

Application under S73 of the Town and Country Planning Act 1990 for Demolition of Unit B, refurbishment and change of use of Unit C for use within Class B8 or as a builders' merchant (Sui Generis) with trade counter and showroom with secure service yard and revised parking arrangements, eastern extension of Unit A to provide enlarged and refurbished retail unit for continued use within Class E(a) along with enclosed external display area and new entrance feature, retention of servicing and access arrangements, reconfiguration and extension of customer car park and associated works without compliance with conditions imposed on permission 21/02266/FUL dated 22nd September 2022.

Errill Retail Park, Plymouth Road Plymouth PL7 4JP

Planning permission was granted on 22nd September 2022 for the erection of, inter alia a builder's merchants. A number of conditions were imposed. Condition 15 stated;

Prior to the occupation of Unit C, further details of the operation of the Class B8 / builders' merchant shall be submitted to and approved in writing by the Local Planning Authority. The operation of the unit shall accord to the approved details at all times.

Reason:

To ensure the impact of the proposed Unit is as assessed and would not have a significant adverse impact of the network of centres and in accordance with SPT5, SPT6, DEV16 Plymouth and South West Devon Joint Local Plan 2019 and Chapter 7 of the NPPF.

A submission was made in response to that condition. The submission has been withdrawn. This S73 application, if approved, will result in a new, separate, permission. This statement sets out to address the original condition with the intention of avoiding it being repeated.

The officer report did not discuss the condition in any detail. However, it is clear from the discussion on Unit A that what the condition seeks to avoid is another retail unit without the proposal being assessed in terms of viability, impact on other centres, sequential test etc.

The three local plan policies referred to state;

Policy SPT5

Provision for retail development

Proposals which meet compelling 'qualitative' needs for retail development will be considered favourably. In particular these types of need include:

1. In support of the principle of sustainable linked neighbourhoods and sustainable rural communities, allowing for a small scale local convenience shop in locations where there is no other such shop within a reasonable walking distance of a residential area.

2. Within the Plymouth Policy Area:

i. Continued improvement of the overall provision of retail floorspace within the City Centre, to protect and strengthen its regional shopping role. ii. New food retail and complementary non-food retail within the proposed Derriford district centre, to meet an identified gap in food shopping in the city, provide services which support the wider economic, education and health role of Derriford, and be a catalyst to the creation of a new heart and focal point for the communities in the north of Plymouth.

iii. New food retail on the western side of the city, to meet an identified gap in food shopping in the city.

Limited objectively assessed 'quantitative' need for new retail floorspace exists within the Plan Area until after 2026. No sites are allocated in this plan to meet this limited need. Instead, applications for new retail floorspace will be considered as brought forward by the market in accordance with the provisions of policies SPT6, DEV15, 16, 17 and 18.

#### Policy SPT6

##### Spatial provision of retail and main town centre uses

The provision of new retail floorspace and other main town centre uses will be positively planned for having full regard to the following sequential hierarchy of centres.

1. Plymouth City Centre is a regional centre and the primary centre for the Plan Area in relation to major comparison goods shopping and town centre uses.

2. For the Plymouth Policy Area:

i. A new mixed use district centre proposed at Derriford - which is complementary with the role of the City Centre.

ii. Existing district centres - primarily main food / convenience shopping and other retail and services as appropriate to role of the centre.

iii. Existing and proposed local centres - primarily for top-up food shopping and local services.

#### Policy DEV16

##### Providing retail and town centre uses in appropriate locations

In determining development proposals which include retail and other town centre uses, including new floorspace, changes of use of existing floorspace,

variations in planning conditions and obligations, and also extensions of existing units, the LPAs will consider the following matters:

1. Proposals will be assessed in relation to their support for the spatial strategy of the local plan and the sequential hierarchy of centres. Proposals within identified centres should be of a scale appropriate to the role of the centre.

2. Proposals for main town centre uses in edge of centre locations, out of centre locations and the Derriford Commercial Centre should be supported by a sequential test that demonstrates flexibility in its assessment and that there are no other sequentially preferable suitable and available sites within or on the edge of an appropriate centre within the hierarchy of centres. This sequential approach is not applicable to applications for small scale rural offices or other small scale rural development.

3. Proposals for retail, leisure and office development in edge of centre locations, out of centre locations and the Derriford Commercial Centre must be accompanied by an impact assessment where the floorspace exceeds the thresholds set out below. Any proposal which would have a significant adverse impact on the investment in and/or the vitality and viability of an existing centre or prejudice the deliverability or investment in a proposed centre will not be permitted.

i. Retail development creating new or additional floorspace greater than 500 square metres (gross) in the Plymouth Policy Area.

ii. Retail development creating new or additional floorspace greater than 250 square metres (gross) in the Thriving Towns and Villages Policy Area.

iii. Leisure and office development creating new or additional floor space greater than 2,500 sq.m.(gross).

4. For bulky goods retail provision a limited amount of out of centre retail floorspace will be permitted only where it is robustly demonstrated that it relates to a format of store which has particular market and locational requirements which can only be accommodated in specific locations and cannot be located in the City Centre or another centre in the retail hierarchy.

This floorspace will be closely controlled in terms of size of units, range of goods and overall amount of floorspace, and will only be permitted if it is shown through a retail impact assessment that there is no significant adverse impact on the investment in and/or the vitality and viability of any other centre, existing or proposed. Consideration will also be given to how a scheme can improve the appearance and accessibility of the area.

5. Limited development of main town centre uses including retail may be permitted within Plymouth's core tourism areas, including the waterfront area, provided that they are complementary to the role of Plymouth City Centre and

other centres and specifically support the visitor economy of these destinations.

