which the Derriford District Centre would have with the hospital and International Medical and Technology Park which is a key appeal of the proposed District Centre. It is also important to consider that food retail provision is only part of the aspiration for the district centre and 'new commercial heart' for Derriford. It is also the case that no consultation response or letters of representation from potential developers of the District Centre have been received identifying concern.

19. Whilst the Southway Centre and the proposal site are in the same geographical area as the proposed District Centre, it is discrete from the proposed centre and aimed at fulfilling a different role at the centre of a distinct existing residential area. It is on balance considered by officers not likely that the proposal will be likely to impact on the delivery and investment in the proposed District Centre.
20. In conclusion the proposal is not considered to have a detrimental impact on either the existing or proposed network of centre in relation to their vitality and viability or investment in them.

Sequential considerations

21. Paragraph 24 of the NPPF deals with the requirement for a sequential approach for main town centre uses and states that *"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."*
22. The application site is not in a defined centre but is located in an edge of centre location and as such it is necessary for the applicants to demonstrate that there are not any sequentially preferable sites. The Primary Catchment Area (PCA) of the proposed store covers a wide area of the city which is considered a robust approach, it extends as far as the City Centre, Estover and St. Budeaux. It also states in the Planning and Retail Statement that the proposed store is to serve the needs of the North of the city. Paragraph 4.10 of planning retail statement states a *'new Aldi foodstore, which will primarily serve the north of Plymouth, but will also improve local choice and competition generally.'* While the individual operator is not relevant in planning, it is clear that the size of store and its role as a convenience lead supermarket of a limited scale will fulfil a more local role, rather than a city wide one, that could be the case if it were a large superstore. The updated note submitted by the applicant following concerns identified by officers confirms the PCA and adds that it is entirely possible the store will serve a more local catchment. It also identifies that the Southway area has a distinct local character and identifies it is one of the most deprived neighbourhoods in North East of the city on the index of multiple deprivation 2015. It reconfirms the results of their public consultation that there is high level local support for main food provision within walking distance. While it is a positive of the application that a wide PCA has been considered it is also acknowledged by officers that a more limited PCA could be justified given the local considerations.
23. In undertaking a sequential test there is a requirement for applicants to demonstrate flexibility in scale and form. In this regard the assessment falls short of what would normally be required in such an assessment. The planning and retail statement does state a number of key requirements of the store such as: requirement to display full product range; standard layout; and direct adjacent car parking for customers undertaking 'weekly shop.' It identifies a number of key areas where it is not possible to alter the format or 'core design.' This includes minimum 1,254 floor area, but the location of storage and amenity areas can change and amount of surface level car parking. While these may be Aldi's operational requirements it should be considered that permission runs with the land and not the applicant or operator.

A recent high court decision 'Aldergate Properties Ltd v Mansfield District Council (July 2016)' confirms this approach and that the consideration of the sequential test should be based on the broad type of development proposed, which in this case is a supermarket. It is however acknowledged that a store such as Aldi and Lidl do operate a very tightly contained and efficient store format with limited storage and a high net to gross floor space rate, in comparison to other supermarket formats. It is however the case that limited flexibility has been shown in the assessment of other sites and a reduction in floor space/ store size has not been provided. As such in considering the potential sequential sites officer have considered a more flexible approach in their review of sites than that undertaken by the applicants.

