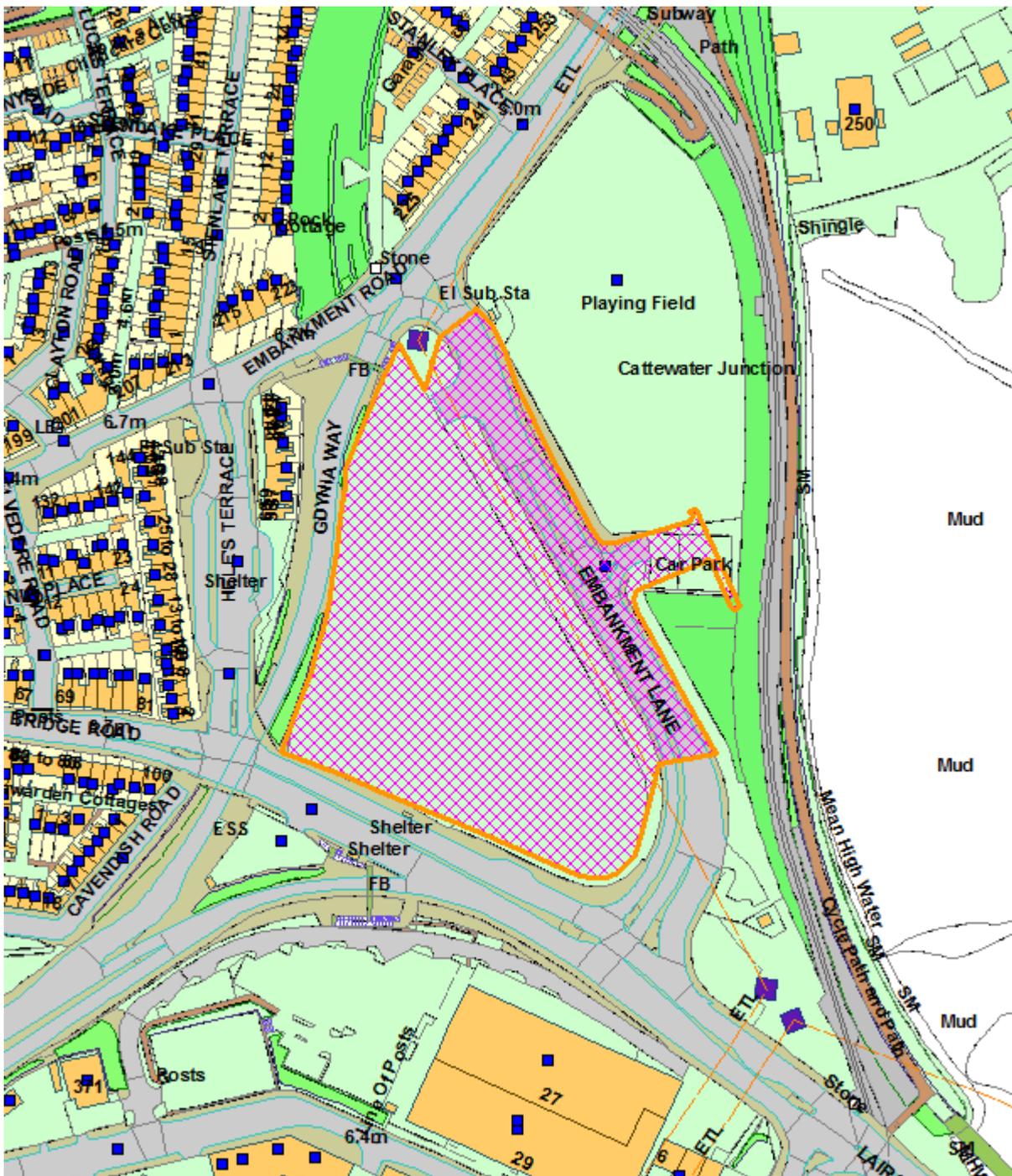


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/00218/FUL	<b>Item</b>	<b>04</b>
<b>Date Valid</b>	12.02.2021	<b>Ward</b>	SUTTON AND MOUNT GOULD
<b>Site Address</b>	Former Western National Bus Depot, Embankment Road Plymouth PL4 9LQ		
<b>Proposal</b>	Mixed use development of a hotel (CI), 4 x retail units (E(a)) including a home store, small convenience store, bike shop and retail shop, a restaurant with drive through (Sui Generis), coffee shop with drive through (Sui Generis), together with formation of vehicular access, associated car parking, landscaping & associated works		
<b>Applicant</b>	Goldmix Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>14.05.2021</b>	<b>Committee Date</b>	<b>09.12.2021</b>
<b>Extended Target Date</b>	<b>14.01.2022</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Alistair Wagstaff		
<b>Recommendation</b>	Grant Subject to S106 Obligation		



## **I. Description of Site**

The application site lies just to the North West of Laira Bridge and is approximately 2 km from the City Centre. It is located on the cusp of the Cattedown and Prince Rock areas of the city. The site was formally used as the Western National Bus Depot which has since been demolished. The site is 21,635sqm in size and mostly vacant although a small fair does operate on the site sporadically. The site is allocated in the Joint Local Plan (JLP) under Policy 56(4). The site is located in flood Zone 3 and in a critical drainage area.

The application site is roughly triangular in shape and the boundary of the application area on the North West and South West abuts the existing highway. On the North Eastern edge, the site boundary extends out to include an element of the Highway (Embankment Lane) and also extends across to the Prince Rock Playing Pitch site. On this side the boundary extends beyond the applicants ownership to the verge of the site and highway which are both Highway Maintained at Public

Expense (HMPE) and the Price Rock Playing Pitch site which is owned by Plymouth City Council (PCC).

The site is in essence an island encompassed on all sides by the road network, with Embankment Lane to the east, A379 Laira Bridge Road to the south and A374 Gdynia Way to the west. Currently the only access to the site is from Embankment Lane for pedestrians and vehicles. In terms of permeability, the site has a raised pedestrian and cycle bridge to the north crossing Gdynia Way with a further pedestrian crossings across Hele's Terrace and Embankment Road. To the East there are two pedestrian crossings, one half way up Embankment Lane and the other at the bottom crossing Embankment Lane, providing access to the north side of Laira Bridge Road. In the same location a southward crossing provides safe passage across Laira Bridge Road. On the Southwest corner of the site, two further pedestrian crossings provide access south across Laira Bridge Road and west across Hele's Terrace. In this area of crossroads, Gdynia Way travels under the road level in an underpass. There is a bus stop eastward direction on the southern boundary of the site.

The site itself is relatively flat with the main area formed of a concrete slab. The surrounding area is a verge, with an element of over grown self-seeded vegetation to the north of the site. In terms of levels, the central part of the site is flat but slopes slightly downwards from south to north. In relation to the surrounding land levels the site is almost at ground level in the south east corner, to the south west it is nearly a storey lower than Hele's Terrace and Laira bridge road, yet higher than Gdynia way. As you move north along Gdynia Way the road raises above the site, the same happens along Embankment Lane. In terms of the closest residential properties on Hele's Terrace and Embankment Road, the site is at a sunken level. At the closest point the residential properties are approximately 15 meters from the site boundary.

In terms of the surrounding area, Faraday Mill lies directly to the south, which is a commercial/light industrial park and beyond that is the area of Cattedown which is predominantly an industrial area. To the north and west lies a network of residential neighbourhoods comprising Prince Rock, St Jude's, Mount Gould and Lipson. To the east is Prince Rock Playing Pitches with the River Plym and Plymstock Beyond.

## **2. Proposal Description**

The application proposes a mixed use development of a hotel (C1), 4 x retail units Use class E(a) including a home store, small convenience store, bike shop and retail shop, a restaurant with drive through, use class Sui Generis, a coffee shop with drive through Use class Sui Generis, together with the formation of vehicular access, associated car parking, landscaping & associated works.

The scheme proposes the provision of 6,258sqm gross internal floor space in 7 units supported by 193 parking spaces. The proposed site layout is as follows: a new principle vehicle and pedestrian access point is provided on Embankment Lane, opposite the existing access to the Prince Rock Playing Pitch site with a new junction provided, which provides all movement vehicle access into the site and also the opposite site through the new junctions provision. The access will slope down on a ramp from Embankment Lane into the site, given the difference in levels.

The site is laid out with three buildings fronting Embankment Lane, the hotel to the north of the new entrance and two drive-through units to the south. The remaining four units are contained in one L-shaped building which sits in the western corner of the site. The building is under a single roof structure but contains two undercover walkways, one which is ramped up to the corner of the site where Hele's Terrace meets Laira Bridge Road and one small one which provides access from the site to Laira Bridge Road.

Pedestrian and cycle access is provided in the north east corner, west corner and south west corner of the site, connecting to existing crossing facilities to the wider area. A central walkway runs north west to south east through the site, with a paved walkway also wrapping around the frontage of the main building and a raised table shared space linking to one of the drive through restaurants.

The main building contains 4 units as follows:

Unit 4 is a retail cycle hub which is 350sqm, split over 2 storeys and includes a small ancillary café. The building is at the southern end of the wider building with its main entrance facing the coffee shop (building 3) and a small second entrance providing direct access to the landscaped plaza with cycle track facilities. Across the covered walkway is unit 5, identified as a shop which is 150sqm, the unit faces into the covered walkway with two entrances, with its 3 external elevations principally glazed. Unit 6, which is identified as a convenience store is 445sqm in size, it has predominantly glazed elevations with an entrance in from the central walkway which is the corner of the wider L shaped building. The connected section of buildings 5 and 6 have a service area with access on the principle north east elevation. Unit 7 which is a retail unit, is identified as a Home Store and is 1,486sqm and forms the other part of the L shape, but ends with at an angle cube section; it has 3 entrances, one on to the central area of the site, one into the covered walk way and one on to Laira Bridge Road. The three elevations are principally glazed, however the cube detail which provides the back of house is mainly cladded, although the elevation facing the entrance way contains green walls and signage zones.

The building has a glulam (glued laminated timber) wooden Roof detail, which features under the main walk way and as a projecting canopy. Solar panels are proposed on the roof and individual letter signage to the cycle unit. The buildings materials are Sinusoidal (metal) cladding in red, glazed windows with grey frames with an area of dark grey laminated glazing.

Unit 1 is proposed for a Hotel at 3270sqm with 88 bedrooms. It is 6 storeys in height and the building is to be principally (above ground floor) constructed with a Portland stone cladding tile with glazed windows and timber effect window bars as a design detail. Inset lighting panels are a design feature of this building. The south east and north west corners of the building have large sections of green walls wrapping around the corners. The ground floor is a mixture of a granite wall, reflective ceramic glass with a timber Glulam canopy and walling detail. The roof slopes downwards from north to south. From Embankment lane the building is at approximately first floor to pavement level.

Unit 2 is a drive-through restaurant of 390sqm in size over two storeys. The building is principally glazed with windows and ceramic backed glazing which is complimented with a timber effect bar screen on the upper floor. There is an external seating area on the first floor and the building is cubist in its shape.

Unit 3 is a drive-through coffee shop of 167sqm. The building has a curved green roof design on a glulam wood frame. The glulam frame extends to ground level, covering the drive-through lane with a tensile awning on the other side. The building is principally curtain wall glazing with timber effect cladding

The built form is supported by a detailed landscaping strategy, which includes a grassed strip, windflower meadow and a native species of hedgerow along Embankment Lane. Trees and landscaping run along the central northwest to south east walkway (including along the side of the hotel, with additional planting in the car parking areas). A large Plaza area with raised planters with seating and cycle practise area is located in the south east corner.

### **3. Pre-application Enquiry**

The site has been the subject of a number of pre-application enquiries dating back to 2017. 17/01726/MAJ was for a mixed use scheme including a hotel, pub and a range of retail units. This pre-application was considered in detail and as the scheme developed, concerns were raised regarding the fact that different buildings lacked a shared design approach. There was also concern that the scheme, developed to include a larger food store, raised concerns over its compliance with the sequential test and retail impacts on surrounding proposed and allocated centres.

In 2019 a new pre-application came forward (19/00989/MJR) for two large format retail units, one for a supermarket and the other for a home store. The LPA raised significant objections to the scheme in terms of its design and potential impacts of both the retail sequential test and impact on centres, including the city centre. Following this the applicant has worked positively with the LPA towards the scheme, which is currently the subject matter of this application.