Chapter 7 of NPPF, referred to in the reason for the condition, relates to town centres and retail development.

The Council has granted planning permission for;

“....., refurbishment and change of use of Unit C for use within Class B8 or as a builders' merchant (Sui Generis) with trade counter and showroom with secure service yard and revised parking arrangements, .....”

Unit C therefore benefits from a flexible permission which, by virtue of Part 3 Class V of the Permitted Development Order allows interchangeability between the approved uses;

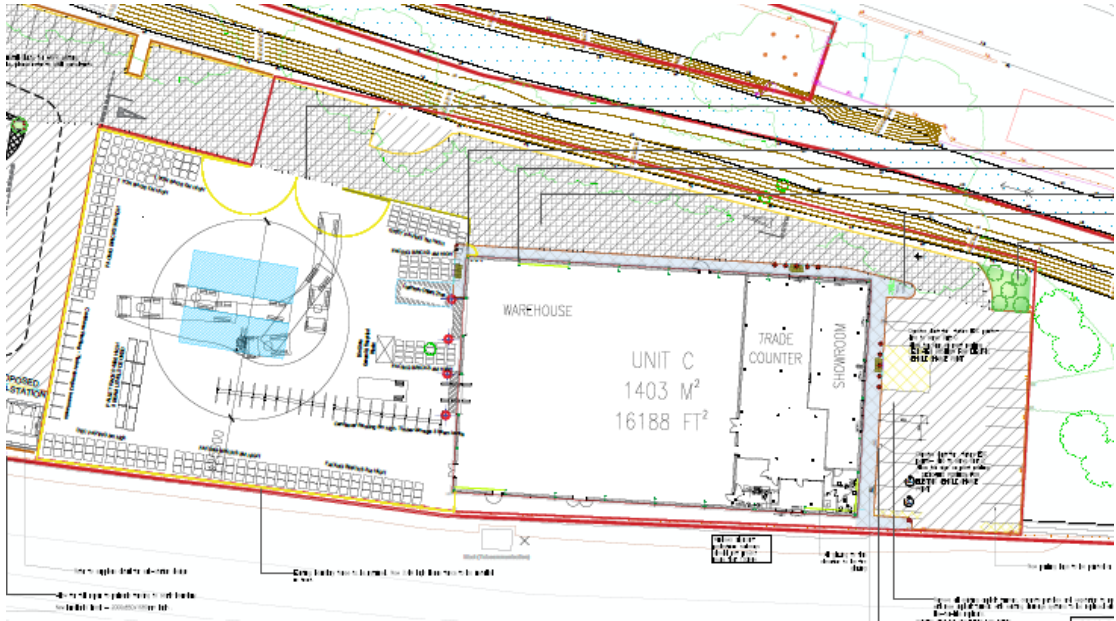
Class V – changes of use permitted under a permission granted on an application  
Permitted development

V. Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.

The condition seeks details of the operation of the B8/builders merchant. Negotiations are well advanced with a builders merchant and it is now certain that the premises will be occupied as such. The condition insofar as it relates to the builders merchant can be addressed with certainty.

The permission acknowledges that the approved builders merchant is a sui generis use. That means it is not a Class E nor a Class B8 use. There is no statutory definition of a builders merchant. However it is generally accepted that a builders merchant is a sui generis use.

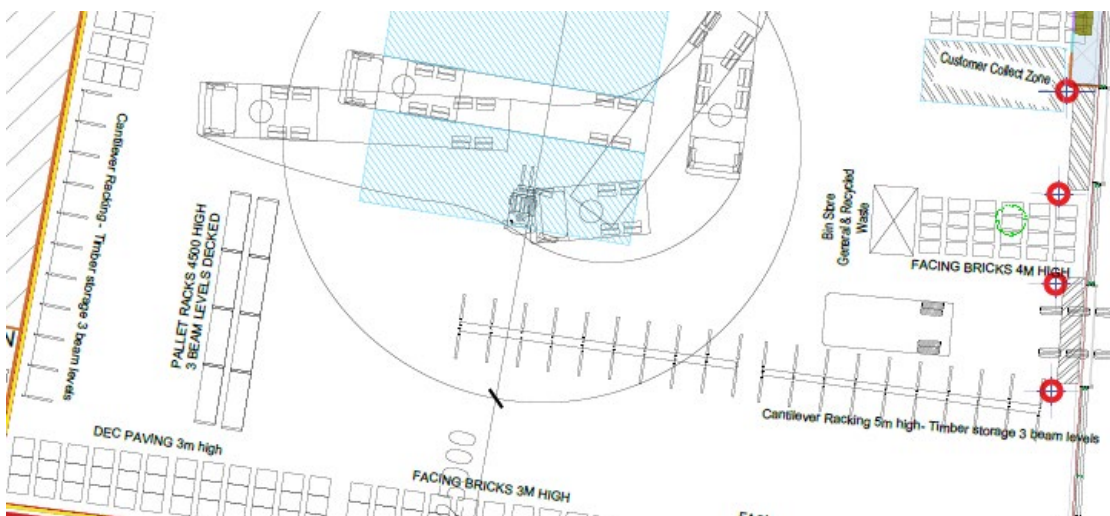
The builders merchant will have four main parts;



- A yard
- A warehouse
- Small product store / trade counter and offices
- Showroom

The area outside the building and parking areas will be a concrete yard. A builder's merchant deals in all of the products required by the building industry. Many materials, such as bricks, tiles, timber, pipes and stone, can be kept outside in the yard. Materials stored outside are either up to 4m high depending on the material or kept on fixed racking, as detailed in the drawing.(the current permission does not limit the height of stored material).

