

PLANNING APPLICATION OFFICERS REPORT



Application Number	18/01853/FUL	Item	01
Date Valid	01.11.2018	Ward	PLYMPTON ST MARY
Site Address	Part Of Car Park, Coypool Retail Park Plymouth Road Plymouth PL7 4SS		
Proposal	Erection of Coffee Shop (Class A1/A3/Sui Generis) with drive-thru facility and associated car parking, access, landscaping and servicing		
Applicant	Amsric Ltd		
Application Type	Full Application		
Target Date	27.12.2018	Committee Date	14.02.2019
Extended Target Date	28.01.2019		
Decision Category	Councillor Referral		
Case Officer	Mr Oliver Gibbins		
Recommendation	Grant Conditionally		



This planning application has been referred to Planning Committee by Councillor Patrick Nicholson

I. Description of Site

The application site forms part of the car park for the Coypool Retail Park. The site is located to the north of the Plymouth Road and to the east of Coypool Road.

The application site was the subject of planning application 16/02106/FUL for the alterations and extension to the former B and Q building to form 4 retail units.

The site is currently laid out as a car park to serve the retail park.

To the north east and east of the site is an established residential area, with properties on Woodford Crescent and Woodford Avenue backing on to the Retail Park, the majority of these properties are set at a higher level than the retail park however and along the junction of Woodford

Avenue and Plymouth Road, the properties are level with the retail units. The properties have a landscaping area separating them from the retail park which includes a range of landscaping including planting but it is principally trees within this area which screen the development site. To the south of the site is Plymouth Road with Coypool Road to the west.

Access and egress into the Retail Park is via Coypool Road; a central access point provides access in to the site and also the three retail units. A separate entrance to the site is provided on the west bound side of Plymouth Road (entrance only). The site is relatively flat although it is higher to the south west in relation to the Coypool Road where it passes under the Plymouth Road. The site contains limited landscaping which is focused to the south and west boundary of the site.

As the site adjoins the southern boundary of the site adjacent to the Plymouth Road the site will appear visible from views along Plymouth Road but because of the change in ground levels the prominence of the site is reduced.

The site is not located in a Conservation Area or within the setting of a listed building.

2. Proposal Description

This application is for full planning permission for a new A1/A3 café with drive through facility, associated car parking, access, landscaping and servicing. The development will provide 167sqm of new floor space.

A combination of land uses such as this results in the development not falling within a single use class. The development is therefore a Sui Generis use.

3. Pre-application Enquiry

17/01621/MIN - Proposed coffee shop (Class A1/A3) with drive-thru facility and associated car parking, access, landscaping and servicing – The principle needs to be established through a Sequential Test, consideration needs to be given to the operation of the highway in terms of justifying the loss of parking and stacking arrangements, in terms of urban design it was advised that dead frontages would need to be avoided and that landscaping would be required ensure the development does not have a harmful impact on the street scene

4. Relevant Planning History

16/02106/FUL - Alteration & extension to former B&Q building to form 4 retail units (Class A1) including recladding of the building – Approved

1252/95 Variation of condition 8 of 3608/85- Approved

3608/85 Erection of DIY store and Garden Centre – refused – allowed on appeal

5. Consultation Responses

Public Protection – No objection;

South West Water – Applicant is advised to contact SWW to ensure that assets are protected;

Highways – The applicant has demonstrated, by way of number of surveys, that the traffic generation of the proposal will not be significant and the wider retail site has sufficient parking to cater for the demand. Sufficient queuing is provided, as evidenced, and further amendments are requested to ensure that the absolute amount of stacking can be provided to prevent vehicles queuing back onto the highway. Therefore, subject to conditions there are no objections to the proposal.

Plymouth Lead Local Flood Authority: No objection subject to conditions;

Natural Infrastructure Team – Additional information is required to demonstrate a net gain in bio diversity;

Urban Design: The scale is low in relation to the scale of adjacent streets, including Plymouth Road. The scheme fronts to the north as opposed to the street and this results in a largely blank rear elevation that cannot be supported. The refuse and plant store is in a prominent location. The building is not place specific, locally distinctive materials will be sought. The scheme could be improved to link with pedestrian and cycle links.

