

**P/16/1153/VC**

LIDL UK

**PORTCHESTER EAST**

AGENT: RPS PLANNING &  
DEVELOPMENT

VARIATION OF CONDITION 5 OF PLANNING PERMISSION P/15/1093/FP  
(DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF LIDL FOOD STORE WITH  
ONE HUNDRED CAR PARKING SPACES) TO PROVIDE FOR AN EXTENDED PERIOD  
FOR THE DELIVERY OF OFF SITE HIGHWAY WORKS.

UNITS 1-4 & 18-19 CASTLE TRADING ESTATE FAREHAM PO16 9SF

***Report By***

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***Site Description***

The application site is on the east side of Castle Trading Estate comprising the land of units 1-4 and numbers 18 and 19. The site occupies the corner plot at the junction of the Trading Estate road and the A27. The eastern site boundary forms the borough boundary with Portsmouth City Council.

In terms of topography the site is generally flat although there is a slight change in levels down into the site from the northern boundary.

The site is currently under construction.

***Description of Proposal***

This application seeks to vary the terms of condition 05 of the planning permission currently being implemented. The trigger for the delivery of the off site A27 / Castle Trading Estate signal improvements and footway widening is requested to be amended to allow for the improvement works to be delivered within four months of the store opening rather than prior to the store opening.

***Policies***

The following policies and Guidance apply to this application:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

**Approved Fareham Borough Core Strategy**

CS1 - Employment Provision

CS3 - Vitality and Viability of Centres

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS17 - High Quality Design

**Development Sites and Policies**

DPS1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP17 - Existing Employment Sites and Areas

DSP34 - Development in District Centres, Local Centres, and Local Parades

DSP36 - Portchester District Centre

DSP37 - Out-of-Town Shopping

### ***Relevant Planning History***

The following planning history is relevant:

<b><u>P/15/1093/FP</u></b>	<b>Demolition of existing buildings and erection of Lidl food store with one hundred car parking spaces.(Amended proposal to planning permission P/14/1187/FP)</b>	
	APPROVE	12/02/2016

<b><u>P/14/1187/FP</u></b>	<b>DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF LIDL FOOD STORE WITH 70 CAR PARKING SPACES.</b>	
	APPROVE	11/11/2015

### ***Representations***

None

### ***Consultations***

INTERNAL CONSULTEES:

Highways: No objection

EXTERNAL CONSULTEES:

Hampshire County Council(Highways): No objection

### ***Planning Considerations - Key Issues***

Planning permission was granted in February 2016 for the redevelopment of the application site to provide a new Lidl foodstore.

Condition 5 of this planning permission is as follows:

05. The store hereby approved shall not open until the applicant/developer has completed the off site highway works as detailed in drawing number 4621.008 Revision B "Proposed Off Site Highway Improvements" and drawing 4621.005 Revision B "Proposed Access Arrangements" as referred to within the legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, as amended, associated with this permission.

REASON: In the interest of highway safety and policy CS5 of the Fareham Borough Core Strategy.

The application confirms that the new site access onto the Castle Trading Estate and the closure of the existing access will continue to be completed prior to the store opening.

The improvements to the A27 / Castle Trading Estate including upgraded pedestrian

crossing facilities have been programmed in with the County Council (as Highway Authority) and the widening of the existing footway on the south side of the A27 and the dedication of this land as highway are also programmed in. The store is due to open in November 2016, and these highway works will not be completed until after this time. The application therefore seeks a variation of the planning condition to allow for these works to be completed within four months of the store opening as follows:

The store hereby approved shall not be open until the developer/applicant has completed the following highway works as detailed on drawing PR-002 Rev J and in the legal agreement associated with this permission pursuant to section 106 of the Town and Country Planning Act:

- The new site access and stopping up of the existing access

The remaining highway works detailed on drawing 4621.008 Rev B and in the legal agreement associated with this permission shall be completed within four months of the store opening. These works comprise:

- Improvements to the A27/Castle Trading Estate traffic signal including the provision of a pedestrian crossing on castle Trading Estate; and

- The widening of the existing footway along the A27 to facilitate the provision of a shared use footway/cycleway, including dedication of highway rights.