The amended site layout drawing shows the location and height of the fixed racking.

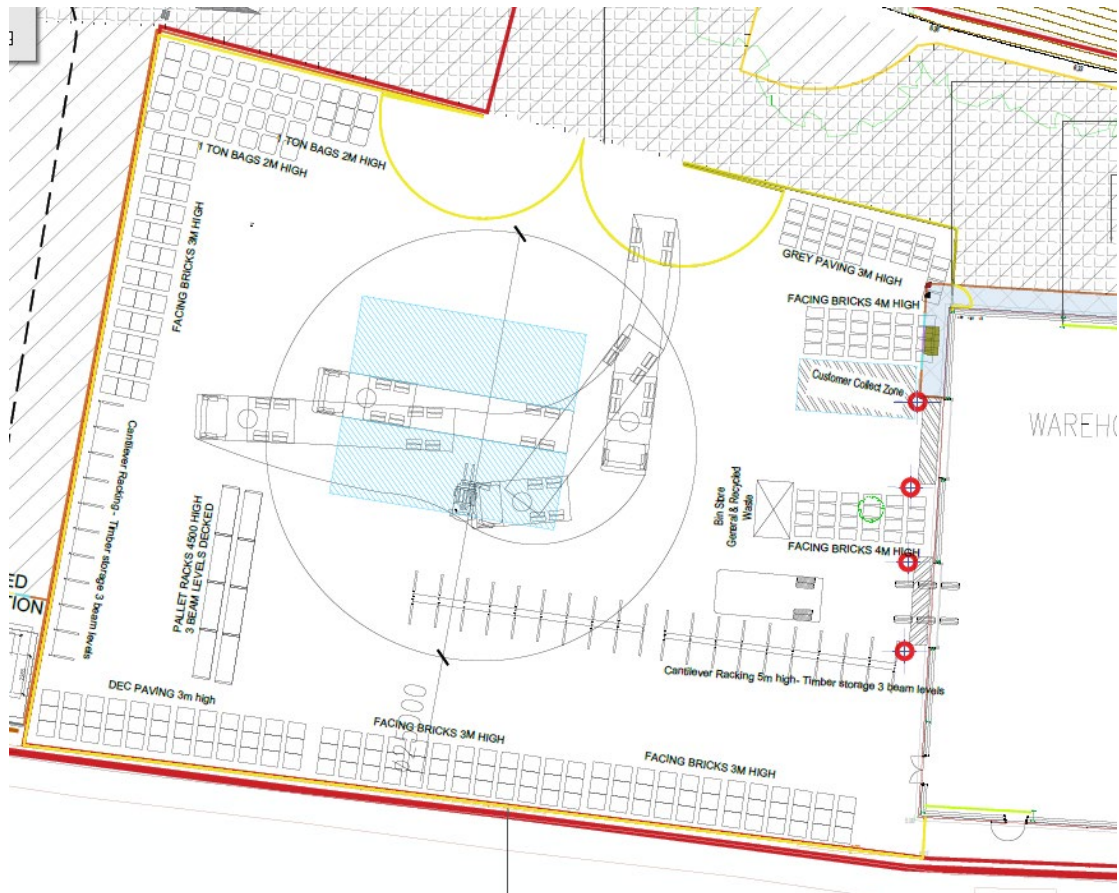


The fixed racking is normally treated as operational development. It would normally be dealt with as part of the planning application. However, as explained above, at the time of the application the operator had not been confirmed and their requirements could not have been expressed through the application. The situation has now changed. The Council have said that the racking cannot be added to the permission via S96A, but it can be done via S73. The accompanying S73 seeks to add the racking plan to the application.

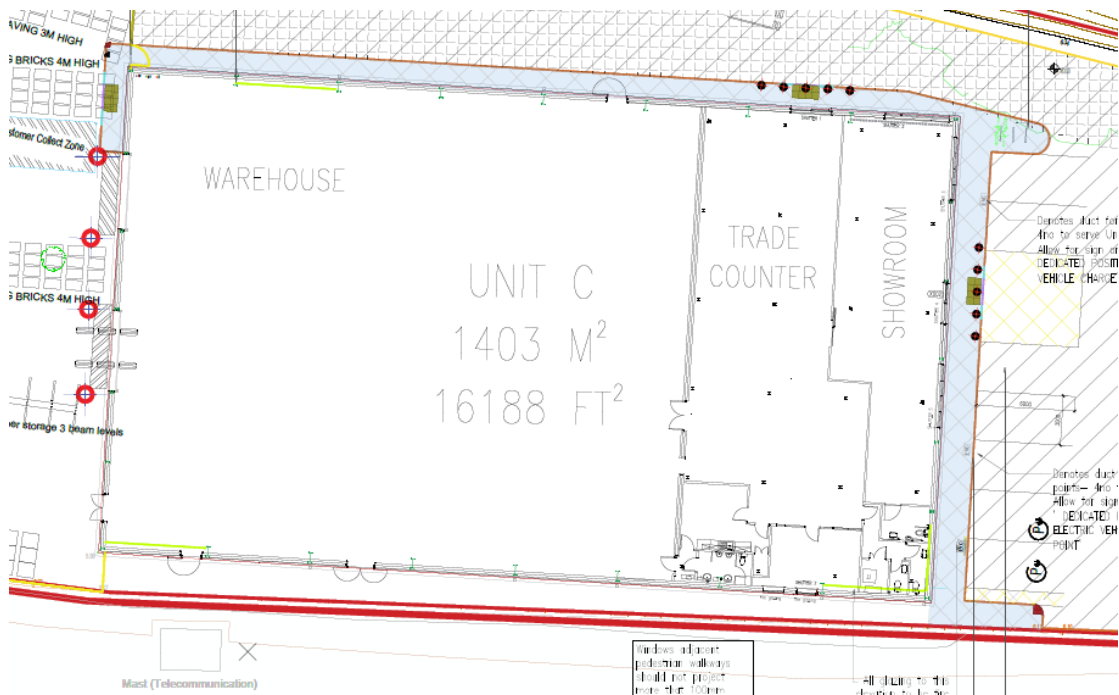
As part of the information to address the requirements of the original condition 15, the plan also shows how the yard area will be laid out.