### **4. Relevant Planning History**

93/01263/OUT Develop land by erection of non-food retail warehouse with associated car parking, service roads, junction improvements and off site highway works. - Refused - allowed at appeal

96/00563/REM Erection of 4645 sq. metres of non-food retail warehouse development (approval of means of access as reserved matter) - grant conditionally.

97/00857/FUL Erection of new warehouse and a flammable goods store - granted conditionally

99/00863/FUL Erection of six non-food retail units and a fast food outlet - granted conditionally

00/00302/FUL Use of vacant site for 12 months, part of site being used for sale of new and used motor vehicles and part for general open storage - Refused

04/00664/FUL Variation of condition 18 of planning permission 99/0863, relating to erection of six non-food units and a fast food outlet, so as to allow a different type of pedestrian crossing in Laira Bridge Road - Grant conditionally

### **5. Consultation Responses**

South West Water - No objections and proposed drainage strategy has been agreed. Note - no buildings or alterations to ground cover will be permitted within 3.5m of a public sewer which crosses the southern part of the site.

Historic England - No comment

Health and Safety Executive - site is not in consultation zone of a major hazard site or pipeline.

Natural England- development is within zone of influence of Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA and development is likely to impact upon it. Specific measures will be required to prevent such harmful effects from occurring and permission should not be granted until such time as the implementation of these measures has been secured. Recommended HRA screening undertaken. HRA screening has been undertaken and contribution secured in line with PCC approach to mitigating impacts.

Public Protection:

Air Quality - an Air Quality Assessment has been submitted which identifies that any impact will be negligible and a Construction and Environmental Management Plan (CEMP) will be required.

Noise - A noise impact assessment has addressed concerns in relation to the construction phase, and that impact caused by traffic is negligible. The hotel must have a minimum noise attenuation of 43 dB (A) and conditions are recommended to provide residents with protection from plant noise.

#### Land Quality:

A Phase I report has been submitted, which concludes that the overall land contamination risk is low, provided that mitigation measures are incorporated during the redevelopment. A remediation plan will need to be conditioned.

#### Conditions recommended

Lead Local Flood Risk Authority - The site is in Flood Zone 3, a critical drainage area and shown on EA maps as being at high risk of tidal flooding and in terms of surface water, at a low risk from flooding. The site is in area of potential for contaminated land and public sewers are in the vicinity. The site is in Preliminary Flood Risk Assessment (PLRA) Blue Square, and at risk of surface water flooding as flooding has been recorded in Gdynia Way.

Sequential and Exception tests have been completed and the proposed development is appropriate for its location. Embankment Lane provides sufficient defence against flooding from the River Plym and provides third part flood defence. Drainage strategy confirms SWW approval of free discharge to their Sewer, a 615m<sup>3</sup> +15m<sup>3</sup> capacity for surface water storage is provided and modelling results indicate drainage system designed for 1 in 100 year design with 40% allowance for climate change.

#### Further detail require via conditions

A surface Water Exceedance flow route should be identified to ensure increased flood risk off site does not accrue. Detail to be provided of how water environment is protected from pollution with Oil interceptors. Ground investigations are required and detail of the management of the drainage system.

Further response details acknowledge previous conditions still required.

Environment Agency (EA)- Initially object due to lack of acceptable Flood Risk Assessment, the site is in Flood Zone 3 and as an allocated site the sequential test and part 1 of exception test is passed but not part 2, it should be demonstrated that development is safe for its lifetime without increasing flood risk elsewhere. Embankment Lane is not a formal flood defence and no details of it are provided and the residual risk of flooding should a breach occur need to be provided. Other details required are raising finish floor levels, flood warning and an evacuation plan and flood resilient construction.

Further response- objection removed following further information conditions required on flood risk implementation and contamination.

#### Urban Design - Initial advice acceptable with conditions- key points raised

Current scheme is an improvement on previous submissions, the application goes some way to addressing pedestrian permeability, connections and active street frontage. Consider the scheme is only acceptable in entirety, do not support isolated buildings or zones coming forward individually. Quality of material is imperative, require details of all to be provided through conditions to ensure the scheme works together. There are concerns over the hotel façade treatment. Urban Design welcome the green wall but recommend further improvement. Main building - the canopy links the built form but elevation 7G is blank and requires improvement. Landscaping starts to link the buildings but further detail is required of hard and soft landscaping. Further detailed comments based on themes of National design guide provided.

Further response provided updating initial advice, acceptable with conditions- key points raised in addition to those previously provided. The scheme is only considered acceptable if delivered in full, detailed conditions required for materials and their junctions and finishes.

We would suggest conditions to the following items: materials and detailing, bin stores and refuse, hard and soft landscaping, lighting, street furniture, boundary treatments, wayfinding and graphics

Historic Environment - based on Archaeological Assessment, it is considered the area has very low archaeological value, no further mitigation is required.

Police Designing Out Crime - Southern Entrance Laira Bridge Road has potential for antisocial behaviour and gathering point particularly with Fast-food facilities on site. Recommend comprehensive CCTV system, security staff, good lighting, decorative coping stones, litter management plan for site and surrounding footpaths, deterrent measures for boy racers in the evening in the car park, formed as a management plan.

Economic Development- Broadly supportive, the scheme will contribute to visitor accommodation, note useful cycle links and provision. No issue with majority of uses, but concerns over home store which should be conditioned to limit goods sold.

Employment and Skills Plan is required through condition.

Education Department - no objections or contributions required.

Local Highway Authority -

Initial comments - accessibility and permeability through the site is good, access route beyond can be convoluted. Substantial concerns with submitted information and evidence identified, including road safety, tracking for large vehicles and traffic modelling. Evidence is inadequate assessment of impacts.

Further response

Significant engagement required during application to ascertain true impacts of the scheme.

- Site layout allows for internal stacking of vehicles, beyond what is envisaged for drive-through although it may block other spaces at busy times.
- Tracking information demonstrates adequate space when full road widths are used although this is undesirable, service provision is tight and limited and as such a service management plan is required.
- Parking levels are within the threshold stipulated within the SPD and disabled and motor cycling space are to be secured by conditions with 10 EV charging spaces, with a further 15 enabled for the future, 65 cycle spaces are also required. Recommend that electric cycle parking is also required.
- Traffic modelling has been challenging to resolve particularly due to COVID and a rise in fast-food patronage. The LHA worked with applicants to establish data, it is acknowledged that the modelling is a divergence of accepted practices and original submission were not reliable. Updated information considered more realistic and reliable.
- Existing highway network currently at high capacity and over and above its practical capacity at certain junctions at all times of peak demand, and therefore congested scheme includes mitigation including bus layby and dedicated right turn at Laira Bridge Road/ Embankment Lane junction, providing small improvement. At the times of peak demand the development would be expected to noticeably add to the current queues at the traffic signals by between 2 - 5 cars. A section 106 is required to help the network.

Conclusion of LHA is that the additional draw and negative impacts on the function of the major road networks are unwelcomed and would add to the existing traffic queues. However, the residual

cumulative impact would not be considered 'severe'. Therefore, from the advice contained in paragraph 109 of the National Planning Policy Framework (NPPF), the development should not be refused on highway grounds, and a recommendation of refusal could not be sustained, and in planning terms is apparently unlikely to be considered as significantly adverse

Street Services- . No objection to the delivery of landscaping in HMPE, but a permit to carry out any works is required and maintenance needs to be established.

Low Carbon City Team - Reviewed energy statement with measures to save 20% carbon saving, but these are estimations. An updated energy strategy is required with scheme detail. Concerns raised over detail on resource minimisation and climate resilience.

Outstanding matters discussed with consultee and conditions to be added is agreed.

Building control - a building regulations application will be required.

Natural Infrastructure - Initial Objection due to insufficient information required:

- Completed Open Space Assessment Audit Forms for the on-site delivered green spaces
- Clarification on the potential uplift in maintenance requirements of PCC land
- Additional ecological survey information
- Clarification of Net Gain calculation and use typologies therein
- Updated EclA , including firmed up enhancement measures and proposals map showing where the various habitats will be delivered with area measurements
- Landscape strategy
- Coordinated drainage strategy.

Following updated submission information.

Updated response - No objection to the proposed development given that appropriate mitigation is included within the development, as detailed in the conditions below. Conditions and S106 contributions required

Key Points for conditions:

- Proposals extend beyond the red line boundary. The land affected is within the ownership of PCC, therefore we recommend PCC Street services are consulted about any changes to PCC land
- Due to lack of delivery of 10% net gain, a S106 contribution will be required towards Grassland Improvements at Blagdon's Meadows
- Updated drainage strategy is required to incorporate landscaping requirements

Habitats Regulations Assessment - Screening undertaken, conditions required and on the basis of the appropriate financial contributions being secured to the Plymouth and South West Devon Joint Local Plan Strategic Access Management and Monitoring Strategy (SAMMS) and a CEMP being agreed prior to construction, Natural England concurs with the authority's conclusion that the proposed developments will not have an adverse effect on the integrity of Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites.

## **6. Representations**

Public comments

Total	73
Object	53
Support	19
Neutral	1

## Against

- Site visitors will be largely car born, creating traffic problems and impact on highways safety, specific concerns over takeaway uses.
- Area already faces significant traffic and congestion, the proposal will further compound the situation impacting on residents and Prince Rock school, elderly resident's in Heles Terrace and the proposal will further increase traffic from Sherford and Plymstock.
- East End Traffic improvements have not worked and traffic has increased with the scheme adding further to it.
- The proposed traffic lights will make congestion worse.
- Lack of scheme parking and staff parking impacting on surrounding areas and residential parking.
- Transport assessment does not include all potential traffic and congestion issues in wider area.
- Recommended left turn in to site from Laira bridge road.
- Creation of pollution including light, noise, and odour and increased vehicle emissions.
- Smell of hot-food takeaways and restaurants.
- The Hotel development is too high.
- Development will impact on neighbouring residential amenity including privacy, outlook, create overlooking and blocking light, specific concerns on Heles Terrace resident's.
- Plymouth has committed to climate emergency, and reduce carbon footprint this and other schemes undermine this approach.
- Lack of recreation facilities and open space in area.
- Impacts on Embankment Road shops and local businesses.
- Scheme and specifically takeaways will create litter problems.
- There is no demand for more hotels in the city.
- No more takeaways are needed.
- Construction impacts.
- City has too many generic out of town locations they don't add to the cities offer or sense of place.
- Council should take climate emergency and biodiversity seriously, the site should be given back to nature.
- Such development should be focused in city centre.
- Scheme promotes driving contrary to Plymotion campaign.
- Light and noise pollution will impact on wildlife and fossil fuel emissions are leading cause of bird deaths.
- Support redevelopment but not a hotel and drive thru's.
- Development will undermine role of city centre, council as continually granted consent for out of town location to detriment of the city centre with online shopping and COVID the role of the centre is seriously undermined.
- Site is too small for development proposed.
- Support the cycle hub concept.
- Flood risk issues.
- Cycle hub could cause conflicts with surrounding traffic.
- More trees are needed in the area with more mature planting.
- Takeaways are bad for public health.
- The land is contaminated.
- Drive thru's create anti-social behaviour.
- The development is of poor quality.

## Neutral

- Like the idea of redevelopment but concerned over 2 drive thru's and the need for these and traffic impacts.
- Drive thru's will not serve the community well and does not promote health ethos.

## For

- Development is eye-catching and cycling and other facilities will serve local area.
- Initially against proposal, but will help local economy and cycling should be encouraged.
- Benefits of the proposal outweigh the negatives.
- Area is in need of regeneration and support regeneration of brown field site.
- Shortage of hotels in area and benefits to tourism offer.
- Development will increase employment opportunities.
- Support new retail.
- Support cycle hub and could link to other facilities.
- Welcome new convenience store and site will provide facilities for local residents.
- Site is currently an eyesore.