Plympton St Mary Neighbourhood Forum – Object to the application as there are traffic problems in the area, the vicinity is well served by drive through outlets and it will have a detrimental impact on the Ridgeway outlets.

Plympton Civic Society – Object to the application, as well add to the already high volumes of traffic in the area, there are sufficient outlets in the immediate vicinity, and it will take trade away from the Ridgeway.

6. Representations

2 site notices were displayed, following this 18 letters of representation, 14 of these were objections and 4 were letters of support.

The following material planning consideration were identified:

Objections

Too many drive through uses in the local area.

Highway capacity;

Litter;

Queuing vehicles back to Plymouth Road;

Impact on public health;

Impact on the Ridgeway District Centre.

Support

Attract new visitors and investment to the area;

Support the new jobs;

7. Relevant Policy Framework

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007) and Development Guidelines SPD and Planning Obligations and Affordable House SPD, Shopping Centres SPD.

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex I of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Also:

The Development Guidelines Supplementary Planning Document (SPD) 1st Review 2013
Shopping Centres SPD 2012

8. Analysis

8.1 This application has been considered in the context of the development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

Principle

- 8.2 This development will provide 167 sq.m of a purpose built coffee shop with drive through lane. As previously discussed this is a combination of A1 retail and A3 café uses.
- 8.3 Given that there is a combination of uses this development does not fall within a single use class and in planning terms is categorised as 'Sui Generis' land use, which means of its own type.
- 8.4 As both A1 retail and A3 café are defined by Town Centre Uses by the National Planning Policy Framework 2018 the development needs to be considered against retail planning policy considerations.
- 8.5 Policies CS08 Retail Development Considerations and CS09 Marsh Mills Retail Parks of the adopted Core Strategy (2007) (CS), together with the Shopping Centres SPD 2012, and Policies SPT6 Spatial provision of retail and main town centre uses DEVI6 Providing retail and town centre uses in appropriate locations and DEVI8 Protecting local shops and services of the emerging Plymouth and South West Devon Joint Local Plan (JLP) form the key policies that development needs to be assessed against when considering the principle of the land uses proposed.
- 8.6 The application site is an out of centre location as Coypool Retail Park is not identified as a retail centre within Retail Hierarchy as defined in both the Shopping Centres SPD 2012 and Policy SPT6 of the emerging JLP.
- 8.7 Both Policies CS08 and DEVI6 requires that developments for main town centre uses in edge of centre locations and out of centre locations, such as this proposal, should be supported by a sequential test that also demonstrates flexibility in its assessment. The test needs to demonstrate that there are no other sequentially preferable suitable and available sites within or on the edge of centre location.

- 8.8 This application has been submitted with a sequential test which has reviewed the centres within the catchment, this has been defined as Plympton. Given the limited size of the unit and the function it fulfils the catchment is considered reasonable.
- 8.9 The submitted information has identified the market and locational requirements which were needed to be met and the level of flexibility provided. These were identified as enabling access for vehicles, cyclists and pedestrians, be well connected to the local road network, be visible from the street, have a good catchment population, enough space for vehicle circulation, drive through lane, customer parking and servicing, and be suited to the proposed design model.
- 8.10 The market and locational requirements were reviewed by the Local Planning Authority. The requirements identified were not accepted and a degree of flexibility identified was not considered sufficient in order to meet the tests of the development plan. As a result the 167sqm floor space requirement was reviewed and a plus or minus 10 to 15 % change floor space was applied. In addition the characteristics of the Ridgeway District Centre with available car parking and access was considered to provide the flexibility required for the operator.
- 8.11 Based on the flexibility identified by Officers the requirements for the new use would require a unit size of 145-200sqm. Officers undertook a review of sequentially preferable sites in December 2018 and concluded that there were no suitable or available sites, considering a reasonable degree of flexibility, in the catchment.
- 8.12 It can therefore be concluded that, although the Council does not support the market and locational requirements identified by the applicant on applying its own flexibility, there are no sequentially preferable sites in the retail hierarchy for this use in this catchment. The proposal will therefore comply with Policy CS08 (5) and Policy DEV16 (2) of the JLP.
- 8.13 The National Planning Policy Framework sets out that where proposals provide more than 2500sqm of new floor space of retail development an impact assessment is required. This considers the impact of the proposal on existing, committed planned public and private investment in a centre or centres in the catchment; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment. Policy DEV16 reduces this threshold to 500sqm in the Plymouth Policy Area.
- 8.14 As the proposal is under both thresholds the application is not required to be submitted with an impact assessment. As a result it can be concluded that the development is in accordance with Policy CS08 and Policy DEV16 of the development plan and the principle is therefore established.
- 8.15 It is also noted that this development will result in 20 new jobs, which will be split 50:50 between full and part time posts. It is anticipated, where possible, that the staff will be recruited from the local area.

