

PLANNING APPLICATION OFFICERS REPORT



Application Number	18/01234/FUL	Item	03
Date Valid	17.07.2018	Ward	PLYMPTON ST MARY
Site Address	1 Galileo Close Plymouth PL7 4JW		
Proposal	Demolition of existing buildings and erection of discount foodstore (Class A1) with associated access, car parking & landscaping		
Applicant	ALDI Stores Limited		
Application Type	Full Application		
Target Date	16.10.2018	Committee Date	15.03.2019
Extended Target Date	21.02.2019		
Decision Category	Major - More than 15 Public Comments		
Case Officer	Mr Oliver Gibbins		
Recommendation	Refuse		



1. Description of Site

The application site is a rectangular shaped site that is located to the west of Strode Road and to the south of Galileo Close. The mainline rail line forms the southern boundary of the site and the west is Chaplin's retail store.

The site area measures 0.78 hectares and the topography is broadly level.

The existing use of the site is as ancillary car parking for the Chaplin's store and also has a car garage operating on the site.

The area is characterised by employment and trade counter uses that are generally single storey in height. On the western boundary of the site there are mature and semi mature trees.

The site is not allocated for any development within the existing or emerging development plans.

2. Proposal Description

This application is for full planning permission for a new A1 supermarket which is proposed to be operated by Aldi.

The site layout has been designed so that the car parking is to the front and side of the store with the building itself positioned in the south west corner of the site.

Access into the site will be provide from Galileo Close for both customers and staff as well as delivery vehicles. A pedestrian link will be provided onto Strode Road.

In terms of use the development will provide a Gross External Area of 1,976sqm of floor space. This will comprise of 1,315sqm of A1 net sales area which is split into 263sqm of comparison goods and 1,052sqm of convenience goods.

The design of the storey is single storey in scale and has a contemporary building, with a mono pitched roof and faced with grey metal cladding panels. The height of the building will be 7.5m to eaves at the highest point. The shopfront will be formed of a 3.5m glazed curtain wall which wraps around the north-east of the corner building. A cantilevered canopy will project around the front of the building.

Externally 118 car parking spaces will be provided, four of these will be for disabled parking. The car park will be tarmacadam. Soft landscaping will be used on the perimeter of the site. 4 of the existing trees will be removed with two new trees planted.

A 1.8m high close boarded fence will form the southern boundary against the railway embankment and the western boundary between rear part of the western boundary.

3. Pre-application Enquiry

18/00279/MAJ - Erection of a foodstore (Class A1) with associated access and landscaping – Advised that a Sequential and Retail Impact Test would be required to be submitted to establish the principle of development, as well as demonstrate acceptable highway impacts.

4. Relevant Planning History

07/02076/EXUS - Use of site and all buildings thereon for use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), notwithstanding condition (ii) of planning permission 43036/1 dated 13 December 1972 – Approved . This application allows for Chaplin's to operate from the adjoining site. The red line boundary of the above application included the curtilage of just the store and car parking to the front of the store

and did not include the Aldi application site. The site has nonetheless been used for car parking for the Chaplin's Store.

07/00294/FUL - Erection of five small employment units, on part of car park, for uses within Classes B1, B2 and B8 of the Use Classes Order 2006 – Approved .

00/01271/OUT - Outline application to redevelop, with adjoining industrial site, for Class B1, B2, B8 (business, general industrial, storage/distribution) and Class A1 (shop - non-food) uses – Withdrawn.

01/00545/FUL - Extension to premises (renewal of previous permission 0065/95) – Refused.

5. Consultation Responses

Local Highway Authority

Object to the development and recommend planning permission is refuse for two reasons; Insufficient transport modelling; Unacceptable impact on the local highway as a result of parking.

Public Protection Service

No objection.

South West Water

No objections subject to conditions and informatives.

Plymouth Lead Local Flood Authority

Site is located in a Flood Zone 1 (low risk) and in a Critical Drainage Area, details need to be submitted to demonstrate how drainage of the site will be managed.

Designing Out Crime Officer

Devon and Cornwall Police are not opposed to granting planning permission.

Economic Development

The submitted Joint Local Plan should form the basis for considering the application.

Network Rail

No objection in principle, subject to conditions to regulate construction.

Plympton and District Civic Society

Object on the impacts of traffic and the retail hierarchy including Colebrook, Ridgeway and Chaddlewood.

Plympton St Mary Neighbourhood Forum

Contrary to the JLP and emerging Plympton St Mary Neighbourhood Plan, will have an impact on the retail areas of Colebrook and Ridgeway, traffic increases, impact on the parking of the Chaplin's store.

6. Representations

Three site notices were displayed in addition to the proposal being advertised in the local press.

A re-consultation was undertaken in January 2019 as a result of additional information being received.

As a result of this consultation 128 letters of representation have been received. A total of 88 people support the application and 29 people object to the application, with 11 neutral.

The following material planning considerations have been identified as objections:

Highway safety;
Impact of the proposal on other retail centres including the Coop and Post Office at the Ridgeway;
Infrastructure constraints;
Lack of provision of cyclist;
Impact on air quality;

Support employment;
The roundabout proposed would ease congestion;
Improve customer choice;
Increased trading hours;
Reduce need to travel and reduce bottle necks;
Improve the appearance of the empty site;
More 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).