24. The applicant's assessment identifies that there are no suitable and available sites in Southway, Roborough, Estover, Transit Way, St Budeaux or Mutley Plain District or Local Centres. Concern has been expressed in the letters of representation regarding the applicant's assessment and availability of sequential sites. Even allowing for a substantially reduced store, the view of a lack of available or suitable sites in these locations is shared by Officers. In relation to sites in the City Centre the assessment relies on the previous assessment undertaken for Aldi proposal in 2013 for a store in Greenbank. This assessment was made a number of years ago and there have been changes since it was undertaken. Officers have therefore considered current vacancies and concluded that there are not any sites which are both suitable or available. It is however the case that the redevelopment of Colin Campbell Court could be suitable and is available given it largely in the ownership of the Council.
25. In relation to the proposed Derriford District Centre the application information concluded that there is no actual spatial allocation for the centre nor is planning permission in place for the Centre and as such concludes the site is not available in a reasonable time frame. While these points are noted it is the view of officers that the proposed District Centre is suitable for the broad type of development proposed and it is available given there is a clear policy in both the Core Strategy and emerging Plymouth Plan. It is therefore the case that there are potentially sequentially preferable sites in the City Centre and the proposed District Centre which could lead to the application be refused upon this basis.
26. Consideration therefore needs to be given as to whether there are material consideration which might out weight this concern. In this regard a number of factors need to be considered. It would in relation to the PCA, be entirely reasonable for a more limited area to have been considered for the proposal given the more local role such a store would fulfil. Equally the retail strategy for the city needs to be considered. The proposal is considered to meet key requirements of Strategic Objective 7 of the Core Strategy meeting the needs of disadvantaged communities and growing population of Southway. It is considered to offer the opportunity to strengthen the Local Centre and is of an appropriate scale for the function of the centre. In relation to Policy CS08 it is considered that again the store is an appropriate scale and function to its location. Also, given its edge of centre location, provision of pedestrian connections and orientation, considered to integrate as much as possible with the centre and in broad terms addresses the sequential requirement of the NPPF para 24 test as an edge of local centre location. It has also been concluded not to have an adverse impact on either existing or proposed Centres and helps maintain and development the range of shops to meet the need of the local community.
27. In relation to the Plymouth Plan and particularly Policy 21 it is acknowledged that the proposal will improve the provision of food shopping within this area of the city. The redevelopment of a vacant site will also contribute to regeneration of this central area of Southway and in accordance with the principle of sustainable linked neighbourhoods it will

provide enhanced food retail provision within a reasonable walking distance. In relation to Policy 41 the proposal is considered, as previously stated, of an appropriate scale and as set out in the impact section will not have a significant adverse impact on higher order centres including the proposed Derriford District Centre. Given these considerations and specifically the local benefits the store will provide it is considered that the proposal accords with the broad retail strategy set out in the Core Strategy and Plymouth Plan. It's edge of Local Centre location and ability to serve the more localised catchment needs of the Southway area, outweighs the availability of sites in higher order centres.

28. As such it is considered that notwithstanding the concerns over the complete compliance with the Sequential Test, the proposal for a new retail store in this edge of centre location is on balance acceptable in retail terms.

Residential amenity

29. The proposed store is located in an area with a mix of uses which include residential, commercial and retail at present. Given the surrounding residential properties it is important to ensure their amenity is not substantially impacted by the proposal. 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 sit across Southway Drive and Flamborough Road 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. The location and access to the site and service area is however a concern given the potential implications from deliveries vehicles to cause disturbance during antisocial hours. It is equally the case that extended operational hour could lead to disturbance. In order to ensure that an appropriate relationship is created it is considered that conditions limiting the store opening hours and delivery time is required. The Council's Public Protection Service have advised that deliveries should be limited to the following hours 0700-2200 Monday – Saturday and 0900-1700 Sundays or Bank Holidays. The application identifies that the proposed operating hours are 0800-2200.
30. Concern was initially raised by the Local Highway Authority and local residents regarding the implications of the entrance to the store from Southway Drive, however the proposal has now been revised with a entrance from Flamborough Road. This now addresses these concerns. As such overall it is considered that the relationship of the store to the surrounding properties is acceptable in principle subject to conditions to limit the impact.

Loss of Employment land

31. In considering the economic considerations of the scheme it is important to consider the employment policies Core Strategy Plymouth Plan and the requirements of the NPPF. The application site is part of a wider employment area contained in the wider Southway

residential area. 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 considerations of which two are potentially relevant to the consideration of the application:

- *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.*

- *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*

32. In addition to these requirements it is also important to consider the emerging Plymouth Plan Policy 18 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. There should be overriding and demonstrable economic, regeneration and sustainable neighbourhood benefits from doing so, or no reasonable prospect of a site being used for employment use in the future.
33. The recent consultation document on the Joint Local Plan has identified the application site and wider area as being suitable for housing lead mix use development which includes retail, rather than retaining it as employment land. The inclusion of retail in the mix accords as stated above in the retail considerations section with the guidance in the Shopping Centres Supplementary Planning Document that states the Council will support proposals which enhance the centre's vitality and viability. The local centre is also adjacent to industrial buildings (which include the application site) which are to be redeveloped and there may be opportunities to encourage further retail/commercial uses which could reinforce the local centre's vitality and viability.
34. While the site is an established employment area the previous building had been vacant for a number of years and planning permission has previously been granted for other forms of development. The wider site as stated above is being promoted for house lead mix use development. Concern has been raised in representations in relation to the loss of the employment land and the employment uses secured in the previous now expired application 05/01085/OUT for the wider area. The consultation response from Economic Development Department have raised no objection to the loss of the site from employment purposes concluding that they consider it is unlikely to come forward for employment uses given these considerations and the availability of better sites near the A38 and at the Medical and Technology Park.
35. It is also the case that the proposed use will provide new employment opportunities with 17 full time positions and 33 part time posts. This has been a point raised in the consultation response which supports the store in both retail offer and employment generation. Given these considerations it is considered that the site would not result in the loss of a viable employment site necessary to meet the area's economic needs and that there are sustainability benefits to the local area, as part of the future mixed use development of the wider area. It is therefore concluded that the proposal will accord with the requirements of CS05 and policy 2 and 18 of the Plymouth Plan in the context of the current consultation proposal for the site. It is therefore considered by officers that the proposal accords with the economic policies of the development plan and emerging development plan.

Implication for the wider area

36. The site forms part of the establish Southway area which has been the subject of change over the past 10 years. Planning permission was granted through 05/01085/OUT for redevelopment of an extensive area of Southway including employment land and specifically demolition of the former Paper Converting buildings of which this site forms part. The Outline application was granted for the provision of: 490 dwellings, retention of manufacturing land, business units and live/work units, space for community uses, open spaces and a green 'corridor', a public transport terminal/information point, highways, means of accesses, cycle ways, footways and parking. A number of reserved matter consents have been granted which has increased the quantum of residential properties in the area. However the Outline Planning Permission has now expired and the central section of that wider site which is focused on the former paper factory has not been developed. It has however as the result of a number of fires, now been largely demolished.
37. In considering this proposal it is important that the application is not likely to result in the wider area being inappropriately redeveloped. The application site sits at the corner of part of the wider demolish site and is self contained with the boundaries of the proposal enclosed within a close boarded fence. There are numerous potential entrance points into the wider site including from Southway Drive, Flamborough Road and Clittaford Drive. A letter from the wider land owner has been provided from the applicant, which advises that they do have aspiration for the wider site and that they believe the proposal will support future development of the surrounding land and that the future proposal will be designed to integrate with the proposed store. It is also acknowledged by officers that supermarkets are not a form of development which preclude other types of development and that the store is self-contained and of limited height which would allow development to locate to the proposed boundary of the store. It is therefore concluded by officers that the proposal would not prejudice future redevelopment of the area. However conditions which limit the disturbance would help ensure that an appropriate relationship is created. A condition recommends limiting delivery hours and a control on the opening hours of the store which would ensure this is achieved.

Character of the Area and Design

38. The section of Southway which the proposed site is located in has a mixture of forms of development. The Southern side of Southway Drive is a mix of residential and commercial uses including a public house and the redeveloped Oakwood School. The northern side is much more commercial in nature with a range of large commercial buildings and the enclosed shopping precinct (Southway Local Centre). The proposed store is modern in design and has similarities to the Oakwood School's building design. It is considered that the design of the store is a positive addition to the street scene and also a marked improvement to the previous buildings on site. The store's location in the site is set back from the road frontages which follows the establish form of buildings in the area.
39. 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'.

40. The proposal has been submitted with a detailed Landscaping Strategy for the site which has been enhanced following feedback of officers. It now provides a strong landscaped perimeter of the sites, which is in keeping with the established pattern along Southway Drive. 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 subject to conditions to secure its provision, implementation and management.
41. In conclusion the appearance of the scheme is considered to make a positive contribution to the character of the area and is a good design response to the location and therefore accords with the requirement of Policies CS02, CS34 of the Core Strategy and Policy 29 of the Plymouth Plan.