Design

- 8.16 The new development will be positioned in the south west corner of the car to the retail park, with the Plymouth Road forming the southern boundary to the development. The site is set down at lower ground level from the Plymouth Road with a fall of between 2 and 3 metres. This together with the planting on the boundary provides natural screening from the public realm along Plymouth Road.

- 8.17 In terms of the design the development will consist of a steel portal frame construction with timber cladding and insulation panels. The front elevation, which will front onto Coypool Retail Park will mainly consist of glass allowing views of the activity inside the building. A brick built vertical parapet adds vertical emphasis to the design.
- 8.18 The Council's Urban Designer has advised that the design and layout could be improved through increasing the scale of the building and improving its frontage onto Plymouth Road. It has also been identified that locally distinctive and improved materials could be used and the layout changed so that linkages are improved.
- 8.19 The applicant has reviewed these comments and advised that careful consideration has been given to the layout. This is because the layout allows for vehicles to loop behind the building preventing from cars from causing congestion. The proposed layout also allows an entrance to front onto the retail park providing an attractive entrance and a focal point to attract customers. Should the orientation be changed then the building would front onto a retaining wall and bank, given the changes in ground levels.
- 8.20 The layout has been designed so that vehicular access to the service hatch is behind the building, this results in the change in levels providing natural screening. This limits the impact of the development on the public realm. The fact that the building fronts onto the retail park will allow for customers to access the building and provides an improved seating area.
- 8.21 In terms of the materials the applicant has advised that the materials proposed are a similar operational model to Starbucks. The change in materials would not be acceptable to the applicants as it would not fit with the brand.
- 8.22 Overall whilst the Urban Design Comments are noted the characteristics of the area need to be considered. The site is located on a busy route into Plympton. There are other commercial and retail uses located in the area and in this context it is considered, on balance, that the development is compatible with this character.
- 8.23 In terms of hard and soft landscaping the layout plan identifies that some trees will need to be removed at the entrance of the site along Plymouth Road, namely 3 Silver Birch trees. None of these trees are identified as having Tree Preservation Orders placed on them, and the loss of the trees has been justified through an Arboricultural Impact Assessment. This was reviewed by the Council's Natural Infrastructure Officer and the loss accepted as the trees were identified as being of poor quality. Furthermore the retention of all of the trees located on the frontage is supported. Although the loss of the trees is accepted a condition will be required to deliver 3 replacement trees to ensure canopy net gain in accordance with Policy DEV30.
- 8.24 In terms of the Ecological Mitigation and Enhancement Strategy the site does provide some biodiversity value, and it is identified as being a Bio Diversity Network Feature and a stepping stone site. Although the development will largely take place on an area of car parking land it is important that some mitigation is delivered through planning condition.
- 8.25 Given the nature, scale, timing, duration and location of this development it was concluded that the site was eliminated from further assessment under the Habitat Regulations 2017.

Amenity

- 8.26 A number of letters of representations have identified the concentration of this use in the locality, with two other drive through uses located at the Plymouth Gateway site and the Longbridge retail site, as well as two restaurant/takeaway uses located at Coypool Retail Park

and the Plymouth Gateway site. Whilst these representations are noted the site is located next to retail uses and the closest residential property is located on Woodford Avenue approximately 57m to the east of the site. In addition Council's Public Protection Service have raised no objection to this proposal as regards to loss of amenity as a result of the concentration of uses operating in this location. Although servicing and opening hours will need to be carefully conditioned and condition appropriately for the locality.