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 1 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 been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. On 15 August 2018 the JLP Councils received a Post Hearing Advice Note from the Planning Inspectors. The inspectors state that "at this stage we consider that the JLP is a plan which could be found sound subject to main modifications" and, provided their views on further work and potential main modifications needed. The Council have prepared a schedule setting out the proposed Main Modifications and these were the subject of a public consultation that closed on the 3rd December 2018. 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.

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Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Development Guidelines SPD 2013;
Planning Obligations and Affordable Housing Supplementary Planning Document 2012.
Plympton St Mary Neighbourhood Plan.

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8. Analysis

Principle

8.1 This application has been considered in the context of the development plan, the Joint Local Plan (submission version including as amended to reflect proposed main and additional modifications), the Framework and other material policy documents as set out in Section 7.

8.2 The principle issues in relation to this application are considered to be the establishing the retail use of the site, how the development relates to the character and appearance of the area, and the impacts the development will have on the local highway network.

8.3 The key policies to consider with this application are identified below:

Polices CS01 (Development of Sustainable Linked Communities): CS02 (Design): CS05 (Development of Existing Sites):CS07 (Plymouth Retail Hierarchy), CS08 (Retail Development Considerations) CS21 (Flood Risk): CS22 (Pollution): CS28 (Local Transport Considerations)

and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy.

Policies SPT1 (Delivering sustainable development): SPT2 (Sustainable linked neighbourhoods and sustainable rural communities):SPT5 (Provision of Retail Development) SPT13 (European Protected Sites - mitigation of recreational impacts from development): DEV1 (Protecting health and amenity): DEV2 (Air, water, soil, noise and land):DEV16 (Providing Retail and Town Centre Uses in Appropriate Locations; DEV18 (Protecting Local Shops and Services) DEV19 (Provision for Local Employment and Skills; DEV20 (Place shaping and the quality of the built environment): DEV31 (Specific provisions relating to transport) and DEV37 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan.

8.4 A summary of the key policies relating to the retail considerations from the emerging Joint Local Plan and the level of weight that has been applied to each of the relevant policies, is provided below:

Policy SPT5 – Provision of retail development - No substantive objections made to the overall approach to provision of retail development set out in this policy, and no main modifications proposed to the submission version of the JLP. We consider that this policy can be given considerable weight.

Policy SPT6 – Spatial provision of retail and main town centre uses- No substantive objections made to the overall approach to the spatial hierarchy for retail development set out in this policy, and relevant main modifications proposed to the submission version of the JLP. We consider that this policy can be given considerable weight.

Policy DEV16 – Providing retail and town centre uses in appropriate locations – Although there were a small number of objections, including to the thresholds set out in the policy, none challenged the provisions of DEV16.3i in setting a 500 sq.m (gross) impact assessment threshold for the Plymouth Policy Area, and none were considered significant in the context of the matters under consideration in this application. Additionally no relevant main modifications proposed to the submission version of the JLP. We consider that this policy can be given considerable weight.

Retail Considerations

8.5 There are three main areas of retail planning policy. The first is retail strategy, the second sequential test, and the third retail impact test. This section considers each issue in turn.

Spatial Strategy

8.6 The Council has a long established retail spatial strategy in the City which seeks to support a retail hierarchy of City, District and Local Centres across Plymouth. This is achieved through Policy CS08 Retail Development Considerations of the adopted Core Strategy together with Policies SPT5 Provision of retail development; SPT6 Spatial provision of retail and town centre uses, DEV16 Providing retail and town centre uses in appropriate locations of the emerging Plymouth and South West Devon Joint Local Plan.

8.7 These policies seeks to maintain the vitality and viability of existing centres within the hierarchy and to maintain the role and function of the centres to ensure they can continue to provide services to the communities in which they serve. Clearly the provision of new floor space outside the centre could change shopping patterns and therefore reduce the footfall of existing centres and undermine both the vitality and viability of a centre.

8.8 The proposed store will be located in an out of centre location within the Plympton ward of the City, also known as Zone 7 within the Plymouth Retail Study 2017, this is relevant as it identifies as established retail catchment and allows for a understanding of retail shopping patterns to be understood within the evidence base. The Council's emerging Joint Local Plan is informed by the Plymouth Retail Study 2017, which identified that there is not a quantitative need for new convenience floor space (food retail) until much later within the plan period, with a need of just 244sqm in 2026, increasing to 1,923sqm by 2034 across the City as a whole. Therefore there have been no additional floor space allocated for convenience floor space based on a quantitative need. The only provision of new floor space for convenience retailing within the JLP are in Derriford and to the west of the City to meet qualitative need.

8.9 The retail hierarchy within Plympton is formed by the Ridgeway District Centre which is a main food/convenience shopping role, and a series of Local Centres at Chaddlewood, Colebrook, and Stone Barton. In addition (although not part of the Hierarchy) there are a series of smaller out of centre convenience stores such as Tesco Express stores at the junction of Plymouth Road, Glen Road, and Ridgeway and Glen Road and Westfield. As well as larger out of centre supermarkets operated by Sainsbury's at Marshmill's and as a new Lidl store on Plymouth Road which was granted planning permission in 2015 and subsequently began trading.