Future of the Plymouth Airport

42. While Plymouth Airport is currently closed the Plymouth Plan seeks to secure the opportunity for the future reopening of the airport. Policy 4 of the Plymouth Plan seeks to safeguard the opportunity for the future reopening of the airport for general aviation and Policy 44 identifies it as a strategic transport and infrastructure measure to deliver the spatial strategy of the Plymouth Plan. The application site is located in the Airport Safeguarding Zone and the Public Safety Zones (PSZs) runs through the North Eastern Corner of the site. In relation to the airport safeguarding zone the store is set at a lower level than the previous Paper Factory being 5.5m tall to the flat roof level which is similar to the surrounding residential properties. Following negotiation with the Applicant external lighting detail has been provided which ensure the downlighting of the site. These measures are considered to ensure that the scheme would be acceptable in this area.
43. In relation to the PSZ, these are areas of land at the end of runways within which development is restricted, in order to control the numbers of people on the ground at risk in the event of an aircraft accident. The application site is located towards the end of this zone and the zone runs through the Northwest Corner of the site. The guidance in Circular 01/210 seeks to ensure that development does not increase the congregation of people in these areas to preserve people safety. The matter of the proposal has been considered by the Civil Aviation Authority. They have advised that while the PSZ for Plymouth Airport has not been withdrawn they do not consider it still exists at the current time as there are no aviation activities taking place at the Airport. In relation to the future reopening of the airport it has been advised that should the airport seek to be operational again the Department for Transport (DfT) would need to determine its policy with regard to the PSZ. The consideration is therefore whether the proposal would have an impact on the future reopening.
44. While the proposed use is considered to increase the potential for increased congregation from the previous use, it is acknowledged that the part of the site which is located in the Public Protection Zone is limited to part of the rear of the store and the warehouse area, which limits the amount of people able to congregate in this area. The majority of congregation would take place in the main part of the store and the car park area which is outside of the PSZ. The Civil Aviation Authority's advice is that they do not consider the PSZ exist at the current time and that the DfT would need to reconsider its policy at the

point at which the airport wishes to reopen. Given these factors it is not considered that at this point in time and given these considerations that the proposal would be likely to impact the future operational potential of the Airport in the future. For these reasons the proposal is not considered to conflict with Policies 4 and 44 of the Plymouth Plan.

Land Contamination

45. 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 geo-environmental assessment report and officers in the Council's Public Protection Service have considered the submitted reports and consider that recommended remediation measures are appropriate, subject to ground gas monitoring being completed and the remediation scheme being amended if the results require. This can be dealt with via conditions which govern the approach to land contamination. It is therefore concluded that the proposal subject to condition accords with the requirements of CS22 of the Core Strategy.

Sustainable Use of Resources

46. 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 includes a number of measures which are incorporated in to the building design including 'Freeheat' refrigeration heat recovery scheme and a 50kWp roof mounted solar photovoltaic array. This information provided demonstrates 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.

Flood Risk and Drainage

47. In considering the merits of the proposal it is important to ensure that the proposals will not suffer or increase flood risk and that surface water is managed appropriately, to ensure that the scheme is acceptable in flood risk terms and accords with policies CS12 of the Core Strategy and Policy 26 of the Plymouth Plan Part One.

48. The site is a brownfield site located in Environment Agency (EA) Flood Zone 1 which the EA defines as being at a very low risk of tidal or fluvial flooding. The site is however located in a Critical Drainage Area. These are areas defined by the Environment Agency as areas where the drainage is at or close to its maximum capacity. As such unmanaged surface water run off from this site can contribute to flooding in Clittaford Road at the junction with Kinnard Crescent. The proposal has been considered by the Lead Local Flood Authority (LLFA) who have identified that further information is required in relation to demonstrating that the drainage system, including any attenuation, can provide a 1% AEP standard of protection plus

a 30% allowance for climate change, that South West Water (SWW) confirmation of approval of connect to their system, the submission of a Construction Environment Management Plan and that Surface water run off (for flows exceeding the 100 year return period storm event) should be stored on site and not discharged onto third party land or the highway, unless an agreed route can be found for the safe discharge of exceedance flows into the watercourse.