## None Material Planning Points

- Surrounding cycle lanes are in poor state of repair or poorly designed.
- Land should be used to improve junctions and then should build a skate park, pump track and affordable homes.
- Development will block views.
- Support current ad-hoc use for funfair site should be used for other such things going forward such as events.
- Who would want to stay in a hotel here?
- Location of hotel is baffling.
- Hotel can be used for people visiting me.
- Loss of views would make me need to move.
- Hele's Terrace has already lost gardens to the road scheme.
- Hope it looks better than the barcode.
- Already enough fast food in Plymouth.
- Hotel guest may use bus lanes and get tickets, the Southwest has a reputation for being overzealous with parking tickets.
- Hotel guest may feel cheated with view over former Chelson Meadow giving a negative impression of the city.
- Hele's Terrace should only have been for bus and local traffic.
- Site should be used for sheltered accommodation and low rise flats.
- Pier at Millbay should be a coastal park.
- Concerns raised of flood barrier scheme in area and traffic issues.
- The playing pitch site should be a wild flower meadow, with seating and a park.
- A more upmarket hotel should be sought.
- The site could be left unfinished if the hotel does not work out.

One representation noted that site notices were only put up in limited locations which were easily missed, development should be well published. In this regard 10 site notices were placed surrounding the site at obvious locations with consideration given to the visibility to surrounding occupiers. A press advert was also placed. This was repeated for 2 further re-consultations.

## **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. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application: Supplementary Planning Document.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7. The following policies are relevant to the determination of the application SPT1, SPT5, SPT6, PLY56, DEV1, DEV2, DEV6, DEV16, DEV19, DEV 20, DEV2, DEV6, DEV20, DEV23, DEV26, DEV27, DEV28, DEV29, DEV31, DEV32, DEV35 and DEL1 of the Joint Local Plan, the Supplementary Planning Document, NPPF, NPPG and National Design Guide.
2. The considerations relevant in the determination of this application are: The principle of development, design and layout, landscaping amenity, land contamination, flood risk and drainage, retail and town centre considerations, low carbon and sustainability, hot food takeaway, highways and ecology.
3. This planning application is the result of a significant amount of pre-application engagement to develop the scheme. Further negotiations have taken place during the application process with changes made to the landscaping of the scheme, the design of the hotel building and one of the elevations of the main building. Additional supporting information has also been submitted with specific further information on the highways impacts of the scheme.
4. The application has been Screened under the 2017 EIA regulations and been concluded to not be EIA development.

### Principle of Development

5. The application site sits within the urban area of the city and has remained vacant for a number of years since the former Western National bus depot was cleared. Planning permission has previously been granted on the site for retail purposes, however these consent were not able to be implemented due to the new transport network which was implemented as part of the Eastern Corridor scheme, which created the current Embankment Lane road.
6. The site is allocated within the Joint Local Plan in Policy in policy PLY56.4, this is for a mixed-use development incorporating commercial uses (potentially small scale local retail leisure and or hotel). As such the redevelopment of the site for a mixed use scheme is acceptable in principle. In terms of the specific uses proposed, some elements are considered to accord with the policy and others are not specifically. In terms of the Hotel, this complies with the policy wording, the convenience store/ supermarket and small retail unit are also considered to fall within the definitions of small scale local retail, which would meet the needs of the surrounding area.
7. The larger unit, proposed at 1,486sqm gross which is advised for the sale of homeware does not accord with the policy wording. Nor does the two Sui Generis drive-thru restaurants and the cycle shop which, while small scale, serve a potential wider catchment. As such, while the principle of redevelopment is established, further detailed consideration is required of specific elements and their impact notably in terms of retail considerations, residential amenity and highways impacts.

### Design and Layout

8. The design and layout of the scheme is a key consideration in the planning balance and has been considered in that context. In considering this the design guidance in the NPPF, NPPG, national design guide and the policy requirements of PLY56.4, DEV20 and the section 6 (place shaping) of the adopted SPD have all been considered.

9. Significant design evolution has taken place through 2 pre-applications with 3 schemes considered. Following 2 schemes which were not considered appropriate, the developer has worked collaboratively with the LPA and consultees to develop a much more enhanced scheme.

10. The scheme has been to the design review panel twice, once in 2018 and once in October 2020 based on the current scheme. This second panel welcomed the scheme noting improvement in terms of layout and design and that the scale appropriately reflects a gateway to the city. It also welcomed the green roof and the glulam roofs that help unify the scheme. In terms of the hotel, it supported the simple design but recommended improvement to the end elevation and use of a natural stone finish. In terms of the drive-through unit, it recommended a commonality of materials should be considered. Improvement to pedestrian route and landscaping were also discussed and ecological and biodiversity enhancements. Further scheme development has taken place informed by the feedback and also engagement through the pre-application and application process. These views have also been given by the Urban Design Officer.

11. In terms of the design of the buildings, it is considered that the scheme is well connected in terms of the building designs and this is a significant improvement on previous schemes which did not tie in well together. As identified in the consultation response from urban design, the final detail of materials and their finish and connections to each other will be fundamental to the delivery of a high quality scheme. These matters will be conditioned and it is important that the individual buildings have a commonality of materials which work together. The use of timber and timber effect detailing on the buildings including the Glulam roof, timber roof structure to the coffee shop, upper floor cladding of the takeaway unit and detailing of the hotel will be key to achieving a successful commonality and such detail will need to be considered together to achieve a quality development.

12. The design of the scheme corresponds well to the surrounding road network using a mixture of frontages with glazing and landscaping to address the streets. The position on Embankment Lane is more set back than that to Laira Bridge Road and the site to the majority of the road slopes downwards here. The landscaping proposal provides an enhanced setting with the buildings behind. The frontage of the hotel at ground floor is not ideal with the undercroft car parking, however when viewed through the landscaping and with people's eyes being drawn to the first floor which is at eye level, this is considered acceptable.

13. Improvements have been made during the application to the elevation of the main building which faces the principle entrance way, introducing a green wall and signage zones which have broken up this once bland elevation, this also helps to tie in the building to the hotel with its green walls and 1 of the drive-thru's with a green roof. The hotel building has been amended since submitted and the change of materials and improvement of the green walls has led to an improved design, as recommended by colleagues in urban design and the Design Review Panel. This building helps to provide a high-quality arrival from Embankment Road and marks the entrance in to the more central area of the city. Overall subject to conditions, the design of the scheme is considered acceptable as a whole. There is however a concern that if only parts of the scheme came forward in isolation, the quality of the scheme and its acceptability could be altered, as such a joint implementation condition is recommended to ensure all buildings are completed to finished shell to ensure they are constructed. It is also included that the pedestrian and cycle links through the site should be finished to ensure appropriate access is delivered.

14. In terms of the layout of the scheme, this has been the subject of extended negotiations. The resultant scheme is considered to provide a good approach to the scheme and one where pedestrians and cyclists can move freely through the site and be connected from all sides. Movement between the uses is also achieved and the raised table feature between the centre walkway and the first drive-through restaurant provides a clear priority for pedestrians. The new plaza area with cycle facilities and a mix of hard and soft landscaping is considered a strong positive of the scheme,

creating a more inviting environment which will encourage dwelling and use from each of the component uses. It is also consider to provide an attractive setting and approach to the scheme from Laira Bridge. Likewise, the central walkway with landscaping features is a positive of the scheme and breaks up the dominance of car parking. The final design of this area and landscape details will be required through conditions. One area of weakness in the layout, is the lack of pedestrian crossing to the coffee/takeaway units, however this is able to be secured through condition to ensure it is easily accessible to pedestrians.

15. The landscaping approach to the site is an important element of the success of the scheme, with consideration of both hard and soft landscaping features working with and supporting the built form which is key to the overall success of the scheme. The scheme provides a range of planting and landscaping, with tree planting along key routes and frontages which help contribute to the sense of place and success of the overall form of the development. These also help in relation to the recent changes set out in the NPPF. Detailed comments of these have been received from both the natural infrastructure and urban design teams, both during pre-application and this application and subject to conditions, the overall the layout of the scheme is supported.

### Amenity

16. The proposal sits on an island site, separated from the surrounding area by a busy highway network. Nonetheless, consideration of the scheme on resident amenity is a key consideration and has been the subject of significant amount of representations, particularly from the residents of Hele's Terrace with a wide range of concerns set out. In considering the impacts on amenity, policies DEV1 and DEV2 of the JLP and guidance in the adopted SPD are key considerations.

17. In terms of the schemes impact on air quality, the public protection consultation has advised that the impact on air quality will be negligible and that no further action is required based on the information submitted. In terms of construction phases, a construction and environmental management plan has been required to ensure the resident's amenity is protected during this period.

18. In terms of noise and odour, the scheme will introduce more active uses in the area and it is important that these matters are considered and acceptable. In terms of noise based upon the submitted reports, public protection have required that the hotel use must have a minimum noise attention of 43db (A), this will be conditioned.

19. In terms of the schemes impact on the surrounding areas residential amenity it is important that the scheme does not unduly impact on the residents. In this regard there are a number of factors which need to be considered. In terms of creating an acceptable relationship in terms of outlook, overlooking and protecting amenity it is considered that the scheme is acceptable. The development is well spaced from the surrounding residential uses and in terms of dominant features this focuses on the proposed hotel. This is set back over 30 meters from the properties and it is considered that this change to the surrounding area is acceptable in terms of outlook. In terms of overlooking from the hotel, given the distance which exceeds the guidance in the SPD it is consider acceptable in terms of its relationship to the residential properties.

20. No details of the extraction and ventilation for the properties has been provided and these are important in limiting the impact on residents through their control. As recommended by public protection, a condition requiring that these systems do not generate noise (LAeqT) emanating from plant, including any air conditioning, ventilation or extract systems which exceed the background noise level (LA90), including the character/tonalities of the noise at any time as measured at the facade of the nearest residential property would be required.

21. Concern has been raised by both letters of representation and the architectural liaison officer regarding litter generation both within and surrounding the site. It is acknowledged that the uses

proposed do have the potential to generate high levels of litter, and as such a condition requiring litter bins and litter picking is recommended to manage this. The architectural liaison officer has also raised concerns over the potential for people to congregate under the covered walkways and for 'boy racers' to congregate in the car parking area causing anti-social behaviour. To ensure this is appropriately dealt with, a site wide management plan is required to ensure that such issues are managed and to reduce the impacts on the surrounding residents.

22. The hours of operation of the units is also an area of concern and while physically separated from the surrounding area it is important to ensure these are limited to reduce disturbance, including that of the movement to and from the site, conditions limiting these are therefore recommended as set out by the public protection consultation response. The final aspect which needs to be considered relates to deliveries and waste collection as this can be a disruptive activity. Conditions limiting these have been recommended by public protection however, these differ from those recommended by the Local Highway Authority, whose concern relates to highways impacts. There is an important balance to strike in these two areas of concern. It is also acknowledged that the different uses on site will have different requirements for deliveries and collections. As such, it is considered that further information on waste collection and deliveries should be the subject of conditions requiring a waste collection and deliveries strategy which set out the times, locations and mitigation measures to reduce the impacts on both residential amenity and the highway network.

23. As such and given the consideration above, the schemes impact on amenity is considered to be acceptable in the context of policies DEV1, DEV2, the adopted SPD and NPPF, subject to appropriate conditions which would manage impacts to an acceptable form.

#### Land Contamination

24. Given the sites previous use, it is important to ensure that the potential for land based contamination is considered in accordance with the policy requirements of DEV2. A Phase I report has been submitted in support of the application by the applicant. This report concludes that the overall land contamination risk is low in the context of the redevelopment of the site. This report has been reviewed by public protection and provided that mitigation measures are incorporated during the redevelopment, they raise no objection to the application. A remediation plan will need to be agreed prior to construction commencement to ensure this is properly managed. Subject to this, the management of contamination is considered acceptable in relation to policies DEV1 and 2 of the JLP.

#### Flood Risk and Drainage

25. Ensuring that the site itself, proposed occupiers and users are safe from flood risk is a key consideration, as well as ensuring that any displaced surface water does not impact surrounding properties. This is important to ensure that the requirements of the NPPF, policy DEV35 and the guidance in the SPD are met. The site is in Flood Zone 3, a critical drainage area and shown on EA maps and as identified by the LLFA response as at high risk of tidal flooding and in terms of surface water is at a low risk from flooding. The recent road scheme which created Embankment Lane is a flood defence measure, but the site does sit at a lower level to this and as such the impacts of over topping need to be considered. The application is supported by a flood risk and drainage strategy which has been reviewed by the case offer, LLFA and EA. The first consideration relates to the sequential test set by the NPPF and DEV35. In terms of other potential sites at less risk of flooding, it is acknowledged that the site is allocated for development however, there are other allocated sites where development could go, it is therefore important that the exception test be considered. This has been reviewed by both the LLFA and EA including further information, given the concerns raised by the EA. Subject to conditions, including setting appropriate finished floor levels, it is considered that the exceptions test is passed.