8.10 The Ridgeway District Centre is at the top of the retail hierarchy within this part of the City and given the lack of evidence for quantitative or qualitative need and the provision of convenience floor space within Plympton no allocations for new convenience floor space have been allocated within the JLP in this catchment, the focus therefore within this part of the city is focused upon the strengthening of the existing centres as set out in Policy SPT6 of the JLP. There have also been significant changes in the retail catchment of Plympton since the evidence base for the JLP was compiled, notably the opening of the Lidl Store on Plymouth Road. This application was approved under reference number 15/01777/FUL and provided 2,745sqm (gross) of new retail floor space.

8.11 Paragraph 86 of the NPPF identifies that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.12 Paragraph 89 of the NPPF identifies that when assessing applications for retail and leisure development outside town centre, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the default threshold is 2,500sqm of gross floor space. This should include an assessment of: the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme). The JLP has set a locally set floorspace threshold of 500sqm, this will be discussed further in a subsequent section of this report.

8.13 Paragraph 90 of the NPPF identifies that: "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact it should be refused".

8.14 At a local level Policies CS06, CS07, CS08 and CS11 of the adopted Core Strategy, together with Policies SPT6, DEV16, DEV17 and DEV18 of the emerging Plymouth and South West Devon Joint Local Plan are the principle policies that consider proposals for new retail floor space. As this proposal is for an out of centre supermarket the key policies are CS08 (Retail Development Considerations) and DEV 16 (Providing retail and town centre uses in appropriate locations), as well as Policies SPT5 (Provision for retail development) and SPT6 (Spatial provision of retail and town centre uses).

8.15 The above Policies set the framework for how planning decisions are taken when considering proposals for new retail development. The hierarchy in the Plymouth Policy Area is built around district and local centres. The primary purpose of a district centre is to provide a range of shopping needs to a district of the City, with provision especially for weekly shopping trips. The objective of local planning policy is to enhance consumer choice and strengthen the vitality and viability of district and local centres.

8.16 Policy CS08 of the Core Strategy identifies that the Council will enable the enhancement of consult choice and strengthening of the vitality, viability, and accessibility of the District/Local centres by supporting new retail development, this includes requiring a sequential test and ensuring that development will not have a unacceptable adverse impact on the vitality and viability of the City, District or Local centres.

8.17 Policy DEV16 (2) of the emerging JLP requires that proposals for main town centre uses in out of centre locations, such as this, should be supported by a sequential test that demonstrates that there are no sequentially preferable suitable and available sites within or on the edge of an appropriate centre.

8.18 In addition Policy DEV16 (3) requires retail proposals in edge or out of centre locations to be supported by an impact assessment where more than 500sqm (gross) of retail floor space is provided in the Plymouth Policy Area. Any proposal which would have a significant adverse impact on the investment in and/or the vitality of an existing centre or prejudice the deliverability or investment in a proposed centre will not be permitted.

8.19 It is therefore clear that as this is an out of centre location the application is required by both national and local policy to be supported by a sequential test. As 1976sqm of gross floor space is proposed this is beneath the default threshold of paragraph 89 of the NPPF 2018 that requires a RIA. However through Policy DEV16 of the emerging JLP a local threshold of 500sqm has been set. Therefore the application has been submitted within a RIA. It is noted that although the JLP is not adopted based on the lack of relevant objections to this threshold and the advanced stage of plan preparation this policy can hold very significant weight. Additionally the Local Validation Requirement's published by the LPA requires a RIA for a development of this scale and therefore the application would have not been validated without this being submitted.

8.20 Before reaching a conclusion on where the proposal accords with the Retail strategy set out in the Core Strategy and JLP, it is first important to consider both the sequential test and impact assessments as these form a key component of how the proposal does or does not fit with the wider strategy.

Sequential Test

8.21 The first planning policy tool for guiding retail developments is the sequential test.

8.22 As already identified paragraph 86 of the NPPF identifies that main town centre uses should be located in town centre locations, then edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.23 Policy DEV16 (2) requires that all proposals in edge and out of centre locations are supported by a sequential test which demonstrates that there are no sequentially preferable sites that are suitable and available. The Policy requires that the applicant demonstrates flexibility in assessment of sites.

8.24 Policy CS8 (6) of the Core Strategy identifies that new retail development will not have an unacceptable adverse impact, including cumulative impact, on the vitality and viability of District and Local Centres.

8.25 Case law is also important to consider when considering availability and suitability. The Mansfield (Aldergate Properties Limited and Mansfield District Council and Regal Sherwood Oaks Limited) set out principles to consider.

8.26 In applying the sequential test the first stage is to set the Primary Catchment Area. This is important as it defines the area in which to search for other sites in a in or edge of centre location.

8.27 The applicants have identified that the Primary Catchment Area (PCA) for this proposed store will be Plympton and that this is an out of centre location. In the Plymouth Retail Study 2017 this is known as Zone 7. Given the alignment with Zone 7 study officers have accepted this PCA.