- 8.27 In terms of the physical impact of the development on residential amenity, given the separation distances achieved no significant loss of outlook or privacy will occur, nor will there be any over bearing impact as a result of this development.

Highway Impacts

- 8.28 Since the initial submission of the planning application the applicant has produced car park surveys and also some queue length surveys from nearby Costa drive-thru restaurants, to overcome further comments provided to them and justify both the design and the loss of parking.
- 8.29 The proposed coffee shop will be located in an area of car parking allocated to the Coypool Retail Park. It will result in the loss of 22 parking spaces. Access is achieved by the entry only from Plymouth Road and via Coypool Road, through the retail park car park.
- Initial concerns were raised with regard to the potential for cars to queue and potentially give rise to issues of blocking back on to the highway, Plymouth Road. The applicant has designed the internal layout to offer maximum queue potential and as such up to 14 vehicles can be accommodated within the drive thru lane without impacting on the access road. This is still some distance from the highway in any event.
- 8.30 The survey carried out at a nearby Costa gives comfort that the proposed internal stacking arrangement is sufficient. A further survey was carried out at a Starbucks (The proposed occupier), with a drive thru in Exeter. The Exeter site has similar characteristics as the proposed so provides some comfort that the survey data provides reasonable assessment for comparison purposes.
- 8.31 The maximum number of vehicles in the queue at either of the aforementioned surveyed sites was 4 vehicles. Therefore, the evidence suggests that the proposed drive thru is fit for purpose. As such there are no objections in terms of the potential for vehicles to block back on to the highway.
- 8.32 As noted the site is currently used for car parking. The application suggests that the site is currently fenced off and blocked for use but it is known that this has only occurred recently. This does not render the parking area surplus to requirements.
- 8.33 As such the applicant was advised to conduct a parking survey of the entire retail park to demonstrate the existing demand for parking against the proposed. They were required to demonstrate that the existing parking provides sufficient spaces to cater for the demand of the retail park and also to justify that the 22 spaces are not required, which will be lost due to the proposed coffee shop. Furthermore, the proposal may generate additional parking demand, above that provided.
- 8.34 The survey, carried out on a Saturday, which was accepted as capturing the highest likely demand profile and therefore the worst case scenario, concluded that the existing car park had a highest demand of 63 cars being parked. This means that 156 spaces are available, not including an additional area which can accommodate approximately 16 cars.

- 8.35 Although the retail park has consent for an additional unit the car park is considered to be suitable to meet all known existing, committed and proposed demands. It is therefore accepted that the loss of the 22 parking spaces, on the subject site, is justified and warranted.
- 8.36 The proposed development includes 10 parking spaces (including 2 disabled spaces) and one order waiting bay. In accordance with the City Council Development Guidelines SPD a proposal of this scale should provide up to 19 parking spaces. Although the actual provision is less than this there will be an element of linked trips between customers to the retail park and furthermore the retail park offers sufficient capacity to cater for any over spill demand. Therefore, the number of proposed spaces is considered to be acceptable.
- 8.37 The level of traffic generation has been assessed by way of comparing the traffic generation of the Exeter branch. This demonstrated that the unit generated in the region of 30 – 40 cars during the busiest hours. In the instance of the proposed unit some trips will be linked to the use of the retail park, suggested up to 25% which is considered a reasonable assumption, and others will be diverted pass-by trips already on the network.
- 8.38 The proposal is therefore unlikely to generate a high level of new trips and as such the 30-40 is likely to be a very worst case scenario. However, assuming the worst case of 30-40 vehicles, the proposal is unlikely to give rise to any noticeable changes to traffic and does not therefore require any traffic modelling.
- 8.39 Although not subject to this planning application in terms of use classes it is worth noting that the assessment would not be suitable to justify a hot food takeaway establishment at the site. Therefore, a condition to restrict the use as a hot food takeaway would be appropriate to prevent such changes in the future.
- 8.40 Access to the proposed car park will be made via the retail park or by way of using the one-way link from Plymouth Road. As noted above the internal queuing capacity of the proposed drive thru is sufficient to prevent overspill of cars onto the access road. However, should this occur any vehicle entering the retail park from the direction of Plymouth Road will be blocked by any vehicle waiting to enter the driver through.
- 8.41 The Highways Officer suggests that the design must ensure that all exiting movements use the retail park to exit and not the one-way access. Also that signing and road markings will be required as part of the design solution. Conditions will be used to ensure that this is achieved should planning permission be granted.
- 8.42 The Highways Officer advises that the cycle parking should be provided for staff members and visitors to the unit. Also that the staff provision should be secure and covered whilst Sheffield type hoops would be appropriate for visitors. The provision can be agreed by way of a planning condition.
- 8.43 Deliveries will make use of the parallel parking bays to the west of the building. This will require a reversing manoeuvre so the applicant should ensure that any such deliveries do not coincide with the busiest times. A Construction and Environmental Management Plan will ensure that the development is constructed in a efficient and safe manner to minimise any local distribution that could occur during the building phase of the development.
- 8.44 Due to the close proximity of the site to the highway and the retail park access road it is suggested that it will be necessary for the developer / applicant to provide a Code of practice