26. In terms of the wider drainage consideration, the submitted flood risk and drainage strategy confirms South West Water approval of free discharge to their Sewer for the scheme, the proposed drainage system which provides 615m<sup>3</sup> +15m<sup>3</sup> capacity for surface water storage and that the drainage system is designed for 1 in 100 year event with 40% allowance for climate change. This is considered acceptable in terms of the strategy proposed, subject to a further details condition of the final system, its maintenance and detail of surface Water exceedance flow route to ensure increased flood risk off site does not accrue. Details are also required of how water environments are protected from pollution with oil interceptors, ground investigations, details of the management of drainage system and an evacuation plan and flood resilient construction of the scheme will also be required.

27. South West Water have advised that a public sewer crosses the southern part of the site and no buildings or alterations to ground cover will be permitted within 3.5m of it. The proposed scheme will alter land within this area and as such consultation on the final detail on hard and soft landscaping will need to be consulted with SWW at the discharge of condition stage.

28. On balance in terms of flood risk and drainage, the scheme is acceptable subject to conditions which ensure the final scheme details and its drainage system accords with the requirements of Policy DEV35 and the guidance in the NPPF and SPD.

#### Low Carbon and Sustainability

29. Ensuring new development is sustainable is a key consideration as set out in Policy DEV32 of the JLP and the NPPF, it is also important to note that the Council has declared a climate emergency. The sustainability of the scheme has also been the subject of a number of letters of representation.

30. The application is supported by an Energy Statement which sets out the schemes commitment to delivering a 20% reduction in carbon saving as required by policy DEV32 through the use of solar PV and Air Source Heat pumps. This has been reviewed by colleagues in the Low Carbon team. They have requested an updated Energy Statement through conditions, as the current scheme is not specific in its detail, given the lack of the end tenants of the scheme. The consultation has also raised that details of the schemes climate resilience and resource minimisation have not been covered in the submitted energy strategy. In this regard and as set out above in the flood risk and drainage section, the development will (subject to conditions) be resilient to flood risk which helps meet this policy requirement. It is however the case that the scheme could be further developed in relation to the construction process and ongoing use to further reduce the use of materials and resources. As such, in addition to an updated energy strategy this should also provide further detail on how the schemes sustainability can be increased. It is considered that this additional information can also be secured by condition, which will ensure the policy requirements are met and a sustainable development is achieved.

31. In terms of the sustainability of the development, a number of the representations raised specific concerns over the location of the development and that it creates a car borne destination. While the specific transport considerations are covered below, in terms of sustainability it is acknowledged that the development does include drive-through restaurants and other destinations which can be travelled to by private vehicle, including drive-through facilities. This is the case as with many developments, the proposal does however provide opportunities to access the site by more sustainable means including both walking and cycling, with key routes surrounding the site provided for access and there is also a large surrounding residential population. In terms of the policy considerations, while the development does include car borne facilities, it does not preclude or discourage more sustainable travel. As such, subject to further detail secured through conditions, the proposal is considered acceptable in terms of sustainability and low carbon development in accordance with policy DEV32 and the guidance in the SPD and NPPF.

## Retail and Town centre

32. In considering the scheme there are three key interrelated retail considerations. These are (1) the compliance with the sequential test, (2) the impact of the scheme on the vitality and viability and investment in the network of centres, both required by the NPPF and DEV16, and (3) how the scheme impacts the spatial retail strategy as set out in the Joint Local Plan. In considering these matters, Officers have sought the advice of Avison Young who provide retail planning advice to the Council. They have provided an advice note and it is considered in the officer report below.

33. In terms of the retail strategy this is set out in policies SPT5 and 6 of the JLP. SPT5 identifies that proposals which meet compelling 'qualitative' needs for retail development will be considered favourably and that the focus on the strategy is to continue the improvement of the overall provision of retail floorspace within the City Centre, to protect and strengthen its regional shopping role is central to this strategy. While SPT6 sets out that the provision of new retail floorspace and other main town centre uses will be positively planned for, having full regard to the sequential hierarchy of centres. DEV16 then requires that development proposals, including retail and town centre uses should be considered in the context of their support for the spatial strategy of the local plan and the sequential hierarchy of centres, it also requires a sequential and impact assessment. Before a viewpoint can be provided on the schemes compliance with the spatial retail strategy, the specific consideration of the sequential and impact assessment need to be considered.

### Sequential Test

34. The role of the sequential test is to establish if there are more sequentially preferable sites that the development should be located in within the catchment area and whether they are suitable and available for the development. This includes those sites located within and on the edge of existing centres and as part of proposed/allocated centres, such as that of the Saltram Meadow development, which are within the primary catchment area that the development could locate. As part of the consideration of the sequential test in this instance, consideration needs to be given to the allocation which covers the site, as development which accords with the development Plan is not required to adhere to the sequential test. Policy PLY56.4 allocates the site for mixed-use development, incorporating commercial uses (potentially small scale local retail, leisure and/or hotel). The scheme proposes the following component uses:

Hotel (C1) 3,270sqm

Drive through fast food restaurant (sui generis) 390sqm

Drive through coffee shop (sui generis) 167sqm

Shop (E(a))(cycle hub) 350sqm

Shop (E(a)) 150sqm

Shop (E(a))(convenience store) 445sqm

Shop (E(a))(home supplies) 1,486sqm (comparison goods 810sqm, convenience 540sqm)

35. In terms of the hotel, this complies with the policy wording. The convenience store/ supermarket and small retail unit are also considered to fall within the definitions of small scale local retail, which would meet the needs of the surrounding area.

36. The larger unit proposed at 1,486sqm gross which is advertised for the sale of homeware does not accord with the policy wording. Nor does the two Sui Generis drive-thru restaurants and the cycle shop, which while small scale, serve a potentially wider catchment and as such, the requirement for the sequential test needs to be applied. That being said, part of the material consideration is that some element of the scheme accords with the site policy.

37. In terms of the sequential test undertaken by the applicant, this focuses on the assessment of the large retail unit only. It is questioned why the two drive-thru restaurants have been excluded

from the assessment given they also do not accord with the site allocation. It is also questioned, given the Rushden Lakes Secretary of State Decision and the Scotch Corner Secretary of State Decision which the applicant has referenced, which consider the assessment of the whole scheme and approach to disaggregation, why only part of the scheme proposed has had the sequential test applied rather than a more flexible version of the whole scheme, which would have (subject to a flexible approach being undertaken) been considered reasonable to the LPA.

38. In terms of applying the sequential test by the applicant, a number of the assumptions are questioned by officers and there are a range of issues raised with the test provided, notably that the Plymstock Broadway centre is discounted due to it having a Lidl store in it, with no justification for this given. It is also the case that the former Coop store at 59 The Broadway which is currently vacant has not been considered. While planning consent has been granted for change of use and alterations of the vacant unit to provide 2no. units including a clinic (Class A1-A3 & Class D1), public house (Class A4) & gym (Class D2) under reference 17/02505/FUL, the units are still vacant. It is also the case that the centre's car park has not been considered. Although it is considered by officers that its loss would be a consideration, given its key role in serving the centre in terms of the suitability and availability of the site.

39. The assessment also discounts the proposed Saltram Local Centre, stating it falls outside the primary catchment area. The position on the Saltram Meadow centre being outside the primary catchment area is not considered accurate as the sites are approximately 1300 metres apart along road ways and as the crow flies only 1000 meters apart. The applicant's assessment also discounts a number of city centre sites including those allocated in the Joint Local Plan. This position is also questioned and Officers consider that many of these allocations could be considered suitable and available. Given these shortcomings in accordance with the requirements of Paragraph 91 of the NPPF, the application could be refused for failing to comply with the sequential test. Before looking to this option Officers have considered where it is their view that there are any sequentially preferable sites for the development. A 10 minute drive time catchment which has in-part been used by the applicant is considered reasonable and as such Officers have considered whether there are any sites which could accommodate the proposal with a degree of flexibility in this catchment area. Officers are satisfied (having considered the applications assessment and the knowledge of the area) that, with the exception of the City Centre, Plymstock Broadway and the proposed Saltram Local Centre, that there are no sequential preferable sites.

40. In terms of the Plymstock Broadway, the proposal (even including flexibility) would not be able to locate here. In terms of the former coop unit, given its limited size, this site is not considered suitable. In terms of the centre's car park, given its role in serving the centre it is not considered to be available for development.

41. In terms of the proposed allocation at the Saltram Neighbourhood, this includes a local centre based around a new Market square. The outline consent for the scheme and its S106 are very specific regarding the content of the centre, its make-up and uses allowed. This includes former A class uses and live work units under residential flats, a supermarket with flats above and two buildings in the market square itself (one for health purposes the other for up to 4 retail units). Policy PLY50 identifies the LPA's support for the implementation of the existing planning permissions and strategic masterplan relating to Saltram Meadow. In terms of this scheme's ability to locate there, given the restriction on the centres configuration and uses it is not considered that these would accord with the local centres required deliverables and as such, it is not considered to be either suitable or available for the proposal.

42. Sequentially this then leaves the allocated sites within the City Centre PLY7-15, clearly as SPT5 and 6 direct such development to the City Centre to support its role and function as a regional centre. It is also the case that the mix of uses could be reconfigured to any number of the sites

within Colin Campbell Court (PLY7) and the former Debenhams building (PLY8) being obvious sites. The City Centre sites could therefore all be considered potentially suitable for the redevelopment and a number are also available on the open market, in the Councils control, demolished or unoccupied. However, consideration does need to be given to the fact that the proposed site is allocated and the allocation PLY56.4 does allow for a number of uses, meaning they do not need to pass the sequential test. It is also the case that flexibility needs to be considered in relation to the proposed scheme in relation to these sites. It is not considered that the scheme even allowing for a substantial degree of flexibility could be amended to accord with the policy requirements of the JLP in relation to the form and scale of the building, nor accord with the overarching requirement of Policy PLY6 point 2 in relation to 'Respects and celebrates the centre's mid-twentieth century built heritage, including the Beaux Arts grid of the 1943 Abercrombie Plan'.

43. As such, the LPA is satisfied that without disaggregation, or more than a reasonable degree of flexibility to the proposed scheme, there are no potential sequentially preferable sites which are suitable and available in the Primary Catchment area. As such, notwithstanding the lack of agreement with the applicants sequential test following officers assessment, it is considered that the sequential test can be considered to be passed.

#### Impact

44. It is important to understand what impacts the proposal could have on the network of centres. In terms of considering the impact of the scheme on the network of centres, including the city centre and proposed local centre at Saltram Meadow the council have sought the guidance of Avison Young (AY), who have advised the council on other retail applications. The applicant has submitted an assessment which AY and Officers have reviewed. In terms of the assessment of impact these are required for scheme over 500sqm for retail and 2500sqm gross for leisure and office, considering the impacts on both the investment in and/or the vitality and viability of an existing centre or prejudice, the deliverability or investment in a proposed centre. It is important to note that those elements of the scheme which accord with the policy allocation PLY54.6 as set out above do not need to be considered, given they comply with the development plan.