8.28 As discussed above within the PCA there are the following Centres within the Council's retail hierarchy as defined by Policy CS08 of the Core Strategy and the Shopping Centres SPD, and Policy SPT6 of the emerging JLP: Ridgeway District Centre, Stone Barton Local Centre, Colebrook Local Centre, and Chaddlewood Local Centre.

8.29 The applicants have identified the retail requirements in terms of net sales area, no specialist counters or ancillary services, car parking, and site area. Flexibility has also been applied in terms of site area, which is 30% smaller than required. Officers have accepted this degree of flexibility and this has shaped the review of relevant sequential sites.

8.30 Section 5.19 to 5.35 of the submitted Planning and Retail Statement has reviewed sites within the PCA. The conclusions were that the majority of the assessed sites were either not available or be available within an appropriate timeframe. Some of the site were existing car parks for the centres and these were considered to have an unacceptable impact on the role and function of the town centres, and the sites had significant sites had land ownership, access, and surrounding land uses which resulted in the sites being undeliverable.

8.31 The submitted sequential test has been assessed by officers together with the degree of flexibility. Officers have accepted the degree of flexibility and also accepted that there are no sequentially preferable suitable or available sites within or on the edge of a centre within the PCA. It is therefore concluded that both the requirements of paragraph 86 of the NPPF, Policy CS08 of the Core Strategy and Policy DEV16 (2) of the emerging JLP have been met and the development accords with these policies.

Retail Impact

8.32 A key consideration in delivering the spatial strategy for retail development, as set out in both the Core Strategy and the JLP is the need to ensure out of centre development does not harm existing centres. The retail impact of a new supermarket of this scale therefore clearly needs to be carefully considered and the assessment of impact based upon robust evidence.

8.33 The provision of a new supermarket of this scale therefore needs to be carefully considered in relation to shopping patterns within this part of Plympton which forms the primary catchment area for the proposal and the impact this will have on both the vitality and viability and investment in nearby 'town centres'.

8.34 The significance of shopping patterns and town centre health is particularly important in this part of Plymouth given the new Lidl store on Plymouth Road which has recently opened and has the potential to have materially changed shopping patterns in the area. The Lidl store opened after the Plymouth Retail Study 2017 was undertaken and the actual impacts of this store on shopping patterns and town centre health are therefore not fully understood.

8.35 The applicant's own impact assessment suggests that the individual impact of the proposed ALDI on convenience goods turnover will be as follows:

Co-op, Plympton Ridgeway: -3.3%
Iceland, Plympton Ridgeway: -3.4%
Overall impact on the convenience goods sector in Plympton Ridgeway district centre:
-3.0%
Chaddlewood local centre: -2.2%
Sainsburys, Marsh Mills: -5.6%
Morrisons, Plymstock: -1.0%
ALDI, Greenbank Road: -1.0%
Morrisons, Outland Road: -1.3%
Lidl, Plymouth Road, Plympton: -32.6%

8.36 The applicant's impact analysis also predicts that a small amount of trade will be diverted from Estover, the city centre Union Street (ALDI), Plymstock Broadway, along with around one fifth of the proposal's turnover being diverted from stores outside of Plymouth (primarily the Tesco Extra at Lee Mill).

8.37 Given that the applicant's analysis is based upon a survey of shopping patterns undertaken in 2015, prior to the opening of the Lidl store on Plymouth Road, the applicant has needed to provide a cumulative impact assessment to adjust store/centre turnover levels. The applicant's cumulative impact assessment predicts the following impact levels:

Co-op, Plympton Ridgeway: -3.3%
Iceland, Plympton Ridgeway: -3.4%
Overall impact on the convenience goods sector in Plympton Ridgeway district centre:
-3.0%
Chaddlewood local centre: -2.2%
Sainsburys, Marsh Mills: -5.6%
Morrisons, Plymstock: -1.0%
ALDI, Greenbank Road: -1.0%
Morrisons, Outland Road: -1.3%

8.38 Whilst the applicant's retail impact assessment has provided an assessment of cumulative impact, officers are not satisfied that the applicant's assessment is sufficient in robustness to demonstrate that their proposal will not have a harmful impact on the centre-first strategy, and in particular the Ridgeway District Centre.

8.39 A key factor here is the available evidence base on shopping patterns for convenience goods. The applicant has used the results of a 2015 household survey which has been subsequently adopted by the City Council's 2017 Retail Study. The 2015 household survey has been used by the City Council as part of the evidence base for the new development plan although, in order to properly assess this planning application, there is a need for a more detailed set of information on local shopping patterns in this part of Plymouth.

8.40 In order to assess the likely impact of the proposal the Council has sought specialist advice from GVA /Avison Young ('AY').

8.41 AY have advised the City Council that robust evidence base information is required in order to provide a reasonable and robust assessment of the likely impact of the proposal on defined 'town centres'. AY have advised that rather than rely on forecasts as the likely impact of the new Lidl store on local shopping patterns, and how this new store has impacted upon the health of Plympton Ridgeway district centre, the commissioning of a new household survey of shopping patterns is required in order to assess the actual impact of this new store.

8.42 As a result, the Council, in September 2018, invited the applicants to undertake a new household survey in order to fully assess the likely impacts of the new store as well as the cumulative impacts of the Lidl Store on the Plympton Ridgeway.