49. The applicant has provided updated information including confirmation from SWW regarding their agreement to connection and updated information in response to the LLFA consultation response. It has been confirmed by the applicant that a updated design of the system to account for the requirements is being produced. As such it is considered that subject to receiving this updated design and its agreement with the LLFA and a construction environment management plan (through condition) that the proposal is considered acceptable in flood risk terms and accords with policies CS12 of the Core Strategy and Policy 26 of the Plymouth Plan Part One.

Highway and Transportation

50. 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.
51. The proposed store would be served by 96 car parking spaces including 4 disabled spaces, 6 parent and child spaces, and cycle facilities would also be provided. The site will be accessed through a new entrance way on Flamborough Road. The servicing of the site will be provided through the same access with a service bay along the northern edge of the store. The layout provides suitable manoeuvring space for HGV off of the public highway. A draft Travel Plan has also be submitted for the Store.
52. The scheme now includes two drop kerb crossings on Flamborough Road, one improved and one new, to improve the connections to the Local Centre.
53. There was substantial objection to the original layout proposed for the site with access from Southway Drive, both in letters of representation and from the Local Highways Authority who did not support the proposed highway access to the site. They identified that the proposed entrance, due to the proximity to mini roundabout, would be likely to give rise to conflict and issues of highway safety and increase risk of road traffic accidents. As well as that the entrance proposed would require reconfiguration of the local road network, resulting in the loss of 11 on street spaces which would have an unacceptable negative impact, and be to the detriment of local residents existing on-street parking amenity which is not mitigated for. As a result of these concerns the site layout has now been amended in line with the recommendation of the Local Highways Authority with the vehicle access on Flamborough Road. This has removed the concerns of the Local Highway Authority and provides a satisfactory entrance to the store.
54. The level of car parking spaces proposed 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. A staff travel plan has been provided which will help ensure more

sustainable transport options are promoted and it is also the case that the site 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 and is within walking distance of a large local catchment. The proposed location next to the Local Centre will also offer the potential for linked trips with visits to the centre with enhanced crossing facilities. The replacement of the pavement surrounding the site proposed by the applicant will also provide an improved environment for pedestrians.

55. While the location is an advantage to the accessibility of the scheme to vehicular traffic it is a key consideration is the impact the scheme will have on the wider highway network in accordance with Policy CS28 of the Core Strategy and Policy I3 of the Plymouth Plan. A detailed transport statement has been submitted in support of the proposal the Local Highways Authority have considered this in detail, and consider that the proposal with the amended layout is acceptable.
56. Given the factors above it is concluded that the updated scheme is in a accessible location, with a safe access and that subject to adequate conditions securing the travel plan, off site mitigation, sight lines, highways engineering details, cycling provision and car parking provision. As such the proposal is considered to accord with the requirements of 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 I3 which seeks deliver a safe, accessible and sustainable transport system.
57. Having considered the factors set out above the proposal is considered acceptable and recommended for 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 provisional Community Infrastructure Levy liability (CIL) for this development is £226,138.39 (index-linking applied, but subject to change before final liability confirmed).

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 originally requested by the Local Highway Authority for £144,873 towards - Derriford Hospital Bus Interchange scheme. This was advised to the applicant who raised concern

whether the contribution towards that scheme complied with the criteria set out in paragraph 204 of the NPPF, Regulation 122 of the CIL Regulations 2010, being necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind, given the distance of the proposed development from the facility and the lack of direct bus connections to the site which connect to this facility and the local area. It is also the case that the bus interchange project is now nearing completion.

These matters have been discussed in detail with the Local Highways Authority as part of the wider negotiations in relation to the revised access required to the site. The applicants have advised that in order to achieve the layout and access required to the site by the Local Highway Authority from Flamborough Road, significant additional cost have been incurred to deliver this solution. These costs result from reducing the site ground levels which necessitate the removal of significant quantum of material which is contaminated and will require remediating before disposal, which has significantly increased the development cost of the project. The applicant has also identified that there are more local measures which could be provided which would deliver direct benefits to the local area. In this regard they have proposed to complete replacement of the highways pavement surrounding the site to improve the quality of pedestrian access and the provision of enhanced crossing facilities to link to the neighbouring Southway Local Centre.