The racking is either in the body of the site, or adjacent to the retail unit car park. The racking will not have an effect on the appearance of the area. There are no residential properties in the vicinity.

The yard area has to be laid out with considerable care to enable easy access to all goods and to ensure that the health and safety of staff and customers is not compromised. Customers visiting the site, and not taking advantage of free delivery, will take their vehicles to the item being collected. For instance, a builder collecting large bags of sand and gravel will go straight to that part of the yard. Therefore, the health and safety of visitors, has to be an important consideration in the layout of the yard. A yard layout drawing is attached.



The warehouse will be used for the storage of materials which cannot be kept outside. It should be remembered that storing materials inside a building is more expensive than storing them in the open. Not only is the cost of a building considerably more than a concrete yard, but the rateable value of a yard is approximately 10% of that of a warehouse. Therefore, the warehouse is used for storing materials which cannot be stored outside.



Smaller products, such as hand tools, screws, nails etc will be kept and displayed in a separate area. This is identified as “trade counter”.

Offices and staff seating / desks will occupy part of this area.

The final part of the internal layout will be a display area for kitchens and bathrooms. Generally, householders will visit the premises and select a bathroom or kitchen. However, the fitter will then buy it on his account. Tradespeople have accounts and depending on a number of factors are able to obtain significant discounts. The fitter makes his money from the fitting work and will pass on his discount to the customer in order to secure the fitting work.

One of the most important aims of the operators is providing their customers with what they need. Many smaller businesses have been unable to undertake some work because they did not have specialist equipment. If this is only needed for one-off or occasional work it is not financially viable to buy it, and many small businesses have nowhere to keep such equipment if they did buy it. It is therefore intended to include tool hire with a particular emphasis on heavier equipment such as mixers and scaffolding. These items will be kept in the yard or warehouse as appropriate.

The purpose of a builder’s merchant is to supply building materials primarily to the building trade. Builders’ merchants can and do sell to the public. The difference is that a bona fide tradesperson will have an account which, depending on a number of factors such as credit rating and spending over time, will entitle him to substantial discounts. A non-trade member of the public will not receive these discounts and will find that prices are comparable with DIY outlets. As already explained, there are three areas in which stock is held – the yard where there are bulky goods which are not affected by weather, the warehouse where the goods are susceptible to weather, and the small product area where goods are more likely to be picked up by visiting customers, and which are more susceptible to theft, and therefore require greater supervision. The bag of nails in that area is just as likely to be picked up by a joiner, and paid for cash / credit card / account as by a DIY homeowner and paid for cash / credit card. That DIY homeowner could also have come to the site to order bricks/ although he is more likely to do this by phone or online. The facts that the business will deal with the trade and public does not mean that it will be a Class E use. A builders merchant definitely does not fall in the E use class.

Larger builders will often require materials in large quantities so that the merchant will be able to order direct from the manufacturer and have the materials delivered direct to the site. For instance when a builder requires a full load of bricks they will be taken straight from the brickworks to the building site. They will never go to the merchant premises.



Materials will be delivered free of charge to all customers. This provides an incentive for customers not to visit the premises, thereby reducing travel and demand for parking. The remaining materials will be collected from site by customers in their own vehicles. The majority use cars, pick-ups or small vans that can be accommodated within a standard parking bay. The remainder employ panel vans, trailers or 21/2 tonne flatbeds and can be loaded in the yard.

Conditions 23 and 24 of the current permission deal with hours. The S73 application does not suggest any alterations to these hours.

Some staff will arrive for work at 5:30 am, with the business opening at 6:00am, as per the condition. The premises will close no later than 8:00pm. On Saturdays they will open at 7:00am and close no later than 4:00pm.

As stated, the business will open at 6:00. The delivery vehicles will have been loaded the previous day and will leave at 6:00am or after. They will not need to return until late morning. Although condition 23 seeks to prevent deliveries into the site before 7:00am, it is silent on deliveries out of the site. Deliveries in will not be accepted before and in practice, nor after 8:00pm or closing time whichever is the sooner.

The S73 application does not request any changes to these hours.

The purpose of condition 15 would appear to be to give the Council the comfort of knowing that the proposed builders merchant is not a Class E retail use. The permission is clear in that the use is sui generis, which means that if it were to fall within Class E there would be a material change of use which could be enforced against. The proposed use is clearly not Class E and would be a sui generis use.

**Application under S73 of the Town and Country Planning Act 1990 for Demolition of Unit B, refurbishment and change of use of Unit C for use within Class B8 or as a builders' merchant (Sui Generis) with trade counter and showroom with secure service yard and revised parking arrangements, eastern extension of Unit A to provide enlarged and refurbished retail unit for continued use within Class E(a) along with enclosed external display area and new entrance feature, retention of servicing and access arrangements, reconfiguration and extension of customer car park and associated works without compliance with conditions imposed on permission 21/02266/FUL dated 22<sup>nd</sup> September 2022.**

**Errill Retail Park, Plymouth Road Plymouth PL7 4JP**

Planning permission was granted on 22<sup>nd</sup> September 2022 for the erection of, *inter alia* a builder's merchants. A number of conditions were imposed.