8.43 The applicants reviewed the request and responded as follows:

1. A major material consideration is the LPA's December 2015 decision to permit an out-of-centre Lidl store, when an out-of-centre Morrisons was already consented in Plympton (15/01777/FUL). This provides a clear benchmark for an acceptable (i.e. not significantly adverse) impact on the main retail centre in the neighbourhood.
2. It is clear, from both secondary evidence and first hand survey visits that the major out-of-centre superstores, Sainsbury's Marsh Mills and Tesco Lee Mills, are dominant and are overtrading. These stores offer very wide ranges of products and services under one roof. Maintaining the status quo, is only likely to strengthen the position of these superstores. ALDI's more limited offer is likely to compete with these locations on bulk weekly shopping trips and spin off trade towards the nearby neighbourhood shopping centres, which offer a greater variety of services.
3. The applicant considers that it is very unusual to ask an applicant to undertake a new household survey and it is perfectly acceptable to use the 2015 household survey from the Council's 2017 retail study.
4. The proposed ALDI store, like the recently opened Lidl store, is focused upon main food shopping whereas the Co-op store in Plympton's district centre is focused upon top-up shopping.
5. To supplement the 2015 survey, the applicant has undertaken a postal survey and an in-street survey in Plympton Ridgeway district centre. The applicant considers that these surveys support its forecast impact of the Lidl store on the district centre and current shopping patterns.

8.44 The Council strongly refute these points made by the applicant above.

1. Whilst the level of impact accepted when planning permission was granted for the development at Eril Retail Park under planning application 13/00147/FUL is acknowledged, this needs to be considered in context. As GVA Grimley/Avision Young have advised: "It must be remembered that there were special circumstances associated with that proposal. In particular, Eril Retail Park has an open A1 planning permission and the consequences associated with that fall back position were clearly

material considerations for Plymouth City Council when deciding to remove that A1 position in favour of providing a controlled supermarket use at that site". Indeed, it should also be noted that the JLP allocates the site of Erill Retail Park for housing development (Policy PLY60.8) which if implemented will bring to a close its history as a retail site.

2. Whilst the 2015 household survey does indeed show the popularity of the Sainsbury's store at Marsh Mills and the Tesco at Lee Mill, the applicant has not provided any robust evidence to show:
 - (A) how the popularity of these stores has changed in recent years following the opening of the Lidl store
 - (B) exactly how popular the Lidl store has become and;
 - (C) how any such changes in shopping patterns have affected shopping patterns associated with the Ridgeway district centre. This information is required in order to make a robust assessment of the likely impact of the proposed ALDI store on the health of the Ridgeway district centre.
3. It is simply not correct to suggest that it is 'very unusual' to ask an applicant to undertake a new household survey. Applicants commonly undertake their own surveys to support planning applications in order to ensure that they can present a local authority with the best available evidence base information to support their case.
4. The available evidence suggests that the Co-op store at the Ridgeway district centre has become more popular in terms of main food shopping in recent years and this suggests a greater degree of trading overlap with the proposed ALDI store and thus raising concerns that the applicant's impact assessment has under-estimated the likely impact on the district centre. This information comes from the 2015 household survey which the applicant is keen to suggest is robust in terms of market share levels yet the applicant is also keen to suggest that the survey is wrong in terms of the main food shopping market share of the Co-op store.
5. Whilst the applicant's postal and in-street surveys provide additional useful information they are no substitute for a new survey of household shopping patterns which is the only recognised way of properly understanding shopping patterns in a chosen geographic area.
6. Paragraph: 015 Reference ID: 2b-015-20140306 of the National Planning Practice Guidance notes that:

It is for the applicant to demonstrate compliance with the impact test in support of relevant applications" Furthermore the failure of the applicant to address this requirement is not considered reasonable.
7. The Council's retail planning consultants advises that the applicant has not provided sufficient information on current shopping habits in order for the City Council to make a robust decision on this planning application and the proposal has not been justified on its own merits. It is therefore entirely reasonable for the Council to request this

information to ensure that there are not going to be any significant adverse impacts on the District Centre and the anchoring role of convenience goods stores within the centre, thereby harming the adopted and emerging retail strategy.

8.45 Without fully understanding the impact the new Lidl has had on the Ridgeway District Centre it is not considered possible to accurately identify as to whether the trade diversion created by this proposal on the District Centre is significant or not. It is considered a new household survey would be the way to remove uncertainty and give the Council the critical assurance that new store would not result in a significant adverse impact on the District Centre, as required by both national and local policy. Despite this request having been made to the applicant, back in September when the issue was first raised and again in January 2019, this information has not been provided.

Neighbourhood Plan

8.46 The site is located within the Plympton St Mary Neighbourhood Plan Area. This plan has reached an advanced stage towards being adopted and on the 8th February 2019 the Examiners Final Report was published. This concluded that subject to the recommendations in the report being accepted the Plan would meet the basic conditions defined by Localism Act 2011, Schedule 10 and 4B, 8 (2) of the Town and Country Planning Act 1990. As a result the can be submitted to a referendum.

8.47 The Plympton St Mary Neighbourhood Plan recognises the importance of the Ridgeway as an important shopping area. Policy PSM6 Primary Shopping Areas seeks to support A1 and A2 uses within District and Local Centres.