45. In terms of the impact, Officers and AY consider that the impact of the following units should be considered: unit 7 Homeware store; the cycle store; and the units for food and beverage. The applicant's assessment however, only considers Unit 7 of these but also includes assessment of the supermarket unit. In terms of the rest of the data used in the applicants assessment, the following points are noted: it has been based on the Council 2017 retail study using zone 2 as its primary catchment area (although includes turnover of stores outside this zone), the assessments design year is 2026. In principle AY have advised that on balance this approach provides a reasonable structure for the assessment, but they do have issues with some of the datasets used by the applicant and lack of inclusion of assessments of some units, which should have been included and as such conclude it is only a broad bush assessment of the impact. Having reviewed the information, the following conclusions have been provided in the advice from AY:

- Do not consider that the comparison goods floorspace element of the proposal is likely to materially affect the impact on defined 'town centres' beyond any impact which may accrue from other commitments / recent store openings.
- The cycle store, while having a wider than local catchment area, but with the strong growth which the cycle retail sector is currently experiencing, any diversion is likely to be spread thinly across existing facilities and it is unlikely that the health of any defined 'town centre' will be materially affected by this element of the proposal.
- In relation to the three proposed food and beverage units, they will have a wider than local catchment area and is likely to mean that the pattern of trade diversion becomes more diverse across the city and, subject to the imposition of suitable conditions over their operation/function, we do not consider that these units are likely to have a material impact upon the health of nearby centres.

- We consider that the Council could, on balance, conclude that there is unlikely to be a significant adverse impact upon nearby defined 'town centres' and therefore meet the provisions of policy DEV16 of the development plan and paragraph 89 of the NPPF.

46. Having considered the advice provided and the potential impact of the proposals on the network of centres it is concluded that, notwithstanding the short coming of the assessment provided by the applicants, that the proposal is unlikely to have a significantly adverse impact on the network of centres.

#### Retail Strategy

47. Having considered the sequential test and impact assessment, it is now important to consider the impacts the proposal would have on the overarching strategy in the City provided through SPT5, SPT6 and DEV16. In this regard, the fact that elements of the proposal accord with the strategy through the allocation of the site under policy PLY56.4 is an important consideration which supports commercial use on the site. Those elements which are not in accordance with the allocation are however still important to consider. The unit identified as a cycle store again could support the city centre if located in it which the council's retail strategy seeks as the focus for retailing. That said, the unit is limited in its scale and on balance is not considered to be detrimental to the overarching strategy. This leaves the homewares store. A number of these including B&M and Home Bargains have been delivered in the city in recent years, mostly in out of centre locations. It is however the case that recently a B&M store has gone in to the former BHS unit in the city centre showing that such units can successfully trade and contribute to the offer and appeal of the city centres retail offer. On balance the proposals in this location is not consider demonstrably harmful to the overarching strategy. These conclusions are however, specific to the role and function of the units being in accordance with the information submitted and were, for example one of the units to be a comparison goods store such as a Next or TK Max then the conclusion would be different. It is therefore important that these are units are controlled by condition to limit their use.

#### Hot-food Takeaways

48. The proposal includes 3 units which include the provision of hot food takeaway. Policy DEV6 of the JLP precludes the provision of hot food takeaways within 400 meters of a secondary school. To protect the school food environment. There are no secondary schools within 400 meters of the proposed site and as such the proposal accords with the provisions of DEV6.

#### Highways

49. The application site sits a key point in the Highway network serving the Eastern part of the City and key arterial route in to the city from the A38 through Marsh Mills along Embankment Lane (A374) and also from Plymstock and beyond through Billacombe Road and Laira Bridge. The site is also highly constrained in its accessibility by the impacts that the road network surrounding it has on pedestrian and cycle access. The site is also allocated in the Joint Local Plan through Policy PLY59.4. In determining the highways impacts of the scheme, the key policy considerations are PLY59.4, DEV29 and the guidance in the NPPF chapter 9. The proposal has been the subject of extensive public representation with many of these raising concerns on the highway network and the schemes impact. It is evidently an important consideration in determining the application. The Local Highway Authority (LHA) have alongside planning officers been engaged with substantial discussions with the applicant during and before the application in relation to highways matters to ensure the impacts of the scheme are properly considered.

#### Pedestrian and Cycle Access

50. Pedestrian and cycle access is provided in the north east corner, west corner and south west corner of the site connecting to existing crossing facilities to the wider areas. This enables pedestrians and cyclists to access the site from the surrounding area, utilising the existing crossing and bridge access points. Within the site, a central walkway runs northwest to southeast through

the site, with a paved walkway also wrapping around the frontage of the main building and a raised table shared space linking to one of the drive through restaurants. In terms of the layout of the scheme, it is considered to provide a good approach where pedestrians and cyclists can move freely through the site and be connected from all sides of the surrounding area. Although as set out in the response from the LHA, these connections can be convoluted. It is however considered that the scheme takes all steps available to improve connectivity as required by Policy DEV59.4. It is also acknowledged that the site is connected by the wider cycle network and has good connectivity to both the local, and national cycle routes, and is well placed to encourage cycling as both a sustainable means of travel.

51. Within the site, movement between the uses is also achieved and the raised table feature between the centre walkway and the first drive-through restaurant provides a clear priority for pedestrians. One area of weakness in the layout, is the lack of pedestrian crossing to the coffee/takeaway units however, this is able to be secured through condition to ensure it's easily accessible for pedestrians. Subject to this, the scheme is considered acceptable in terms of its access by pedestrians and cyclists.

#### Internal Vehicle Layout and Access

52. The internal layout of the site for vehicles is via Embankment Lane to serve the site as required by policy PLY59.4. This is via a new junction which serves the site and provides access to the neighbouring site, Prince Rock Playing Pitches, allocated under Policy PLY59.5. The new proposed junction layout includes the applicants land ownership, the extent of HMPE and part of the Prince Rock Playing Pitches site (PLY59.5) which is owned by the Council. While there is no objection to the design of the junction, given that part of it is beyond what the applicant can deliver within the ownership and HMPE, it is considered necessary to condition the application to ensure sufficient elements of the junction are delivered to ensure safe operation of the site and highway network.

53. From the junction, the layout for the site provides a gyratory one-way route through the site to the food and coffee, drive-through takeaways, with a right hand turn providing access towards the hotel and service yard for the main buildings. The layout has been negotiated during the pre-application process and is designed to provide space to allow up to an estimated 38 - 42 cars to queue within the site. This is to ensure stacking particularly from the takeaway facilities would not stack back and obstruct the highway network, which would be a significant concern. It is acknowledged that at busy times, long queues from the drive-through takeaways could (as identified by the LHA) cause stacking for these uses to cause inconvenience to other customers coming and going from the retail park, a situation that is not uncommon from drive-throughs and is considered on balance acceptable, as the key issue is to protect the wider highway network from potential impacts of stacking.

54. In terms of servicing, all servicing would be via the main site entrance to the retail park on Embankment Lane that would also be used by customers. The consultation response from the LHA identifies that the application wheel tracking drawings indicate that the proposed servicing arrangements are constrained, but just adequate to accommodate larger service and delivery vehicles. This is however based on the fact that in places, vehicles would need to utilise the full width of the internal roads. This is not desirable, but due to the constrained site is considered acceptable as it is within the private site. As recommended by the LHA, a condition would be required to ensure servicing is managed by way of a Service Management Plan. This would ensure the conflict between service and general site access is managed.

55. The turning area in the service yard for the retail units takes the form of a 'tight banjo' that is constrained by the adjacent bank of car parking spaces. However, the tracking plans show this can be accessed by an articulated lorry. In terms of servicing by larger vehicles to the Hotel, these would

be carried out by utilising part of the adjacent retail service yard for turning, and/or, part of the access road itself. As per the above given the site constraints and as recommend by the LHA a Servicing Management Plan will be required to ensure potential conflict with customers and their vehicles are properly managed.

#### Parking and Cycle Provision

56. The proposed layout provides a total of 186 car parking spaces which is in line with the Councils parking standards set out in the SPD which would, as set out in the consultation response from the LHA as being indicating 144 - 288 range. At present the layout does not show disability parking spaces, which would need to be identified and marked out at a ratio of 10%, along with provision for motorcycle parking at a ratio of 5% as required by the LHA and these would need to be secured by way of a panning condition.

57. The scheme would provide 10 Rapid Electric Vehicle Charging Points (EVCP) and a further fifteen (15) should also be provided with passive wiring to facilitate additional future EVCP provision. The LHA have advised that fast EVCP is required for the scheme and the details of this will also be conditioned to ensure that the best facilities are provided to meet the needs of the scheme going forward.

58. In terms of cycling facilities, cycle parking for staff would need to be provided in accordance with Council SPD policy and the LHA have advised that up to 65 cycle parking spaces should be provided. The details of the distribution throughout the site and final location would be conditioned to ensure that this appropriately serves all the units proposed. It has also been recommended by the LHA that electric cycle charging facilities should be provided and recommends that at least 4 spaces should be provided. This is considered reasonable and to link well with the cycle facilities provided on site and the proposed cycle store and has been agreed with the applicant as a condition.

#### Highways Network Considerations

59. As set out above, the site is at an important part of the highway network serving the City, particularly along the Eastern Corridor and this part of the City. The local area already suffers the results of this and the existing impacts of the development in this area has been a significant area of concern in the representations. These issues have been identified to the applicants throughout the pre-application and application process by both the LHA and the planning officer to ensure the requirement of policy DEV29 is properly considered. Fundamental to this is that the Transport Assessment (TA) and associated Traffic Modelling appropriately consider the scheme and its impacts. This has been the subject of detailed discussions and as set out in the LHA original consultation response, there were significant concerns with the applicant's original data. This matter has been difficult to resolve due to the COVID pandemic causing huge fluctuations in travel and vehicle flows since March of 2020. This has restricted the availability of actual data and data collection opportunities and also made understanding the apparent growth in the fast food sector and drive-thrus, difficult to robustly quantify. Given this extensive engagement of the LHA, the applicants' highway consultants and traffic modelling consultants on both sides have been required to ensure the LHA have realistic and credible traffic impact predictions and forecasts for the area and developments to advise on.

60. Based upon this information which has now been brought together and submitted by the applicant, the LHA have advised that the proposed development would have a direct material impact on two of the already busy, and congested at peak times, primary arterial roads; Embankment Road, and Laira Bridge Road and the connecting signalised road junctions of Heles Terrace (x2, north & south), Embankment Lane, Finnigan Road, and The Ride. They also set out that the major road network in the area is already currently running at a high capacity, and over and above its practical capacity at certain junctions at times of peak demand, and is therefore congested. Given this

situation, it is important to establish if proposed mitigation which has been proposed by the applicant would help alleviate the situation on the network.

61. As part of the scheme as now submitted, mitigation measures to help manage the increased vehicle movements generated by the scheme have been provided. This includes the provision of a bus stop on Laira Bridge Road (eastern direction). This provision would allow buses to stop to allow passenger to disembark without holding up and blocking the traffic when it is in the bus stop which currently happens. The scheme also proposes a new dedicated right turn stage (with an additional traffic light signal head) for in-bound vehicles turning right from Laira Bridge Road onto Embankment Lane which would access the site. This simultaneously gives extra green time for outbound traffic to turn left from Embankment Lane, onto Laira Bridge Road. The LHA have advised that these measures would only provide a small improvement in the capacity, which would be insufficient to bring the traffic flows and capacity to within normal accepted parameters and that at times of peak demand, the development would be adding to the current queues at the traffic signals by between 2 - 5 cars. Given this situation, to further mitigate the impacts of the scheme the LHA have requested a section 106 contribution to enable this development to be achieved on this part of the already busy, and congested at times, part of the major road network. The contribution requested would be towards delivering improvements on and adjacent to the A374 between, and including, Marsh Mills roundabout and Exeter Street, and on and adjacent to the A379 between Elburton Road and Embankment Lane, including Finnigan Road.

62. Even with both the mitigation provided by the scheme and a S106 contribution it is considered by both the LHA and the planning officer that the scheme would have an adverse impact on the highway network. As part of this it does need to be acknowledged that based upon the information provided and considered by the LHA, the impacts of the scheme are only a marginal increase on the existing impacts faced by the network currently and predicted going forward. In coming to a view on this scheme and its impacts, it is important that not just the local policies but also those of the NPPF are considered. In relation to the national policy set out in the NPPF, in most cases the national policy guidance provides a more simple and balanced consideration of the implementation of the policy requirements. However, there are a few policy areas where a higher bar of the impacts of development are required in the NPPF; this is the case with considering the impacts on the Highway network with para 111. setting out the following:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

63. The impacts of this, is that in making the decision on whether the negative impacts of the scheme should warrant the refusal of the application, a negative impact is not sufficient to refuse an application. The impacts of the development must be considered severe.