REASON: In the interest of highway safety and policy CS5 of the Fareham Borough Core Strategy.

The footpath widening works and the proposed A27 / Castle trading estate junction works are identified as public benefit works to help improve the attractiveness of the links between the new store and Portchester District Centre. The proposed signal improvements are not essential highway safety or highway capacity works that need to be completed prior to the store opening. The County Council, as highway authority, have been consulted on the proposals and have raised no objection to the proposals as submitted and are reassured that the works have been programmed in.

The junction as it currently exists provides for an uncontrolled pedestrian crossing and the proposal seeks to upgrade and improve the crossing facility. As such, customers of the store and the district centre can use the existing crossing in the period between the store opening and the commencement of the proposed works. When the junction works are undertaken the traffic management measures will provide temporary arrangements for pedestrians detailing safe alternative walking routes whilst construction is underway and these measures will first be agreed with the Highway Authority.

The Local Planning Authority takes comfort in the fact that the works are already programmed in with the County Council to start in early January 2017 and on the basis that the works are completed as per the suggested condition the proposal is not considered to have a significantly and demonstrably harmful impact on the footfall between the district centre and the proposed store.

Section 73 of the Town and Country Planning act allows an applicant to make an application to vary or seek relief from a planning condition. The result of the consideration of an application under this Section of the Act is that a fresh planning permission is granted for the whole scheme. As such all conditions are repeated from the decision P/15/1093/FP as necessary. A new legal agreement is also necessary given that the decision results in a new permission being granted.

Subject to the satisfactory completion of a deed of variation to the Section 106 agreement

pursuant to the permission P/15/1093/FP to ensure that the planning obligations reflect the revised trigger for the delivery of the off site highway improvements, the proposal is considered to be acceptable for planning permission to be granted.

#### SUMMARY:

The proposed off site highway works are considered to be public betterment works rather than essential highway safety works and as such the delay in the completion of these works until four months after the store opens is acceptable to the Highway Authority and the local planning authority. The proposals accords with Policies CS5 and CS17 of the adopted Fareham Borough Core Strategy.

#### **Recommendation**

Subject to the completion of a deed of variation to the Section 106 agreement pursuant to the permission P/15/1093/FP on terms to the satisfaction of the Solicitor to the Council, to ensure that the planning obligations reflect the revised trigger for the delivery of the off site highway improvements.

PERMISSION subject to conditions:

1) The development shall be carried out in accordance with the following documents approved under planning permission P/15/1093/FP:

- PR-001 Proposed Site Location Plan
- PR-002 Revision J Proposed Site Layout Plan
- 4621.008 Revision B Proposed off-site Highway Improvements

REASON: To ensure a satisfactory comprehensive development

2) The development shall be undertaken in accordance with the approved Construction Method Statement approved pursuant to condition 4 of the permission P/15/1093/FP.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment or highway safety in accordance with Policies CS5, CS12, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

3) The store hereby approved shall not be open until the developer/applicant has completed the following highway works as detailed on drawing PR-002 Rev J and in the legal agreement associated with this permission pursuant to section 106 of the Town and Country Planning Act:

- The new site access and stopping up of the existing access

The remaining highway works detailed on drawing 4621.008 Rev B and in the legal agreement associated with this permission shall be completed within four months of the store opening. These works comprise:

- Improvements to the A27/Castle Trading Estate traffic signal including the provision of a pedestrian crossing on castle Trading Estate; and
- The widening of the existing footway along the A27 to facilitate the provision of a shared use footway/cycleway, including dedication of highway rights.

REASON: In the interest of highway safety and policy CS5 of the Fareham Borough Core Strategy.