during construction. This will need to include details of peak hour embargo (in accordance with the City Council Guidelines) on deliveries and show detail of contractor parking and compounds etc.

- 8.45 The applicant has demonstrated, by way of a number of surveys, that the traffic generation of the proposal will not be significant and the wider retail site has sufficient parking to cater for the demand. Sufficient queuing is provided, as evidenced, and further amendments are requested to ensure that the absolute amount of stacking can be provided to prevent vehicles queuing back on to the highway. Therefore, subject to conditions there are no objections to the proposal from a local highways perspective.

Other Impacts

- 8.46 Lead Local Flood Authority have identified that the site is located in a Flood Zone I, where there is a low risk from flooding. However the site is located in a Critical Drainage Area. As a result it has been requested that a drainage strategy is secured by planning condition.

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

This development will deliver in the region of 10 full and 10 part time jobs. The development will also have a rateable value. This development is not Chargeable Development under the Council's adopted Community Infrastructure Charging Schedule.

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 not required due to the nature and size of proposal, notably the Section 7 and Table 3 of the Planning Obligations and Affordable Housing SPD 2012 identifies that commercial developments under 500sqm will not normally attract planning obligations.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability. A level threshold will be provided into the building and two disabled parking spaces will be provided. These measures will help ensure that the development does not result in any discrimination to future people who will use the development.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance. The applicant has demonstrated that there are no sequentially suitable or available sites in the catchment, no significant

loss of amenity will occur and that the development is compatible with the character and appearance of the area. The application is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated **01.11.2018** it is recommended to **Grant Conditionally**

15. Conditions / Reasons

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

1 **CONDITION: APPROVED PLANS**

Proposed Site Plan 2018/51/01 Rev D – received 26.10.2018

Proposed Hard & Soft Landscaping Plan 2018/51/02 Rev D – received 26.10.2018

Proposed Starbuck Shell Plan 2018/51/03 Rev A – received 26.10.2018

Proposed Starbucks Roof Plan 2018/51/04 Rev A – received 26.10.2018

Proposed Starbucks External Elevations - Sheet 1 2018/51/05 Rev B – received 26.10.2018

Proposed Starbucks External Elevations - Sheet 2 2018/51/06 Rev B – received 26.10.2018

Proposed Site Signage Plan 2018/51/08 Rev D – received 26.10.2018

Site Location Plan 26102018 – received 26.10.2018

Topographic Survey & Floor Plans BS2359/09.16/01/JRR Rev A – received 26.10.2018

Indicative Drainage Layout 15343-202 Rev PI – received 22.01.2019

2 **CONDITION: SPECIFIED USE RESTRICTION**

The premises shall be used for a Sui Generis A1 (d) and A3 use and purposes (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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 building for any other purposes 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 paragraphs 80, 82, 85, 86, 89 and 102 of the National Planning Policy Framework 2018.