64. In this regard the LHA advise is as follows:

'Although the additional draw and negative impacts on the function of the major road network from this apparently opportunistic development are unwelcomed, and would add to the existing traffic queues, the residual cumulative impact would not be considered 'severe'. Therefore, from the advice contained in paragraph 109 of the National Planning Policy Framework (NPPF), the development should not be refused on highway grounds, and a recommendation of refusal could not be sustained, and in planning terms is apparently unlikely to be considered as significantly adverse. But rather where the traffic impacts would need to be mitigated by highway works, including by further additional highway works funded by way of a Section 106 contribution in accordance with the Council's approved scale of charges.'

65. This is a difficult and on balanced consideration which needs to be given, and in this regard the guidance of the LHA authority and the concerns raised by the letters of representation have been considered. The officers consideration and advice to Members of Planning Committee is that the scheme will have an negative impact, but subject to the mitigation proposed through conditions on the application and the securing of a S106 contribution towards the scheme requested, that the scheme would have an adverse impact on the highway network, but that that impact is not in officer opinion 'severe' and as such would not warrant the recommendation of the refusal of the application.

#### Highways Conclusion

66. Given the consideration set out above, it is considered that the scheme is acceptable in relation to highways and access matters subject to the securing of a s106 contribution and the conditions set out. In terms of the Highway network, in accordance with the requirements of the NPPF para 111, it has been concluded by the LHA and planning officers that the impacts are not severe. On this basis, the scheme is considered to comply with the requirements of the JLP Policies PLY59.4 and DEV29 and the requirements of Chapter 9 of the NPPF.

#### Ecology and Biodiversity

67. Ensuring the development is acceptable in ecological terms is an important consideration in terms of the development of the site. In this regard policies DEV26, DEV27 and DEV28 and the guidance of the SPD are relevant. Since the original submission, further environmental information has been provided dealing with a number of shortcomings with the data originally submitted, as identified by the Natural Infrastructure team which has included improvements to the landscaping scheme.

68. In terms of the scheme as now developed and as set out in the Landscape section above, the scheme is considered in principle to represent a good quality scheme which works well with the built form. This includes the use of native species in the landscaping proposals. Concerns have been raised in the consultation response from the Natural Infrastructure.

69. One of the concerns has been where the scheme delivers the requirement for a 10% net gain for biodiversity to be delivered, as required by the Councils SPD. The site is providing extensive new planting, including elements of green walls and a roof however this is not delivering a 10% net gain based upon the DEFRA Metric assessment. The Natural Infrastructure team have therefore requested a S106 contribution to ensure this is delivered through grassland improvements off site. This is considered reasonable and a contribution amount has been agreed.

70. Both Natural England and the Natural Infrastructure Team consultation responses have raised concerns in relation to the schemes potential to impact on the integrity of the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites. A standard approach to managing these impacts has been agreed, with relevant development required to provide a financial contribution to mitigate the impacts through a contribution towards the implementation of the Plymouth Sound and Estuaries EMS Recreation Mitigation and Management Scheme. In terms of this scheme, a figure of £20,822.56 based upon the number of hotel bedrooms has been calculated and this will be secured through S106 contribution. In accordance with this the application has been the subject of a Habitats Regulations Assessment - screening undertaken and subject to the contribution and condition requiring a Construction and Environmental Management Plan, Natural England have concluded that the proposed developments will not have an adverse effect on either the SAC or SPA.

71. To ensure that the landscaping and ecological matters are appropriately secured a number of detailed conditions are required. This includes a Construction and Environmental Management Plan, a Landscape and Ecological Management Plan, maintenance of green walls and roofs and that the drainage strategy is amended to ensure it integrates into the overall drainage strategy. In addition to

these matters, conditions also need to be ensured so that the proposed landscaping, which is within the site but outside the applicants' control, which is in Highway Maintainable at Public Expense (HMPE) land is both delivered and managed to ensure a comprehensive scheme. Subject to the conditions, the application is considered acceptable and to comply with the requirements of Policies DEV26, DEV27 and DEV28 and the guidance of the SPD.

72. Habitats Regulations Assessment - Screening undertaken, conditions required and on the basis of the appropriate financial contributions being secured to the Plymouth and South West Devon Joint Local Plan Strategic Access Management and Monitoring Strategy (SAMMS) and a CEMP being agreed prior to construction, Natural England concurs with the authority's conclusion that the proposed developments will not have an adverse effect on the integrity of Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites.

## **9. Human Rights**

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

## **10. Local Finance Considerations**

The proposed development by virtue of its use and location is not liable for Community Infrastructure Levy.

## **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.

The following contributions are required for the proposed development

£527,597.76 the total amount of for addressing the impacts of the Development as follows:

£497,062 - Highway contribution towards funding improvements on and adjacent to the A374 between, and including, Marsh Mills roundabout and Exeter Street, and on and adjacent to the A379 between Elburton Road and Embankment Lane, including Finnigan Road.

Schemes include:

- Major Road Network (MRN) Improvements on and adjacent to the A374 between and including Exeter Street, Cattedown roundabout and Marsh Mills roundabout
- Improvements on and adjacent to the A379 between Elburton Road and Embankment Lane
- Improvements to the Strategic Cycle and Walking networks, including the Embankment Cycle- Pedestrian path
- Improvements to and adjacent to the Pomphlett roundabout
- Improvements to Finnigan Road
- Pomphlett to The Ride scheme

£20,822.56 Plymouth Sound and Estuaries European Marine Site (EMS) Recreation Mitigation and Management Scheme;

£9,713.20 for the delivery of off-site ecological features to ensure a 10% net gain for biodiversity to include grassland improvements at Blagdon's Meadows

Plus a £2,001 S106 Management Fee

In terms of the Highways contribution, it is noted that the initial requested contribution was for £586,365. Following discussions with the LHA and applicant it was agreed that the works proposed on the highway network by the applicant which total £89,303.15 could be considered and as such the highways ask was reduced to £497,062. This is considered reasonable by both the Local Highway Authority and planning officers.

## **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

## **13. Conclusions and Reasons for Decision**

This application has been considered in the context of the development plan being the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7. The following key policies have been considered in the determination of the application SPT1, SPT5, SPT6, PLY56, DEV1, DEV2, DEV6, DEV16, DEV19, DEV 20, DEV2, DEV6, DEV20, DEV23, DEV26, DEV27, DEV28, DEV29, DEV31, DEV32, DEV35 and DEL1 of the Joint Local Plan. As well as the guidance contained in the Supplementary Planning Document, NPPF, NPPG and National Design Guide. The key considerations that have been considered are; The Principle of Development, Design and Layout, Landscaping Amenity, Land Contamination, Flood Risk and Drainage, Retail and Town Centre considerations, Low Carbon and Sustainability, Hot Food Takeaway, Highways and Ecology.

In this regard, Officers consider the proposal is in principle acceptable and that the schemes' design, layout and landscape creates a good quality proposal for the site and wider area. That in relation to the amenity of the surrounding area, subject to appropriate conditions the scheme is considered acceptable in preserving the residential amenity of the surrounding properties and future hotel guests. In terms of land contamination, flood risk and drainage, Officers are satisfied that the proposals are acceptable subject to conditions. The same is the case for low carbon and sustainability, subject to the details being secured by planning conditions.

In terms of the retail and town centre considerations, Officers are satisfied that without disaggregation or more than a reasonable degree of flexibility to the proposed scheme, there are no potential sequentially preferable sites which are suitable and available in the Primary Catchment area and considered that the sequential test can be considered to be passed. In terms of Impact, the proposals are unlikely to have a significantly adverse impact on the network of centres and that in relation to the retail strategy, on balance the proposal in this location is not considered to be demonstrably harmful to the overarching strategy.

In terms of Highways and Access, Officers consider the scheme provides a good quality solution to the site in its context in terms of pedestrian and cycle access and are satisfied with the proposed internal vehicle layout and access arrangements and also the parking and cycle provision proposed subject to conditions. In terms of the Highways Network Considerations, it is considered that the scheme is acceptable in relation to highways and access matters subject to the securing of a s106 contribution and the conditions set out; this is subject to the acknowledged impacts of the scheme on the highway, but that in accordance with the requirements of the NPPF para 111 it has been concluded by the LHA and planning officer that there are impacts, but that on balance these are not

considered to be severe. On this basis, the scheme is considered to comply with the requirements of the JLP Policies PLY59.4 and DEV29 and the requirements of Chapter 9 of the NPPF.

As such, having considered the above in detail and Officers having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 it is concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval subject to the signing of a S106 agreement securing the funding set out in section 11.

#### **14. Recommendation**

In respect of the application dated 12.02.2021 it is recommended to Grant Subject to S106 Obligation.

#### **15. Conditions / Reasons**

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

##### **I        CONDITION: APPROVED PLANS**

Site Location Plan LBD BP XX XX DR A 050 001 Rev P0 received 05/02/21  
Building 2 Plans and Elevations LBD BP XX XX DR A 050 009 Rev P0 received 05/02/21  
Building 3 Plans and Elevations LBD BP XX XX DR A 050 010 Rev P0 received 05/02/21  
Glulam Roof Detail LBD BP XX XX DR A 050 014 Rev P0 received 05/02/21  
Proposed Hard Landscaping LBD BP XX XX DR A 050 015 Rev P1 received 15/03/21  
Proposed Roof Plan LBD BP XX XX DR A 050 016 Rev P1 received 15/03/21  
Building Types Block Plan LBD BP XX XX DR A 050 004 Rev P1 received 15/03/21  
Building 4 Plans & Elevations LBD BP XX XX DR A 050 011 Rev P1 received 12/02/21  
Building 7 Plans & Elevations LBD BP XX XX DR A 050 013 Rev P2 received 24/03/21  
Building 5 + 6 Plans & Elevations LBD BP XX XX DR A 050 012 Rev P1 received 12/02/21  
Landscape Masterplan - Open Space Assessment 3483c-CEC-ZZ-XX-DR-L-0003 Rev 04 received 28/07/21  
Landscape Masterplan 3483c-CEC-ZZ-XX-DR-L-0001 Rev 10 received 28/07/21  
Building 1 Plans & Elevations LBD BP XX XX DR A 050 007 Rev P2 received 09/06/21  
Building 1 Plans & Elevations LBD BP XX XX DR A 050 008 Rev P2 received 09/06/21  
Proposed 3D Views LBD BP XX XX DR A 050 017 Rev P1 received 09/06/21  
3D Context Site Sections LBD BP XX XX DR A 050 019 Rev P1 received 09/06/21  
Hotel Extract Elevations and Wall Sections Sheet 1 of 2 LBD BP XX XX DR A 050 021 Rev P0 received 09/06/21  
Hotel Extract Elevations and Wall Sections Sheet 2 of 2 LBD BP XX XX DR A 050 022 Rev P0 received 09/06/21  
Hotel 3D Views in Context LBD BP XX XX DR A 050 023 Rev P0 received 09/06/21  
Swept Path Analysis A379 Bus Lay-by 17283 012 Rev P2 received 18/11/21  
Landscape Masterplan - Biodiversity Net Gain 3483c-CEC-ZZ-XX-DR-L-0002 Rev 02 received 28/07/21  
Visibility to Traffic Signals at Proposed Junction 17283 013 Rev P1 received 18/11/21

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

## **2      CONDITION: COMMENCE WITHIN 3 YEARS**

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

Reason:

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

## **3      CONDITION: EMPLOYMENT AND SKILLS PLAN (ESP)**

### PRE-COMMENCEMENT

No development shall take place until an ESP has been submitted to and approved in writing by the Local Planning Authority. The ESP should demonstrate how local people will benefit from the development in terms of job opportunities, apprenticeship placements, work experience and other employment and skills priorities. The ESP should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved ESP unless a variation in the plan is agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure employment and skills development in accordance with DEVI9 of the Plymouth and South West Devon Joint Local Plan 2019 and the NPPF 2019

Justification: To ensure the skills development and job opportunities are available throughout the construction of the development.