04) The store hereby approved shall not open until the scheme of remedial measures (pursuant to condition 07b on planning permission P/15/1093/FP) have been fully implemented with verification of the installation of the mitigation measures submitted to and

approved in writing by the Local Planning Authority prior to first occupation. The verification shall include photographic evidence and "as built" drawings.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

05) Lighting shall be installed in accordance with the Philips Lighting Report for the Exterior Carpark dated 11.11.2015 and the drawing dated 12.11.2015 prepared by Philips and titled Carpark Lighting Levels Initial Lighting Levels as submitted and approved under planning permission P/15/1093/FP.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

06) The store hereby permitted shall only be used for a hard discount food store. This is defined as a store which is characterised by; non-food ranges promoted through "weekly specials", dominance of private or "exclusive" labels with few national brands, selling a limited range of products (less than 3,500 product lines which can be demonstrated through the availability of stock keeping records as requested), significantly cheaper products in terms of average price than all other multiple food retailers. No use other than a hard discount food store as outlined above shall occupy the premises unless an express planning permission for an alternative use is granted by the Local Planning Authority.

REASON: In the interest of preserving the vitality and viability of Portchester District Centre in accordance with policy DSP37 of the Fareham Borough Local Plan Part 2 Development Sites and Policies.

07) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any Order revoking and re-enacting that Order), the discount food store hereby approved shall only have a maximum of twenty five percent (25%) of the total floor space used for the sale of the following goods:

- i) Clothing and footwear, fashion accessories including handbags and luggage, watches and jewellery;
- ii) Pharmaceutical and personal care products (including perfumes, toiletries, spectacles and contact lenses;
- iii) Books, music records and CD's, DVD's and other recorded media; and
- iv) Toys

REASON: In the interest of preserving the vitality and viability of Portchester District Centre in accordance with policy DSP37 of the Fareham Borough Local Plan Part 2 Development Sites and Policies.

08) The store hereby approved shall not open until the vehicular access to the site and parking layout as shown on drawing PR-002 Rev J has been constructed and provided in accordance with the approved plans.

REASON: In the interests of highway safety and in accordance with Policy CS5 of the Fareham Borough Core Strategy.

09) All construction work in relation to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 08.00 hours and 18.00 hours Monday to Friday and 08.00 hours and 13.00 hours Saturdays and at no time on Sundays and recognised bank/public holidays

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular or pedestrian access other than those shown on the approved plans shall be formed to the site.

REASON: In the interests of highway safety and in accordance with Policy CS5 of the Fareham Borough Core Strategy.

11) No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

12) The development shall be carried out in accordance with section 6 "Recommendations" of the Extended Phase 1 Habitat Survey, prepared by Abricon (reference 010HRHL110) and dated 19th May 2014 and section 6 "Recommendations" of the Bat Survey (Building Inspection), prepared by Abricon (reference 010HRHL110) and dated 30th September 2015 as submitted and under planning permission P/15/1093/FP..

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

13) The development shall be carried out in accordance with detail under the heading "Residual Flood Risk and Mitigation" in the Stuart Michael Associates letter dated 26th February, reference 4621/AKA/amp as submitted under planning permission P/15/1093/FP.

REASON: To ensure that the flood risks are appropriately mitigated against in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

14) The development shall be constructed in order to achieve a BREEAM 'very good' rating.

REASON: To ensure the development is constructed and operates in a sustainable manner in accordance with Policy CS15 of the Adopted Fareham Borough Core Strategy.

15) No deliveries shall be taken at or despatched from the site outside of the hours of:

Monday - Saturday: 0600 and 2200;

Sundays, Bank and Public Holidays: 0830 and 1900

REASON: To ensure that the store operations do not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

16) The use hereby permitted shall not be open to customers outside of the following times:

- Monday - Saturday: 0700 - 2200; and

- Sunday: 1000 - 1700

REASON: To ensure that the store operations do not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

### ***Background Papers***

see "relevant planning history" section above.

# FAREHAM

BOROUGH COUNCIL



Units 1-4 & 18-19  
Castle Trading Estate  
Scale 1: 1,250



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