This is an application under S73 in respect of condition 1, the list of approved plans. However, that condition has been amended following a number of S96A applications so that it now reads;

**CONDITION: APPROVED PLANS**

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

- Existing elevations Unit A 9263 - 105 Rev A received 24/12/21
- Existing site plan 9263 - 101 Rev A received 24/12/21
- Existing Site plan Unit A 9263 - 102 Rev B received 24/12/21 Existing plan Unit B 9263 - 103 - received 24/12/21
- Existing plan unit C 9263 - 104 - received 24/12/21
- Existing elevations Unit B 9263 - 106 Rev A received 24/12/21
- Existing elevations Unit C 9263 - 107 Rev A received 24/12/2
- 9263-215-Rev A- Proposed Plan - Unit A received 21/08/23
- 9263-218 Rev B- Proposed Elevations - Unit A received 21/08/23
- Proposed roof plan unit A 9263 - 114 Rev A received 24/12/21
- Proposed floor plan unit C 9263 - 112 Rev A received 24/12/21 Proposed elevations Unit C 9263 - 117 Rev A received 24/12/21
- Proposed roof plan unit C 9263 - 115 - received 24/12/21
- Proposed external works details 9263 - 120 - received 24/12/21 9263-214 Rev E- Proposed Site Plan received 21/08/23
- Location Plan 9263 - 100 - received 02/02/22
- Baseline Habitat 02022022 - received 02/02/22
- Proposed Habitat 02022022 - received 02/02/22
- Landscaping Scheme Area 1 A5260-07 Rev F received 01/09/22
- Landscaping Scheme Area 2 A5260-08 Rev F received 01/09/22

The applicants wish to amend condition 1 in respect of Unit C.

At the time of the original permission the identity of the operator of the builders merchant had not been confirmed and a detailed yard layout drawing could not have been submitted. The operator is now confirmed and there is a requirement for fixed racking in the yard. This is operational development but which is normally dealt with as part of the planning application for the builders merchant. It is therefore proposed to submit a revised site layout plan which shows the location and height of the racking as well as other external storage.

Original Condition	Proposed Condition
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<p>CONDITION: APPROVED PLANS</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Existing elevations Unit A 9263 - 105 Rev A received 24/12/21</p> <p>Existing site plan 9263 - 101 Rev A received 24/12/21</p> <p>Existing Site plan Unit A 9263 - 102 Rev B received 24/12/21 Existing plan Unit B 9263 - 103 - received 24/12/21</p> <p>Existing plan unit C 9263 - 104 - received 24/12/21</p> <p>Existing elevations Unit B 9263 - 106 Rev A received 24/12/21</p> <p>Existing elevations Unit C 9263 - 107 Rev A received 24/12/21</p> <p>9263-215-Rev A- Proposed Plan - Unit A received 21/08/23</p> <p>9263-218 Rev B- Proposed Elevations - Unit A received 21/08/23</p> <p>Proposed roof plan unit A 9263 - 114 Rev A received 24/12/21</p> <p>Proposed floor plan unit C 9263 - 112 Rev A received 24/12/21 Proposed elevations Unit C 9263 - 117 Rev A received 24/12/21</p> <p>Proposed roof plan unit C 9263 - 115 - received 24/12/21</p> <p>Proposed external works details 9263 - 120 - received 24/12/21 9263-214 Rev E-</p> <p><b>Proposed Site Plan received 21/08/23</b></p> <p>Location Plan 9263 - 100 - received 02/02/22</p> <p>Baseline Habitat 02022022 - received 02/02/22</p> <p>Proposed Habitat 02022022 - received 02/02/22</p> <p>Landscaping Scheme Area 1 A5260-07 Rev F received 01/09/22</p> <p>Landscaping Scheme Area 2 A5260-08 Rev F received 01/09/22</p>	<p>CONDITION: APPROVED PLANS</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Existing elevations Unit A 9263 - 105 Rev A received 24/12/21</p> <p>Existing site plan 9263 - 101 Rev A received 24/12/21</p> <p>Existing Site plan Unit A 9263 - 102 Rev B received 24/12/21 Existing plan Unit B 9263 - 103 - received 24/12/21</p> <p>Existing plan unit C 9263 - 104 - received 24/12/21</p> <p>Existing elevations Unit B 9263 - 106 Rev A received 24/12/21</p> <p>Existing elevations Unit C 9263 - 107 Rev A received 24/12/21</p> <p>9263-215-Rev A- Proposed Plan - Unit A received 21/08/23</p> <p>9263-218 Rev B- Proposed Elevations - Unit A received 21/08/23</p> <p>Proposed roof plan unit A 9263 - 114 Rev A received 24/12/21</p> <p>Proposed floor plan unit C 9263 - 112 Rev A received 24/12/21 Proposed elevations Unit C 9263 - 117 Rev A received 24/12/21</p> <p>Proposed roof plan unit C 9263 - 115 - received 24/12/21</p> <p>Proposed external works details 9263 - 120 - received 24/12/21 9263-214 Rev E-</p> <p><b>Proposed Site Plan 9263- 214-K</b></p> <p><b>Proposed Site Plan 9263-246-D</b></p> <p>Location Plan 9263 - 100 - received 02/02/22</p> <p>Baseline Habitat 02022022 - received 02/02/22</p> <p>Proposed Habitat 02022022 - received 02/02/22</p> <p>Landscaping Scheme Area 1 A5260-07 Rev F received 01/09/22</p> <p>Landscaping Scheme Area 2 A5260-08 Rev F received 01/09/22</p>
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### Effect of a new permission

NPPG advises

What is the effect of a grant of permission under section 73?