Having considered the issues regarding the limited connection between the proposed mitigation measures to the proposed development, the proposed alternative provision at a more local level, and the betterment achieved by delivering the altered layout, in this instance it has been concluded that the alternative measures and betterment created to the local area are an acceptable alternative mitigation which can be secured through planning conditions. As such in this instance mitigation measures are to be secured planning conditions rather than through a S106 agreement.

12. Equalities and Diversities

The Proposed store includes disabled parking bays and also direct surface level access into the store to ensure equality of access for all sectors of society.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposals for a new A1 retail store with associated landscaping and parking facilities in principle accord with policy and national guidance and specifically Strategic Objectives SO7 and SO11 and policies CS02, CS05, CS07, CS08, CS20, CS22, CS28 and CS34 of the core strategy, Policies 2, 4, 13, 18, 21, 25, 29, 30, 41 and 44 of the Plymouth Plan and the guidance of the NPPF and NPPG.

In drawing this conclusion it is considered by officers that the development proposal in relation to the siting, design, materials, landscaping and finish of the development are considered to be acceptable and in keeping with the appearance and character of the local area. The scheme will not unduly impact on the surround area amenity and the alteration secured to the layout with revised access, local mitigation and connections provided to the local centre delivers an improved and acceptable solution to highways and transportation considerations.

The proposal in broad terms is considered to accord with the retail consideration of the sequential test and impact assessment in the context of the local plan policies and local retail strategy thereof. It is also considered that the development would not impact the future potential of the Plymouth

Airport Reopening or the wider development/ regeneration potential of the Southway area or result in the loss viable employment site and there are regeneration and sustainable community benefits in the proposal which will contribute to the regeneration of the area as a whole.

Officers therefore conclude 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 and the Plymouth Plan. This is subject to the conclusion of the additional consultation period due to end on 22nd November and the receipt of updated drainage and Floodrisk strategy. Updated information will be provided in relation to these matters in an addendum report in advance of the planning committee meeting.

It is therefore recommended that subject to the update drainage strategy and conclusion of the consultation period that the development be conditionally approved subject to the conditions set out below.

14. Recommendation

In respect of the application dated **03/06/2016** and the submitted drawings I30515 P(1)11, I30515 P(1)13, I30515 P(1)12, I30515 P(1)01A, I30515 P(1)05, I30515 P(1)04, I30515 (1)06, I213-01 Rev B, Energy Statement, External Lighting Report and Specification, AXI power photovoltaic specification, Froniou Eco specification, RSOLI608AL03 - Energy Statement, Optical Performance Heat Management Long System Life Reduced Maintenance, Transport Statement, Surface Water Drainage Startegy, Planning and Retail Statement and updated note, Design and Access Statement, it is recommended to: **Grant Conditionally**

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: I30515 P(1)11, I30515 P(1)13, I30515 P(1)12, I30515 P(1)01A, I30515 P(1)05, I30515 P(1)04, I30515 (1)06, I213-01 Rev B

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 paragraphs 120 -123 of the National Planning Policy Framework 2012 .

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: ACCESS

(4) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

Justification: To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

PRE-COMMENCEMENT: DETAILS OF NEW JUNCTION

(5) No development shall take place until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

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

Justification: To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

PRE-COMMENCEMENT: CONTAMINATED LAND

(6) Unless otherwise agreed by the Local Planning Authority, development must not commence until part 1 has been fully 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 part 3 has been complied with in relation to that contamination.

1. Submission of Remediation Scheme

An updated Remediation Scheme including results of ground gas monitoring and any required remediation as a result of these results shall be submitted to and approved by the Local Planning Authority.

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2. Implementation of Approved Remediation Scheme

The approved remediation scheme must 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.

3. 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 must be reported in writing immediately to the Local Planning Authority. Further investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared. Any further proposals for remediation should be made in writing to the Local Planning Authority for written approval and the remediation shall be thereafter undertaken with the approved detail.

Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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

Pre-occupation Conditions

PRE-OCCUPATION: ACCESS/HIGHWAY IMPROVEMENTS

(7) The use hereby permitted shall not commence until the proposed access and improvements to the existing highway shown on the approved plan I30515 P(1)11 have been completed. This should include the replacement of the pavement and two drop kerb pedestrian crossings shown.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CAR PARKING PROVISION

(8) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PROVISION

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

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: ELECTRICAL VEHICLE CHARGING POINT

(10) The use hereby permitted shall not commence until two parking spaces equipped with electric car charging points have been made available for use at the site, and shall thereafter be maintained and kept available for use.

Reason:

To encourage the use of electric vehicles as sustainable means of transport in accordance with Policy CS28.2.3, and the National Planning Policy Framework (NPPF) Paragraph 35.

PRE-OCCUPATION: RENEWABLES

(11) Prior to the occupation of the store the renewable technologies set out in RSOL1608AL03 - Energy Statement including the installation of Arctic Circle 'Freeheat system, and the detail set out in the submitted AXI power photovoltaic specification, Froniou Eco specification shall be installed and operational. With the Photovoltaic panel located as show on plan I30515 P(11)05 Proposed Roof Plan. Once installed the store shall be operated with these measures in use permanently thereafter.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the development in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF.

PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION

(12) 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 paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: TRAVEL PLAN

(13) The building 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 the commencement of the use 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 paragraphs 32 and 34 of the National Planning Policy Framework 2012. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

PRE-OCCUPATION: EXTERNAL LIGHTING

(14) The external lighting of the site shall be set out in accordance with the External Lighting Report and Specifications and Optical Performance Heat Management Long System Life Reduced Maintenance hereby approved and permanently retained there after.

Reason:

To minimise disturbance residential, general amenity of the area from any light nuisance and protect the Airport Safe Guarding Zone should the Plymouth Airport Ropen and to comply with policies CS19, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the Approved Plymouth Plan Policies 4 and 44.

Other Conditions

CONDITION: LANDSCAPE MANAGEMENT PLAN

(15) The landscaping scheme hereby approved shall be managed in accordance with the landscape maintenance and management plan hereby approved.

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 paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

CONDITION: RETAIL (1)

(16) Notwithstanding the permitted use falling within Class A1 of the Town and Country Planning (Use Classes) (amendment) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the premises shall only be used for the sale of convenience goods with an ancillary amount of not more than 300 sqm of comparison goods, the maximum floor area to be used for sale of goods shall be no more than 1,254 sqm net.

Reason:

The impact of the store has been considered based upon information provided in relation to the operator offer, consideration has not been given to higher level of comparison good sales and as such the sale of comparison goods is restricted in accordance to Policy CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy 41 of the Plymouth Plan, and paragraph 24 of the National Planning Policy Framework 2012.

CONDITION: RETAIL (2)

(17) Notwithstanding the permitted use falling within Class A1 of the Town and Country Planning (Use Classes) (amendment) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the food retail unit hereby permitted shall not be used for the retail sale of any of the following goods and services:

- Tobacco and smoking products
- Fresh meat and fresh fish (excluding pre-packed meat and fish)
- Delicatessen
- Pharmacy (dispensary)
- Dry cleaning
- Photo-shop
- Post office services
- In store bakery (other than the use of reheating of part baked rolls/bread and similar products)
- In store café

Reason:

To ensure the impact on the Southway Local Centre and in particular the anchor store is acceptable in accordance with Policy CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy 41 of the Plymouth Plan and paragraph 24 of the National Planning Policy Framework.

CONDITION: USE OF LOADING AREAS

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

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

CONDITION: PRESERVATION OF SIGHT LINES

(19) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

CONDITION: DELIVERIES

(20) The store shall not receive deliveries outside of the following hours 0700-2200

Monday - Saturday and 0900-1700 Sundays or Bank Holidays

Reason:

To protect the general amenity of the area and prevent unwarranted disturbance to nearby residents from noises associated with deliveries to the proposed store in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (20)2007

CONDITION: OPENING HOURS

(21) The use hereby permitted shall not be open to customers outside the following times: 08:00 to 22:00 hours Mondays to Saturdays inclusive and 10:00 to 17:00 hours on 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 paragraph 123 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(1) 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: DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(2) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

INFORMATIVE: CONDITIONAL APPROVAL

(3) 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.