## **4      CONDITION FLOOD RISK AND DRAINAGE DETAIL**

### PRE-COMMENCEMENT

Prior to the commencement of development the following information should be submitted to and approved by the Local Planning Authority as part of the detail of the final drainage strategy:

a) Details of how 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 both on and off site from the point of surcharge, 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 public access areas.

b) Details should be provided that show how the water environment is to be protected from pollution from the parking and access road areas. Oil interceptors should be specified with sufficient capacity for the proposed surface water discharge rate. Reference should be made to the pollution risk matrix and mitigation indices in the CIRIA SuDS Manual.

c) A ground investigation should also confirm there is no risk of groundwater pollution from contaminated land.

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.

e) A suitable Flood Warning and Evacuation Plan shall be submitted to, and approved in writing by the Local Planning Authority, and which:

- includes a commitment to receiving a flood warning and;

- Identifies a safe evacuation route or safe refuge for each of the buildings.

f) Updated drainage strategy which deal with the integration of the landscaping features and trees into the system.

Once approved the development shall be undertaken and managed in accordance with the approved detail.

Reason:

As required by the Plymouth Local Flood Risk Management Strategy to make the development and surrounding area safe from flooding and ensure appropriate drainage measure are in place in accordance with Policy DEV 35 and the guidance in the NPPF.

Justification: To ensure the development and surrounding area are safe from flooding.

## **5 CONDITION: LAND QUALITY**

### PRE-COMENCEMENT

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until conditions 1 to 3 below have been complied with.

#### **1. Submission of Detailed Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### **2. Implementation of Approved Detailed Remediation Scheme**

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Following completion of measures identified in the approved remediation scheme, a verification report must be produced that evidences the remediation and demonstrates the effectiveness of the scheme carried out, must be produced, and approved in writing of the Local Planning Authority Prior to the Occupation of the buildings.

#### **3. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified; it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority which has been submitted to and approved in writing until this condition has been complied with in relation to that contamination.

An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 1 above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 2 above.

Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

Justification: To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## **6 CONDITION: CODE OF PRACTICE**

### PRE-COMMENCEMENT

No development shall take place, including works of demolition, until a Code of Practice has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. Noise and vibration from equipment and activities associated with construction including any piling.
- ii. Hours of work.
- iii. Measures to control the emission of dust and dirt during construction including wheel washing facilities.
- iv. A scheme for recycling / disposing of waste resulting from the development.
- v. Pest Control
- vi. Contamination and materials management where applicable

Reason:

To protect the residential and general amenity of the area from noise and dust caused during construction and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

Justification: To protect the residential and general amenity of the area from noise and dust caused during construction.

## **7 CONDITION: ENERGY AND SUSTAINABILITY**

### PRE-COMMENCEMENT

Prior to the commencement of development and updated energy strategy and sustainability strategy shall be submitted to and approved by the Local Planning authority.

The strategy shall set out:

- How the 20% Carbon savings shall be delivered,
- The location and specification of the proposed measures.

- How resource minimisation will be achieved during construction and the Life time of the development
- Measures to increase the schemes resilience to climate change.

Once approved the development should be constructed and operated in full accordance with the approved detail.

Reason:

To ensure a sustainable form of development is secured and one which reduces natural resource use and is adaptable to Climate change and in accordance with the requirement of Policy DEV 32 of the Adopted Joint Local Plan.

Justification: To ensure a sustainable form of development is secured and one which reduces natural resource use and is adaptable to Climate change.

## **8 CONDITION: HARD LANDSCAPING**

### PRE-COMENCEMENT

Prior to commencement of development full details of all the Hard Landscaping Features and surfaces to be used in the construction of the hard landscaping shall be submitted to and approved by the Local Planning Authority. This includes:

- Surfacing materials including pavements, road, raised tables, crossing, and curbs
- Public Realm Features
- Planters
- Statues
- Art
- Signage
- Way finding
- Walls
- Seating
- All material to be used in the Plaza area and associated features.
- Bee posts
- Cycle feature
- Bin stores
- Enclosures including the service yards areas
- Boundary treatments
- Lighting

Reason:

To ensure that a suitable, high quality and uniformed form of development take place that establishes a character and design approach for the Site in accordance with the Joint Local Plan Policies DEV20 and DEV23 the National Design Guide and chapter 12 of the NPPF.

Justification: To ensure that a suitable, high quality and uniformed form of development take place that establishes a character and design approach for the site.

## **9 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

### PRE-COMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the

local planning authority. The CEMP shall take account of the measures outlined within Ecological Impact Assessment & Ecological Mitigation & Enhancement Strategy for Land at Laira Bridge, Plymouth, Devon (Ref: CEC3483d Rev A) for the site and shall include the following.

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of 'biodiversity protection zones'.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including impacts on water quality.
- d. The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e. The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f. Responsible persons and lines of communication. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest in accordance with Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 170 and 175.

Justification: In the interests of the retention, protection and enhancement of wildlife and features of biological interest.

## **10      CONDITION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN**

### **PRE-COMENCEMENT**

No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following;

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management for both the landscape elements and the biodiversity features.
- d. Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
- e. Preparation of a work schedule.
- f. Body or organisation responsible for implementation of the plan.
- g. Monitoring and remedial measures.
- h. Detail of how and by what means landscaping beyond the site ownership will be delivered and maintained

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest and to ensure that satisfactory landscaping works are carried out, in accordance with Joint Local Plan Policies SPT12, DEV20, DEV23 & DEV26 and Government advice contained in the NPPF paragraphs 170, 174 & 175.

Justification: In the interests of the retention, protection and enhancement of wildlife and features of biological interest and to ensure that satisfactory landscaping works are carried out.

## **11 CONDITION: SOFT LANDSCAPING**

### PRE-COMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) until the details of the landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall accord with the following approved drawings and reports:

- the Landscape Masterplan - Biodiversity Net Gain no. 3483c-CEC-ZZ-XX-DR-L-0002, Rev 02,
- the Ecological Impact Assessment & Ecological Mitigation & Enhancement Strategy for Land at Laira Bridge, Plymouth, Devon (Ref: CEC3483d Rev A), and
- The Landscape Masterplan no. 3483c-CEC-ZZ-XX-DR-L-0001, rev. 10  
be fully coordinated with proposed underground service and explore means of integrating SuDS measures into the development

The landscape works shall include:

- a. Full soft landscape specification including all plant species and their size (to HTA standards), soil details, implementation specification, establishment care and defects period.
- b. The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference. We expect plans to demonstrate sufficient rooting volume for all proposed trees and prove there is no conflict with proposed services.
- c. Planting details (1:20 scale or as appropriate) including (but not limited to) tree pit details, green wall details, and level details surrounding existing trees demonstrating how the RPA of the tree will be protected
- d. Details of how the proposed landscaping outside the applicants ownership shall be installed and maintained going forward

All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development. Any dead, dying, severely damaged or diseased planting shall be replaced with a period of 5 years.

If an alternative phasing of landscaping is proposed following the approval of this condition these details shall be submitted to and approved in writing by local planning authority and shall include a proportion of the site relevant to the quantum of development in the relevant phase of building works including connection routes through the site.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with JLP policy DEV20 and DEV23 and Paragraph 127 of the National Planning Policy Framework.

Justification: To ensure that satisfactory landscaping works are carried out which contribute appropriately to the sense of place and Character of the area.

## 12 **CONDITION: ARBORICULTURAL METHOD STATEMENT**

### PRE-COMENCEMENT

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

Reason:

To ensure that the trees on site are protected during construction work in accordance policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 127, 170 and 175 of the National Planning Policy Framework.

Justification: To ensure the trees are protected throughout the scheme. Implementation prior to the opening of any unit the full scheme shall be completed to at least finished shell for the other buildings and the connection routes provided through the site.

## 13 **CONDITION: EXTERNAL MATERIALS BUILDING**

### PRE-DAMP PROOF COURSE (DPC)

Prior to development above damp proof course full details of the relevant building all the external material to be used in the construction of the buildings shall be submitted together including samples and to be approved by the Local Planning Authority. This includes:

- The External finishes, type, colour, specification
- All wood and wood effect material including timber effect cladding which must match or appropriately integrate in to the Glulam roof/canopy system design
- All external lighting on the buildings
- head / sill / jam details, shadow gaps, parapets and canopies (including the undercroft),
- Material junctions
- Green walls and roofs
- Thresholds
- Glazing and Fenestration elements.

If this condition is discharged in part for individual buildings the other building submission must clearly set out how for discharge details accord with those previously approved.

Reason:

To ensure that a suitable, high quality and uniformed form of development take place that establish a character and design approach for the Site in accordance with the Joint Local Plan Policy DEV20 the National Design Guide and chapter 12 of the NPPF.

## 14 **CONDITION: GREEN SPACE DELIVERY**

### PRE-DPC

No development shall take place beyond DPC until completed open space audit form for the proposed green space shown on drawing Landscape Masterplan - Open Space Assessment no.

3483c-CEC-ZZ-XX-DR-L-0003 rev04 has been submitted to and approved in writing by the local planning authority. The form shall be completed in line with the adopted SPD and Plymouth's Policy Area Open Space Assessment and shall demonstrate that the proposed space will meet both value and quality thresholds for Green Corridors within Plymouth. The assessment process should inform the detailed design and maintenance of the green space.

Once approved the development shall accord with the approved details.

Reason:

To ensure an appropriate standard of green space provision is delivered in accordance with JLP policies SPT2 and DEV27 and Paragraphs 91 and 127 of the National Planning Policy Framework 2019.

## **15      **CONDITION: WINDOW COVERINGS****

### PRE-INSTALLATION

Notwithstanding the provision of section 55 (2) (i) of the Town and Country Planning Act 1990 and the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any provision equivalent to the Act or Order in any statutory instrument revoking and re-enacting the Act or Order with or without modification, Prior to the installation of any Window covering both internal and external applied covers including vinyl or other window coverings which would limit more than 30% of any given windows visibility shall be submitted to and approved by the Local Planning Authority

Reason:

To ensure that a suitable, high quality and uniformed form of development take place and that blank elevations are not created which disrupted public facing areas of the development which establish a character and form part of design approach for the Site in accordance with the Joint Local Plan Policy DEV20 the National Design Guide and chapter 12 of the NPPF.

## **16      **CONDITION: SITE MANAGEMNT PLAN****

### PRE-OCCUPATION

Prior to the occupation of the first unit on site a Site Management Plan shall be submitted to and approved by the Local Planning Authority providing details of:

- Measure to reduce anti-social behaviour on site (including vehicle congregation in the parking bays at night)
- CCTV
- Lighting (including under canopies and on key routes)
- Provision of litter bins and litter management plan including on surrounding streets
- Security

Once approved the Site shall be managed in full accordance with the approved management plan thereafter.

Reason:

To protect the general amenity of the surround area and in accordance with policies DEV1 and DEV2 of the Joint Local Plan.

## **17      CONDITION: IMPLIMENTATION FLOOD RISK ASSESMENT DETAIL**

### PRE-OCCUPATION

The development shall be carried out in accordance with the revised flood risk assessment (reference: 17283-FRA|&DS-01 v2) and the proposed mitigation measures set out within paragraph 9.1 as follows:

- There should be no habitable rooms at ground floor level of the proposed hotel.
- The buildings shall be constructed from concrete slabs with steel or concrete frames and metal cladding or other flood resilient and resistant construction up to a level of 5.03mAOD.
- Finished floor levels shall be set at least 300mm above local ground levels where possible.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

To ensure the development is safe from flooding and the impacts of Climate Change and in accordance with Policies DEV1 and DEV35 of the Adopted Joint Local Plan.

## **18      CONDITION: DETAILS OF NEW JUNCTION & HIGHWAY ACCOMODATIONS WORK**

### PRE-OCCUPATION

The development shall not be occupied or brought into use until full details of all highway accommodation works indicated on the approved plans including

- The new traffic signal junction between the proposed service road and the highway that is to be electronically linked to operate in conjunction with the existing signalised SCOOT corridor and associated junctions on Laira Bridge Road
- Closure of the existing redundant site entrance/exit on Embankment Lane
- Relocation of the Bus Stop to and up-grading of the existing Bus Bay that is to be re-used on Laira Bridge Road
- Installation of an additional dedicated right turn signal phase on Laira Bridge Road junction of Embankment Lane,
- Details of the extent of the new Junction that is being constructed and that it ensure the safe operation of the Highway and access and egress from the application site and Prince Rock Playing Pitch Carpark

Have been submitted to an approved in writing by the Local Planning Authority; and the works constructed and implemented in accordance with the approved details. And in accordance with the councils approved specifications.