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. Further information about conditions can be found in the guidance for use of planning conditions.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

Paragraph: 015 Reference ID: 17a-015-20140306

Revision date: 06 03 2014

As part of a S73 application it is necessary for the decision maker to look at all of the conditions and decide if they are still necessary. The original permissions had 28 conditions. These are set out below with comments and suggestions for replacement conditions, if appropriate. Generally, it is suggested that any conditions which related to the pre-occupation phase are omitted. Conditions which relate to the operational phase are retained with or without modification. The conditions of the original permission should not simply be reimposed as many require the submission of further details. These details have been submitted and approved, but for the original permission not the new one.

The only outstanding submission in respect of conditions is 15;

23/01065/CDM | Condition Discharge: Condition 15 of application 21/02266/FUL

The submission has been withdrawn.

The condition states;

**CONDITION: UNIT C RESTRICTION ON USE  
PRE-OCCUPATION**

Prior to the occupation of Unit C, further details of the operation of the Class B8 / builders' merchant shall be submitted to and approved in writing by the Local Planning Authority. The operation of the unit shall accord to the approved details at all times.

A statement is appended which deals with what condition 15 would have required. A suggested revised wording of that condition is set out below.

No	Cond	Comment	Suggested condition
1	<p>CONDITION: APPROVED PLANS The development hereby permitted shall be carried out in accordance with the following approved plans: Existing elevations Unit A 9263 - 105 Rev A received 24/12/21 Existing site plan 9263 - 101 Rev A received 24/12/21 Existing Site plan Unit A 9263 - 102 Rev B received 24/12/21 Existing plan Unit B 9263 - 103 - received 24/12/21 Existing plan unit C 9263 - 104 - received 24/12/21 Existing elevations Unit B 9263 - 106 Rev A received 24/12/21 Existing elevations Unit C 9263 - 107 Rev A received 24/12/2 9263-215-Rev A- Proposed Plan - Unit A received 21/08/23 9263-218 Rev B- Proposed Elevations - Unit A received 21/08/23 Proposed roof plan unit A 9263 - 114 Rev A received 24/12/21 Proposed floor plan unit C 9263 - 112 Rev A received 24/12/21 Proposed elevations Unit C 9263 -</p>	<p>This now needs to be updated.</p>	<p>CONDITION: APPROVED PLANS The development hereby permitted shall be carried out in accordance with the following approved plans: Existing elevations Unit A 9263 - 105 Rev A received 24/12/21 Existing site plan 9263 - 101 Rev A received 24/12/21 Existing Site plan Unit A 9263 - 102 Rev B received 24/12/21 Existing plan Unit B 9263 - 103 - received 24/12/21 Existing plan unit C 9263 - 104 - received 24/12/21 Existing elevations Unit B 9263 - 106 Rev A received 24/12/21 Existing elevations Unit C 9263 - 107 Rev A received 24/12/2 9263-215-Rev A- Proposed Plan - Unit A received 21/08/23 9263-218 Rev B- Proposed Elevations - Unit A received 21/08/23 Proposed roof plan unit A 9263 - 114 Rev A received 24/12/21 Proposed floor plan unit C 9263 - 112 Rev A received 24/12/21 Proposed elevations Unit C 9263 -</p>

	<p>117 Rev A received 24/12/21 Proposed roof plan unit C 9263 - 115 - received 24/12/21 Proposed external works details 9263 - 120 - received 24/12/21 9263-214 Rev E- Proposed Site Plan received 21/08/23 Location Plan 9263 - 100 - received 02/02/22 Baseline Habitat 02022022 - received 02/02/22 Proposed Habitat 02022022 - received 02/02/22 Landscaping Scheme Area 1 A5260-07 Rev F received 01/09/22 Landscaping Scheme Area 2 A5260-08 Rev F received 01/09/22</p>		<p>117 Rev A received 24/12/21 Proposed roof plan unit C 9263 - 115 - received 24/12/21 Proposed external works details 9263 - 120 - received 24/12/21 9263-214 Rev E- <b>Proposed Site Plan 9263-214-K</b> Location Plan 9263 - 100 - received 02/02/22 Baseline Habitat 02022022 - received 02/02/22 Proposed Habitat 02022022 - received 02/02/22 Landscaping Scheme Area 1 A5260-07 Rev F received 01/09/22 Landscaping Scheme Area 2 A5260-08 Rev F received 01/09/22</p>
2	<p>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.</p>	<p>A s73 permission cannot extend the period for commencement. The development has commenced and a condition is not necessary.</p>	<p>No need to re-impose</p>
3	<p>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.</p>	<p>23/00500/CDM  The ESP has been approved.</p>	<p>The provisions of the EMPLOYMENT AND SKILLS PLAN (ESP) approved pursuant to application 23/00500/CDM shall be implemented for the duration of the hereby approved uses.</p>
4	<p>CONDITION: EXTERNAL MATERIALS BUILDING PRE-COMMENCEMENT Prior to development, samples and/or pictures of the proposed façade treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details.</p>	<p>23/02122/CDM  The condition is no longer necessary</p>	<p>No need to re-impose</p>
5	<p>CONDITION: SITE WASTE MANAGEMENT PLAN PRE-COMMENCEMENT No development shall take place, including works of demolition, until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan should demonstrate how the demolition, construction and operational phases of the development will minimise the generation of waste and shall be adhered to throughout the construction period.</p>	<p>23/00222/CDM</p>	<p>The SITE WASTE MANAGEMENT PLAN approved pursuant to application 23/00222/CDM shall be implemented for the duration of the building and construction works.</p>
6	<p>CONDITION: CODE OF PRACTICE</p>	<p>23/00223/CDM</p>	<p>The CODE OF PRACTICE approved pursuant to application</p>