8.48 The Plympton St Mary Neighbourhood Forum Committee have objected to this application, amongst other objections, this includes the impact on both Local and District Centres.

8.49 This objection reinforces the Council's concern that without sufficient information to assess the impact of the development on the retail hierarchy there is insufficient information to assess the impacts of this development.

Conclusion of Retail Policy considerations

8.50 This area of Plympton has seen considerable and significant changes within the convenience goods market in recent years, notably through the opening of 2,745 sq.m (gross) of new floor space at the Lidl on Plymouth Road. It is important that the impact of this new floor space on the role and function of the retail hierarchy is fully understood so that the current health of Plympton Ridgeway district centre, and the actual effect of the new Lidl store, can be properly and robustly assessed. The provision of an updated Household Survey would provide this level of certainty but without this evidence there is insufficient information to assess whether this development is likely to result in a significant adverse impact on the health of District and Local Centres within the retail catchment.

8.51 It is entirely appropriate, and consistent with national policy and local planning policy, that the full impacts of this development on the retail hierarchy are fully understood and

accepted prior to a decision being issued. Despite requesting this information consistently from the applicant this has not been received. Unfortunately, this results in insufficient information to allow a robust decision to be made.

Existing land use

8.52 The existing land use is for overflow car parking for the adjoining Chaplin's store as well as an additional car servicing/sales use.

8.53 The adjoining Chaplin's store is an A1 use. This was confirmed through a 2007 application for a Certificate of Lawful Development (application 07/02076/EXUS) with a red line site boundary just around the Chaplin's Store and not the application site.

8.54 A legal view has been sought on application 07/02076/EXUS and this has confirmed that unless there has been a material change to take the use outside of the classification of A1 land use then the Chaplin's site as described in application 07/02076/EXUS is for an open A1 use.

8.55 This is significant as the Chaplin's store provides 4,736 sq.m of floor space, and there are no restrictions on the range of goods that could be sold.

Highways and Parking

Trip Generation

8.56 In order to provide a more robust assessment of the traffic impacts of the proposed Aldi store, a traffic survey was carried out at the Aldi store which recently opened at Southway. The results of this survey highlighted a two-way pm (1700-1800) peak hour trip rate of 11.292 trips per 100sqm. Whilst it is accepted that food retail stores do generate some trips during the am peak hour, the greatest level of impact is during the pm peak and consequently much of the focus is on this time period.

8.57 On the basis of the above-mentioned trip rate, the proposed Aldi store at Plympton would generate 224 two-way movements during the pm peak. The distribution of these trips were assigned to the network on the basis of the Retail Impact Assessment and various assumptions made regarding the % of trips that were already on the network (this is often the case with food stores as they generate very few 'new' trips and instead result in a redistribution of existing trips through pass-by/diverted etc).

On the basis of the agreed assignment of trips the food store will lead to an additional 117 two-way movements on Glen Road and 70 on Plymouth Road. The impact of the additional trips upon Glen Road are of particular concern as this corridor does suffer from congestion and queuing traffic during the pm peak hour, with vehicles often stacking-back from the St Marys Bridge junction as back as far as Strode Road.

8.58 Unfortunately no detailed traffic modelling has been undertaken to understand the potential traffic impacts that these extra trips will have upon the operation of the local road network (including junctions which are known to be over-capacity such as St Marys Bridge)

and whether or not it will lead to increased queuing and congestion. Without such data the Highway Authority cannot determine whether or not the development will be acceptable in transport terms or alternatively lead to an adverse highway impact.

Car Parking

8.59 With the proposed food store being located on an existing overflow car park which serves the adjoining Chaplins retail unit, car parking is a key issue in respect of the determination of this application.

Chaplins Parking

8.60 At present Chaplins is served by 204 off-street car parking spaces with around 40 spaces provided in the area immediately in front of the existing building and a further 160+ spaces located within the adjoining overflow parking area.

8.61 On the basis of the current retail floor area of Chaplins (4,736 sqm. of A1), a total of 201 off-street car parking spaces would be required to serve it by applying the maximum car parking standards as outlined within the Development Guidelines SPD and a PT accessibility score of 35%.

8.62 Car parking surveys have been undertaken by the applicant's traffic consultant both in April 2018 and over 2 weekends on the lead-up to Christmas (this traditionally being one of the busiest periods of the year for retailers). The average of the results of these surveys indicated that Chaplins generated demand for around 75 spaces, with the highest number of parked vehicles recorded being 89 which occurred at 11am during the survey undertaken on the 24th April 2018. It was noted that due to the relatively poor layout of the area at the front of the store, most of the car parking occurred on the overflow area.

8.63 In order to address the loss of the use of the overflow car parking area it is proposed to make better use of the existing car parking area in front of Chaplins by re-marking the bays and altering the layout. These changes would result in creating a car parking area of 75 spaces which would address the average car parking demand generated by Chaplins.

8.64 As clearly indicated by the result of the car parking surveys, there will be times when Chaplins will require more than 75 spaces proposed at the front of the store. During the survey undertaken in April 2018 only once between the hours of 11am and 4pm were there less than 75 spaces recorded; the remainder of the time there were more than 75 cars that were parked on-site.