3 CONDITION: DETAILS OF NEW JUNCTION

PRE-COMMENCEMENT

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 paragraphs 91, 102, 108, 110 and 111 of the National Planning Policy Framework 2018.

Justification: To ensure that safe access can be appropriately accommodated within the design of the development.

4 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

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 paragraphs 91,102, 105, 108 and 110 of the National Planning Policy Framework 2018.

5 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

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 staff (secure and covered) and customer bicycles (Sheffield type stands or similar) 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 paragraphs 91, 102, 108 and 110 of the National Planning Policy Framework 2018.

6 CONDITION: CODE OF PRACTICE

PRE-COMMENCEMENT

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 170, 178-183 of the National Planning Policy Framework 2018.

Justification: The measures will be required to ensure no impact on the local road network.

7 CONDITION: DRAINAGE

PRE-COMMENCEMENT

No development approved by this permission 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:

- a) Details of the existing drainage for the site should be submitted in order to confirm whether the proposed connection is an existing or new connection.
Any new connection to the culverted watercourse will require landowner or riparian owner approval, Flood Defence Consent for Ordinary Watercourses and the construction details of the new connection submitted to the LLFA for approval.
- b) Pollution control methods and methods to protect the water environment and manage surface water run off during the demolition and construction phases should be included in the CEMP. Reference should be made to the pollution risk matrix and mitigation indices in the CIRIA SuDS Manual.
- c) In an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take from the point of surcharge both on and off site, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is

reasonably practicable and safe to do so, ensuring that flows are directed away from property and public access areas.

- d) Details should be submitted of how and when the system is to be managed and maintained, and any future adoption proposals should be submitted

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. 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 reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV37 of the Plymouth and South West Devon Joint Local Plan.

Justification: Because of the essential need 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 and water environment.

8 CONDITION: SOFT AND HARD LANDSCAPE WORKS

Soft landscape works shall be carried out in accordance with drawing 2018/51/02 REV2 to include 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. The landscaping plan shall be maintained in perpetuity unless otherwise agreed by 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 124, 127, 130, 170, and 175 of the National Planning Policy Framework 2018.

9 CONDITION: ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY (EMES)

PRE-OCCUPATION

Notwithstanding the submitted information prior to the occupation of the development hereby approved a Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to and approved in writing by the Local Planning Authority. The submitted EMES shall detail the mitigation measures for the loss of habitat, and enhancement measures and also provide mitigation for the loss of 3 Silver Birch trees. The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter, unless otherwise agreed by 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 124, 127, 130, 170, and 175 of the National Planning Policy Framework 2018.

10 CONDITION: EXTERNAL MATERIALS

PRE-COMMENCEMENT

No development shall take place 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 Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 124, 127, and 130 of the National Planning Policy Framework 2018.

Justification: To ensure that the materials are of a high enough quality for this location.

11 CONDITION: HOURS OF OPENING

The use hereby permitted shall not be open to customers or accept deliveries outside the following times: 06.00 hours to 22.00 hours Mondays to Saturdays inclusive and 06:00 hours to 22.00 hours on Sundays and Bank or Public Holidays. There shall be no deliveries before 07.00hrs.

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 paragraphs 170, 180-183 of the National Planning Policy Framework 2018.

12 CONDITION: REFUSE STORE

PRE-OCCUPATION

Notwithstanding the approved details prior to the occupation of the development hereby approved full details of the refuse store shall be submitted and approved in writing by the Local Planning Authority. The details shall include details of screening and how refuse will be stored and collected. The development shall be carried out in accordance with the approved details and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development is compatible with the character and appearance of the area and does not cause any harmful impact on the street scene. In accordance with Policy CS34 of the Core Strategy and Policies DEV20 of the emerging Plymouth and South West Devon Joint Local Plan.

INFORMATIVES

1 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraph 38 of the National Planning Policy Framework (2018) the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

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

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.