	<p>PRE-COMMENCEMENT</p> <p>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, in consultation with ward members from Plympton Erle, Plympton St Mary, the Chair and Vice Chair of Planning Committee and the opposition lead.</p> <p>The approved statement shall be adhered to throughout the construction period. The statement shall provide for:</p> <p>i. Noise and vibration from equipment and activities associated with construction including any piling.</p> <p>ii. Hours of work.</p> <p>iii. Measures to control the emission of dust and dirt during construction including wheel washing facilities.</p> <p>iv. A scheme for recycling / disposing of waste resulting from the development.</p> <p>v. Pest Control</p> <p>vi. Contamination and materials management where applicable</p>		<p>23/00223/CDM shall be implemented for the duration of the building and construction works.</p>
7	<p>CONDITION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)</p> <p>PRE-COMMENCEMENT</p> <p>No development shall take place until the developer has arranged for the right turn lane to be extended in length by removing the hatching and relining an extended right turn lane under Section 171 Access to Site Permit. The development shall not be brought into use until the extension of the right turn lane has been implemented in accordance with the details previously submitted for approval in writing by the Local Planning Authority.</p>	<p>23/00304/AMD 23/00446/CDM</p>	<p>The development shall not be brought into use until the extension of the right turn lane has been implemented in accordance with the details approved pursuant to application 23/00446/CDM</p>
8	<p>CONDITION: FURTHER DETAILS</p> <p>PRE-COMMENCEMENT</p> <p>No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, in consultation with ward members from Plympton Erle, Plympton St Mary, the Chair and Vice Chair of Planning Committee and the opposition lead:</p> <ul style="list-style-type: none"> <li>- Visibility Splay.</li> <li>- Amendments to the builders' merchant car park.</li> <li>- Provision of pedestrian footway along the South of the car park.</li> <li>- Provision of pedestrian footway from Errill Retail Park to the West bound bus stop.</li> <li>- Address comments in relation to the Travel Plan.</li> <li>- Adequate provision of cycle parking.</li> <li>- Adequate provision of electrical vehicle charging points.</li> </ul> <p>The works shall conform to the</p>	<p>23/01189/CDM</p>	<p>No need to reimpose</p>

	approved details.		
9	<p>CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)  PRE-COMMENCEMENT</p> <p>The development works hereby proposed shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted prior to the commencement of the highway works and shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The highway works hereby proposed shall be carried out strictly in accordance with the approved CTMP.</p>	23/00224/CDM	The CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP) approved pursuant to application 23/00224/CDM shall be implemented for the duration of the building and construction works.
10	<p>CONDITION: HIGHWAY DILAPIDATION SURVEY  PRE-COMMENCEMENT</p> <p>No works shall commence on-site until the applicant has undertaken a highway dilapidation survey in consultation with the Local Highway Authority. The survey shall assess the existing condition of all highway infrastructure adjoining the site which will be impacted upon through the construction activities associated with the development hereby approved. This shall also include routes to and from the site being used by construction traffic.</p>	23/00300/CDM  The survey has been carried out, submitted and agreed	No need to re-impose
11	<p>CONDITION: CONTAMINATED LAND  PRE-COMMENCEMENT</p> <p>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 sections 1 to 3 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.</p> <p>Section 1: Site Characterisation</p> <p>An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the</p>	23/01045/CDM 23/00571/CDM  The scheme has been submitted and approved. However the verification report is still required.	Following completion of measures identified in the remediation scheme approved in response to applications 23/01045/CDM and 23/00571/CDM a verification report shall be submitted to and approved by the Local Planning Authority.

<p>scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <ul style="list-style-type: none"> <li>(i) a survey of the extent, scale and nature of contamination;</li> <li>(ii) an assessment of the potential risks to: <ul style="list-style-type: none"> <li>o human health,</li> <li>o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,</li> <li>o adjoining land,</li> <li>o ground waters and surface waters,</li> <li>o ecological systems,</li> <li>o archaeological sites and ancient monuments;</li> </ul> </li> <li>(iii) an appraisal of remedial options, and proposal of the preferred option(s).</li> </ul> <p>This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.</p> <p>Section 2: Submission of Detailed Remediation Scheme</p> <p>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.</p> <p>Section 3: Implementation of Approved Detailed Remediation Scheme</p> <p>The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development, other than that required to</p>		
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	<p>carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>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 is subject to the approval in writing of the Local Planning Authority.</p> <p>Section 4: Land Quality - Reporting of Unexpected Contamination</p> <p>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 in writing until this condition has been complied with in relation to that contamination.</p> <p>An investigation and risk assessment shall be undertaken in accordance with the requirements of Section 1, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Section 2 above, which is subject to the approval in writing of the Local Planning Authority.</p> <p>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 Section 3 above.</p>		
12	<p>CONDITION: FLOOD RISK AND DRAINAGE DETAIL PRE-COMMENCEMENT</p> <p>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:</p> <ul style="list-style-type: none"> <li>- Details should be submitted of how and when the system is to be managed and maintained.</li> </ul> <p>Once approved the development shall be undertaken and managed in accordance with the approved detail.</p>	23/00095/CDM	The drainage maintenance arrangements approved pursuant to application 23/00095/CDM shall be implemented for the lifetime of the development.
13	<p>CONDITION: FURTHER LANDSCAPING DETAILS PRE-COMMENCEMENT</p> <p>No development shall take place until tree planting details regarding the gap in trees to the north-east of Unit C and the eastern triangle of land are submitted to, and</p>	<p>22/02123/CDM</p> <p>The details have been approved</p>	No need to re-impose