8.65 Whilst the applicant's traffic consultant has rightly stated that there would be a linking of trips between Chaplins and Aldi (and therefore customers visiting Chaplins could park in Aldi's car park and vice-versa) it is likely that peak periods of activity at each of the retail units would coincide (Easter, Christmas etc) so both car parks would be busy at similar times, thereby reducing car parking availability.

8.66 Of greater concern to the Highway Authority is the possibility of an alternative retailer moving into the Chaplins site which would generate a greater demand for car parking over

and above the 75 spaces identified. This could lead to customers parking on-street along Galileo Close and Strode Road giving rise to highway safety concerns. Chaplins have confirmed that as a result of a gradual decrease in sales over the past 10 years that they consider the total of 75 car parking spaces sufficient to meet their needs moving forwards.

8.67 At present Chaplins is operating from their premises on the basis of an open A1 consent. Therefore it would be possible for an alternative A1 retailer to move onto this site (if it were to be vacated by Chaplins) at some point in the future who may require more than the 75 spaces provided based upon the overall amount of retail floor space provided (4,736 sq.m). The Highway Officer has advised that "I would reiterate the point that the policy position is that a total of 201 spaces to serve Chaplins based upon the amount of retail floor space. The 75 proposed spaces represent just 37% of the number of spaces required to serve this use based upon existing retail floor area".

Aldi Parking

8.68 Based upon application of the maximum car parking standards and a PT accessibility score of 35%, a total of 103 spaces would be required to serve Aldi. Therefore the 118 spaces which are proposed as part of the scheme to are considered to be sufficient.

8.69 On the basis of trip data derived from traffic surveys carried out at the Aldi store at Southway, a car parking accumulation assessment has been undertaken which suggests that the maximum parking demand at the proposed store would be 86 vehicles and this occurs at midday. If this number of parked vehicles were to be combined with the demand arising from Chaplins (and assuming 5% linked trips), this would result in there being just 21 residual spaces during the busiest period of the day (172 parked vehicles compared to 193 spaces). The Highway Officer has advised that: "I would reiterate the point that this is based solely on the car parking demands associated with Chaplins".

8.70 In view of the above-mentioned comments the Highways Officer's advice is that: "the application would be recommended for refusal on the basis of the loss of the existing overflow car park serving Chaplins". However a review of planning history of the site reveals that the adjoining overflow car park, whilst owned by Chaplins does not form part of the valid planning consent for the operation of the retail unit. As such the overflow car park could be closed and Chaplins could continue to trade without it. On this basis it would not be able to object to its' potential removal as a result of the proposed Aldi store , although it must be noted that the Highway Officer has advised: "even though I still have reservations regarding the loss of car parking that would arise from its' removal".

8.71 However the lack of any detailed traffic modelling undertaken to technically assess the impact of the development-related trips upon the operation of the Local Road Network means the Highway Authority cannot determine whether or not the impacts of the redistribution of vehicular trips will not lead to an adverse impact upon the operation of the local road network and associated junctions (including St Marys Bridge).

Amenity

8.72 The site is located in an area that is characterised by employment and retail uses. There are a number of residential properties located to the north of the site. However given the existing character of the area it is not considered that this development will result in any significant loss of residential amenity.

8.73 A number of letters of representation have raised issues of air quality that could be impacted upon by this development. The site is not located in an Air Quality Management Area.

Design

8.74 The area is typically characterised by single storey commercial development and the site is screened from Strode Road by some mature trees.

8.75 The layout of the proposed store will see it positioned in the south west corner of the site with access provided to the north from Galileo Close.

8.76 The position of the store will see the building adjoin roughly the position of the adjoining Chaplin's store, this establishes a building line that is compatible with the character and appearance of the area.

8.77 To the front and side of the store will be surface level car parking and signage on the corner of Strode Road and Galileo Close.

8.78 The application was discussed with the Council's Urban Design Officer who supports the design approach to the proposal given the character and appearance of the area, subject to detail of materials being submitted.

8.79 The building will be constructed from a contemporary materials with metal cladding and a mono pitched roof. A 3.5m glass curtain wall shopfront to provide an active frontage. The glazing will wrap around the north-west corner of the building which is the most prominent corner.

8.80 The Designing out Crime Officer has reviewed the plans and not identified any areas of concern.

8.81 The proposed development will provide an attractive building which is compatible with the character and appearance of the area. The development will therefore comply with Policy CS02 of the Core Strategy and Policy DEV20 of the emerging JLP.

Natural Infrastructure

8.82 The submitted Ecological Mitigation and Enhancement Strategy has provided sufficient survey information to ensure no protected species or habitats on the site will be adversely impacted upon by this development.

8.83 Two new trees are proposed to help provide a net gain in bio-diversity. One of these trees is outside the application site boundary and the applicant would need to ensure this is

provided in any agreement with the Council to provide off site highway works. This would be incorporated if planning permission was to be granted.

8.84 A hard and soft landscaping plan together with a maintenance schedule has been submitted. Although it provides some good landscaping the types of the plants proposed do not relate well to the location of the site. As a result should planning permission be approved some limited further details will be required.