Reason:

To ensure that an appropriate and safe access is provided and to reduce delays on the major road network, in the interests of public safety, convenience and amenity in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

## **19      **CONDITION: HIGHWAY SAFETY****

### PRE-OCCUPATION

Following final completion of the highway works the designers and project managers shall arrange to undertake and sign-off a Stage 3 Road Safety Audit of the highway works, to demonstrate the highway scheme meets current highway standards and safety requirements.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

## **20      **CONDITION: DEFIBULATOR PROVISION****

### PRE-OCCUPATION

Prior to the Occupation of the principle building details of the location and specification of a Public Access Defibrillator and associated signage shall be submitted to and approved by the Local Planning Authority. Once approved the Defibrillator and signage shall be installed and maintained in accordance with the approved detail prior to the opening of the first unit and be registered with the South Western Ambulance Service Federation Trust (SWASFT) or any other body responsible for their location and recording.

Reason:

In accordance with the requirements of Policy DEV 1 of the Joint Local Plan and to aid in the protection of Public Health Defibrillators.

## **21      **CONDITION: VENTILATION AND EXTRACTION****

### PRE-OPERATION

Prior to the first uses of any building which requires ventilation, extraction or is to be used for cooking of foods, details of the specification and design of equipment to control the emission of fumes and smell from the premises, noise and vibrations shall be submitted to and approved in writing by the Local Planning Authority prior to the equipment installation. The approved scheme shall be implemented before the use of the build commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason:

To protect the residential and general amenity of the area from odour emanating from the business and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

## **22      **CONDITION: SERVICING, WASTE, COLLECTION & DELIVERIES MANAGEMENT PLAN****

### PRE-OCCUPATION

The development shall not be occupied or brought into use until details of a Site Wide Servicing and Deliveries Management Plan (SDMP) has been submitted to and approved in writing by the Local Planning Authority and shall thereafter be operated at all times. The SDMP shall contain and set out:

- Detailed procedures and requirements for safely managing service deliveries, Waste Collections and pick-ups, and include consideration of such things as, stopping, parking, loading/unloading, movement of goods, use of Banks-man, identification and assessment of associated risks.
- Servicing, waste, collection and deliveries hours of the units
- Details of a responsible person at the site shall nominated to oversee and ensure the SDMP is complied with at all times.

Should any individual unit require a bespoke SDMP this should be submitted prior to the first occupation and approved in writing by the Local Planning Authority of the unit and include details listed above and how it works alongside the site wide SDMP.

Reason:

Due to the constrained site layout the Service and Deliveries Management Plan would need to be in operation at all times to ensure safety and reduce the risk of potential conflict between delivery and service vehicles, and customer vehicles and pedestrians, in the interests of public safety, residential amenity and convenience in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

## 23 **CONDITION: TRAVEL PLAN DETAILS**

### PRE-OCCUPATION

The use hereby permitted shall be carried out in accordance with details of a Travel Plan which shall be prepared in accordance with prevailing policy and best practice and shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use.

The Travel Plan shall include as a minimum the following elements:

- Identification of targets for trip reduction and modal shift
- Practical methods to encourage modes of transport other than the private car such as:
- the Government Cycle to Work Scheme
- provision or subsidy of travel passes
- promotion of car sharing
- establishment or use of car clubs
- The provision of secure and convenient cycle parking facilities for Staff
- Provision of shower and changing facilities for staff
- measures to regulate the management and use of permitted car parking areas
- mechanisms for monitoring and review
- the appointment of a Travel Plan Coordinator and notification to the Local Planning Authority of their contact details
- measures for enforcement of the Travel Plan, should agreed objectives and targets not be met
- an agreed timescale for implementation of the agreed measures.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

## 24 **CONDITION: CAR PARKING PROVISION**

### PRE-OCCUPATION

The buildings shall not be occupied or brought into use until the car, and motorcycle, including disability parking spaces shown on the approved plans has been drained, surfaced, and set-out for use including the direction of flow of vehicles to the two drive-thrus in accordance with details to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be altered or 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 Policy DEV29 of the Plymouth and South West Devon JLP 2019.

## 25 **CONDITION: PROVISION OF ELECTRIC VEHICLE CHARGING POINTS**

### PRE-OCCUPATION

Prior to the occupation of the units details for Electric Vehicle Charging points shall be submitted to and approved in writing by the Local Planning Authority including (10) Rapid Electric Vehicle Charging Points along with an additional fifteen (15) parking spaces to be provided with passive wiring ready for future Electric Vehicle charging points to be provided in the future.

Once approved the parking shall be implemented and retained in accordance with the approved detail.

#### Reason:

To assist in the lowering the carbon footprint of the development in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

## 26 **CONDITION: CYCLE PROVISION**

### PRE-OCCUPATION

Each buildings shall not be occupied or brought into use until space has been laid out within the site for the storage of bicycles in accordance with details previously submitted to and approved in writing by the Local Planning Authority in accordance with the requirements as set out in the Councils SPD to serve the building. 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 DEV29 of the Plymouth and South West Devon JLP 2019.

## 27 **CONDITION: CYCLE HUB**

### PRE-OCCUPATION

Prior to the development being brought into use a Cycle Hub shall be provided that shall include a minimum of four in number (4) Electric Charging Points for e-bikes and scooters. Either by the developer working with an independent commercial provider, or working with the Councils own

cycle hub initiatives. The further details of which to be submitted for approval in writing by the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars, improve sustainability, and help reduce the carbon footprint, in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

## **28      **CONDITION: ADDITIONAL PEDESTRIAN CROSSING****

### **PRE-OCCUPATION**

Prior to the occupation of the scheme detail of a safe pedestrian crossing between the main area of the site and the drive through coffee unit shall be submitted to and approved by the Local Planning Authority. Once approved the scheme shall be constructed in accordance with the approved details and be permanently retained thereafter.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

## **29      **CONDITION: SCHEME IMPLEMENTATION****

### **PRE-OCCUPATION**

a.      Prior to the opening of the first unit to customer units 1-7 shall be constructed to finished shell (i.e the external parts of the building constructed in accordance with the approved plans). The full scheme

Landscaping, parking and connection routes shall also be completed to allow access to and throughout the site.

b. In the case that the full scheme is not wholly completed before the opening of the first unit a detailed delivery strategy for the scheme should be submitted to and approved by the Local Planning Authority prior to the first unit opening, setting out when elements of the scheme are to be completed including landscaping, parking and the final finish of all building in accordance with the approved plans with a detailed time frame for this.

Once approved the development shall be finished in accordance with the approved scheme and its timeframes.

For the avoidance of doubt the advanced opening of units 2 and 3 is not allowed in relation to part b of this condition without confirmed delivery details for the construction and completion of the main retail building on site.

Reason:

To ensure a comprehensive form of development that is appropriate to the site and would not result in an unfinished form of development which would be unacceptable in relation the character of the area to Policy DEV20, chapter 12 of the NPPF and the National Design guide.

### **30      CONDITION: PLANT NOISE**

The noise (LAeqT) emanating from plant, including any air conditioning, ventilation or extract systems, shall not exceed the background noise level (LA90), including the character/tonalities of the noise, at any time as measured at the facade of the nearest residential property. All plant installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

### **31      CONDITION: NOISE ATENUATION HOTEL BUILDING**

The Hotel Building shall have a minimum noise attenuation provided of 43 dB (A).

Reason:

To protect the residents of the Hotel from Noise and Disturbance in accordance with the Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

### **32      CONDITION: HOURS OF OPERATION**

All units (excluding hotel) Hours of operation are restricted to the following times:

- Monday to Saturday 08.00 - 23.00 hrs
- Sunday and Bank Holidays 10.00 - 22.30 hrs

Unless alternative hours are submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from noise and disturbance emanating from the business and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

### **33      CONDITION: BIN STORES**

All refuse generated at the premises prior to collection will be stored securely in closed lidded containers in location shown on the approved plans for this use unless other locations have first been identified on a plan which has been submitted to and approved by the Local Planning Authority.

Reason:

To protect the local residents and visitors from odours arising from decomposing food matter, and to reduce the potential for the attraction of pests such as rats, mice, ants, cockroaches and seagulls and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### **34      CONDITION: PROVISION AND PRESERVATION OF SIGHT LINES**

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

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

#### **35      CONDITION: USE OF LOADING AREAS**

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

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

#### **36      CONDITION: ECOLOGICAL MITIGATION**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Landscape Masterplan - Biodiversity Net Gain no. 3483c-CEC-ZZ-XX-DR-L-0002, Rev 02, Ecological Impact Assessment & Ecological Mitigation & Enhancement Strategy for Land at Laira Bridge, Plymouth, Devon (Ref: CEC3483d Rev A) and the completed DEFRA metric for the site.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 170, 175 and 176.

#### **37      CONDITION: UNIT 7 RESTRICTIONS ON USE**

The retail floorspace hereby permitted in Unit 7 shall be used only for the sale of home improvement and DIY products, plumbing and hardware goods, timber and building products, paint and wallpaper, garden supplies, furniture, carpets and other floor coverings, soft furnishings, homewares, electrical goods, gas appliances, computers, office equipment and supplies, pets and pet products and motor accessories and shall not be used for any other purpose including those set out in Class E of the Schedule for the Town and Country Planning (Use Classes) Order Planning 1987 or any Order revoking, amending or re-enacting that Order with or without modification.

In addition, no more than 40% of the floorspace of Unit 7 may be used for the sale of food items (including confectionary, health and dietary foods, sandwiches, drinks, and snacks), household goods, non-prescription chemist goods, baby products and seasonal goods.

The sale of the following conditions is permitted subject to the maximum floorspace limits specified below:

Clothing	Up to 60sqm
Toys	Up to 60sqm

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEVI6 of the Joint Local Plan and Chapter 7 of the NPPF.

### **38 CONDITION: UNIT 2 RESTRICTIONS ON USE**

The unit shall operate as a drive-through restaurant providing the sale of hot and cold food and drinks for consumption on and off the premises. The sale of these goods can only occur where they are available simultaneously for consumption both on and off the premises.

For the avoidance of Doubt the unit is a Sui Generous Use and as such any changes to its operation and layout require Planning Permission.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEVI6 of the Joint Local Plan and Chapter 7 of the NPPF.

### **39 CONDITION: UNIT 3 RESTRICTIONS ON USE**

The unit shall operate as a drive-through coffee shop and restaurant providing the sale of hot and cold food and drinks for consumption.

For the avoidance of Doubt the unit is a Sui Generous Use and as such any changes to its operation and layout require Planning Permission.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEVI6 of the Joint Local Plan and Chapter 7 of the NPPF.

### **40 CONDITION: UNIT 4 RESTRICTIONS ON USE**

Unit 4 shall be principally used for the sale of cycles, associated equipment, accessories and ancillary uses and shall not be used for any other purpose set out in Class E(a) of the Schedule for the Town and Country Planning (Use Classes) Order Planning 1987 or any Order revoking, amending or re-enacting that Order with or without modification.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEVI6 of the Joint Local Plan and Chapter 7 of the NPPF.

#### **41      CONDITION: UNIT 5 RESTRICTIONS ON USE**

Unit 5 shall not be used for the sale of prepared or heated goods for consumption off the premises.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the Highway network and in accordance with DEV29 of the Joint Local Plan and Chapter 9 of the NPPF.

#### **42      CONDITION: UNIT 6 RESTRICTIONS ON USE**

Unit 6 shall be principally used for the sale of convenience good and shall not be used for any other purpose set out in Class E(a) of the Schedule for the Town and Country Planning (Use Classes) Order Planning 1987 or any Order revoking, amending or re-enacting that Order with or without modification.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEV16 of the Joint Local Plan and Chapter 7 of the NPPF.

### **INFORMATIVES**

#### **1      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](http://www.plymouth.gov.uk/cil) for guidance.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5)

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

#### **2      INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS**

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. No work within the public highway may commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 & 38 of the Highways Act 1980 entered into. The applicant should contact Plymouth Highways for the necessary approval.

### **3      **INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)****

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] [including a Planning Performance Agreement] and has negotiated amendments to the application to enable the grant of planning permission.