	approved in writing by the Local Planning Authority. The works shall conform to the approved details.		
14	CONDITION: SOLAR PANELS ON UNIT A PRE-OCCUPATION Prior to the occupation of Unit A, details of the amount, location and specification of the solar photovoltaic (PV) panels on the roof of Unit A shall be submitted to and approved in writing by the Local Planning Authority, the agreed solar panels shall be in place prior to occupation and shall be retained for the life of the development.	This detail has not been approved and needs to be re-imposed	CONDITION: SOLAR PANELS ON UNIT A PRE-OCCUPATION Prior to the occupation of Unit A, details of the amount, location and specification of the solar photovoltaic (PV) panels on the roof of Unit A shall be submitted to and approved in writing by the Local Planning Authority, the agreed solar panels shall be in place prior to occupation and shall be retained for the life of the development.
15	CONDITION: UNIT C RESTRICTION ON USE PRE-OCCUPATION Prior to the occupation of Unit C, further details of the operation of the Class B8 / builders' merchant shall be submitted to and approved in writing by the Local Planning Authority. The operation of the unit shall accord to the approved details at all times.	Details have been submitted but the application was withdrawn. A statement addressing the original condition 15 is submitted with this application. Assuming that the Council is satisfied with this, the condition can be redrafted.	UNIT C RESTRICTION ON USE PRE-OCCUPATION The operation of the builders merchant shall accord with the submitted details "Operation of the builders merchant" at all times.
16	CONDITION: SIGNAGE STRATEGY PRE-OCCUPATION Prior to the occupation of either Unit, a signage strategy detailing signage and wayfinding elements should be submitted to and approved in writing by the Local Planning Authority. The strategy should include a programme for implementation which must be adhered to.	Re-impose without change	
17	CONDITION: SITE MANAGEMENT PLAN PRE-OCCUPATION Prior to the occupation of the first unit on site a Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with ward members from Plympton Erle, Plympton St Mary, the Chair and Vice Chair of Planning Committee and the opposition lead. Details will be provided of: o Measures to reduce anti-social behaviour on site (including vehicle congregation in the parking bays at night); o CCTV; o Lighting (including under canopies and on key routes); o Provision of litter bins and litter management plan; and, o Security. Once approved the site shall be managed in full accordance with the approved management plan thereafter.	Re-impose without change	
18	CONDITION: CAR PARKING PROVISION PRE-OCCUPATION The buildings shall not be	Re-impose without change	

	occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details and that area shall not thereafter be used for any purpose other than the parking of vehicles.		
19	<p>CONDITION: DEFIBRILLATOR PROVISION PRE-OCCUPATION</p> <p>Prior to the occupation of any 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 building and be registered with the South Western Ambulance Service Federation Trust (SWASFT) or any other body responsible for their location and recording.</p>	Re-impose without change	
20	<p>CONDITION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN</p> <p>The development hereby permitted shall be carried out in accordance with the submitted Landscape Ecological Management Plan (LEMP) unless otherwise agreed in writing with the Local Planning Authority.</p>	Re-impose without change	
21	<p>CONDITION: NO SUB-DIVISION OF UNITS A AND C</p> <p>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, Unit A and Unit C hereby approved shall be permanently retained as single units and shall not be subdivided to create additional unit(s).</p>	Re-impose without change	
22	<p>CONDITION: UNIT A RESTRICTION ON USE</p> <p>The Class E(a) retail floor space hereby permitted shall not exceed 2,830 square metres (gross) and shall be used for the sale of building materials, timber, joinery, decorating, plumbing and other associated bulky products for DIY maintenance and improvement; garden related products; furniture; carpets and floor coverings; health and beauty products, medicines, baby products; soft furnishings and household products; toys and games; pets , pet food and related products; home furnishings and ornaments; electrical goods; motor goods cycles, cycle products and accessories; seasonal products; food and drink products amounting</p>	Re-impose without change	

	to no more than 30% of the total floorspace; and other items ancillary to these products, and shall not be used for any other purpose including those set out in Class E of Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking, amending or re-enacting that Order with or without modification.		
23	CONDITION: DELIVERY HOURS Due to the proximity of residential properties, deliveries to the premises and refuse collections should be restricted to the following times: - - Monday to Saturday 7:00 - 22.00hrs - Sundays and Bank Holidays No deliveries/refuse collection.	Re-impose without change	
24	CONDITION: HOURS OF OPERATION Hours of operation are restricted to the following times; Unit A - - Monday - Saturday 7:00 - 22:00hrs - Sundays and Bank Holidays 10:00 - 16:00hrs Unit C - - Monday - Friday 6:00 - 20:00hrs - Saturday - Sunday 7:00 - 16:00hrs	Re-impose without change	
25	CONDITION: NOISE The noise emanating from the site (LAeqT) shall not exceed the background noise level (LA90) at anytime as measured at the façade of the any residential properties within the vicinity. This includes noise from plant and refrigerated vehicles / units.	Re-impose without change	
26	CONDITION: HOURS OF CONSTRUCTION AND DEMOLITION Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.	Re-impose without change	
27	CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP) The development hereby permitted shall be carried out in accordance with the submitted Construction Environmental Management Plan (CEMP) unless otherwise agreed in writing with the Local Planning Authority.	Re-impose without change	
28	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	Re-impose without change	

	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.		
29	<p>CONDITION: ENERGY AND SUSTAINABILITY</p> <p>The development hereby permitted shall be carried out in accordance with the submitted Sustainability and Energy Statement unless otherwise agreed in writing by the Local Planning Authority.</p>	Re-impose without change	