Other Issues

8.85 The site is located in a critical drainage area and the application has been submitted with a Drainage Strategy. This has been reviewed by the Lead Local Flood Authority and the principles accepted. Although some further details of maintenance arrangements will be required.

8.86 Network Rail have advised that the development would need to be carefully constructed as to not impact on the main line railway, this would ensure that during construction no construction works would impact on the operation of the railway. Furthermore the building has been positioned away from the embankment not to adversely impact on the railway.

Planning Benefits

8.87 The provision of a new store will contribute to additional jobs being provided during construction which will have some benefit in the short term to the local economy. Should planning permission be granted there could be some commitment to local employment and skills training.

8.88 In the longer term the store will provide 40 full time equivalent jobs. This would provide some valuable employment opportunities in the local area.

8.89 The development would also be liable for the Community Infrastructure Levy. Based on the 2019 rate of £140.63 per sqm this equates to £277.8k which would contribute towards local infrastructure on the Regulation 123 List. This includes City Centre Public Realm, Mitigation from increased recreational use of the European Marine Site, Central Library, and North Prospect Community Infrastructure.

8.90 In addition the applicants have indicated that they would be able to commit a financial contribution of £17,289 towards the Eastern Corridor Transport Scheme, in addition to meeting the full costs of providing a new mini roundabout and associated works on Strode Road.

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 would be chargeable development for the Community Infrastructure Levy. The development would also provide a rateable value.

As already discussed in the report there are also contributions to local infrastructure proposed.

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 would be required to consider:

Contribution to Eastern Corridor Transport Scheme; Strobe Road Improvements.

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 a supermarket in this location would not prejudice any member of the community from using the facilities. Particular consideration has been given to people with mobility difficulties in as far as a good level of level access is provided and disabled car parking facilities are provided.

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 does not accord with policy and national guidance.

The application has failed to provide information to fully understand how shopping patterns in the catchment have impacted upon the Council's retail hierarchy and whether the development will have a significant adverse impact on vitality and viability of the District or Local Centres within Plympton.

The development has also failed to provide sufficient information to demonstrate that the development will not have an unacceptable impact on the local highway or result in damage to amenity, prejudice highway safety, and interfere with the free flow of traffic as a result of insufficient car parking being provided for the existing Chaplin's store as a result of this development.

Whilst the development will provide some local employment opportunities, provide a new building that is compatible with the character and appearance of the area, and result in a significant investment in the local economy whilst making a valuable contribution to local

and community infrastructure this does not outweigh the impact this development could have on the Council's retail hierarchy.

It is therefore recommended that planning permission is refused for the following reasons:

The proposed development by virtue of failing to provide sufficient up to date and robust information to understand how the provision of new floor space cumulatively will impact on the retail hierarchy within Plympton, the development has therefore failed to demonstrate that the development will not have significant adverse impact on the vitality and viability on the Plympton Ridgeway District Centre and retail hierarchy and the wider retail strategy of both the Core Strategy and JLP. The development is therefore contrary to the requirement of paragraph 89 and 90 of National Planning Policy Framework 2019, and the requirements of Policy CS08 of the adopted Core Strategy 2007 and Policies SPT5, SPT6 and DEV16 of the emerging Plymouth and South West Devon Joint Local Plan.

The submitted Transport Statement contains insufficient detail and no detailed traffic modelling in order to determine the impacts of the development-related trips upon the local road network and in particular Glen Road and Plymouth Road and associated junctions. On the basis of the lack of information provided the Highway Authority cannot determine whether or not the development would lead to an adverse impact on the operation of the local road network and thereby lead to increased queuing and congestion which would be contrary to Policies CS28 and 34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007, Policy DEV31 of the emerging Plymouth and South West Devon JLP March 2017 and Paragraphs 102 and 108-111 of the National Planning Policy Framework.

14. Recommendation

In respect of the application dated 17.07.2018 it is recommended to Refuse.

15. Reasons

1 REFUSAL: INSUFFICIENT INFORMATION ON RETAIL IMPACT

The proposed development by virtue of failing to provide up to date and robust information to understand how the provision of new floor space cumulatively will impact on the retail hierarchy within Plympton, the development has therefore failed to demonstrate that the development will not have significant adverse impact on the vitality and viability on the Plympton Ridgeway District Centre and retail hierarchy. The development is therefore contrary to paragraph 89 and 90 of National Planning Policy Framework 2019, and Policy CS08 of the adopted Core Strategy 2007 and Policies SPT5, SPT6 and DEV16 of the emerging Plymouth and South West Devon Joint Local Plan.

2 REFUSAL: INSUFFICIENT INFORMATION ON TRANSPORT IMPACT

The submitted Transport Statement contains insufficient detail and no detailed traffic modelling in order to determine the impacts of the development-related trips upon the local road network and in particular Glen Road and Plymouth Road and associated junctions. On the basis of the lack of information provided the Highway Authority cannot determine whether or not the development would lead to an adverse impact on the operation of the local road network and thereby lead to increased queuing and congestion which would be contrary to Policies CS28 and 34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007, Policy DEV31 of the emerging Plymouth and South West Devon JLP March 2017 and paragraphs 102 and 108-111 of the National Planning Policy Framework 2019.

INFORMATIVES

1 **INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

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.