

OFFICER REPORT FOR COMMITTEE

DATE: 15/02/23

**P/22/1271/FP
B&M RETAIL**

**TITCHFIELD COMMON
AGENT: MWA**

USE OF LAND AS EXTERNAL GARDEN CENTRE & ERECTION OF 5.2 METRE HIGH ENCLOSURE

166 SOUTHAMPTON ROAD, TITCHFIELD, FAREHAM, PO14 4QL

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

1.1 This application is being presented to the Planning Committee as the building is within the ownership of Fareham Borough Council.

2.0 Site Description

2.1 The application site is located within the urban area at the Southampton Road Retail Park and is occupied by a large detached commercial retail building (3725 sqm). The building lies between Prelate Way to the west and Southampton Road to the east.

2.2 The building is currently vacant but was previously occupied by Argos and Carpet Barn. The car parking areas extend to the east and south and are shared by the Dunelm store which lies to the south-east.

2.3 To the north of the building is a service yard which is accessible from Prelate Way.

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of 5.2m high fencing to enclose an area (436sqm) within the service yard to the north of the retail unit and for its use as an external garden centre.

3.2 The fencing would consist of 2.5m of Heras Zenith galvanised mesh panels, 2.3m of galvanised welded mesh with mesh attached above galvanised panels and 0.5m of short-barbed tape on the upper portion.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS3	Vitality and Viability of Centres
CS5	Transport Strategy & Infrastructure
CS6	The Development Strategy
CS17	High Quality Design

Adopted Development Sites and Policies

DSP1	Sustainable Development
DSP2	Environmental Impact
DSP37	Out of Town Shopping

Fareham Local Plan 2037 (emerging)

The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

R1	Retail Hierarchy and Protecting the Vitality and Viability of Centres
R2	Out-of-Town Proposals for Town Centre Uses
TIN1	Sustainable Transport
TIN2	Highway Safety & Road Network
TIN4	Infrastructure Delivery
D2	Ensuring Good Environmental Conditions

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/22/1172/VC	Variation of condition 1 of P/96/0838/VC (to enable the continued authorised use of the premises for non-food retail purposes with the introduction of the ancillary sale of food/drink goods from up to 560sqm and clothes/footwear from up to 100sqm of the sales display area)
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To be determined

P/92/0906/VC	Retain & Continue the Use of Two Shops Without Compliance with Condition 3 FBC.2823/1 Permission 4 September 1992
P/96/0838/VC	Variation of Condition 2 of P/92/0906/VC which varied Condition 3 of FBC.2823/1 (To enable the sale of footwear, clothing and fashion goods from the area outlined in red). Permission 14 September 1998
FBC 2823/1	Erection of Two Retail Sales Buildings with Car Parking Permission 3 November 1983

6.0 Representations

6.1 No representations have been received

7.0 Consultations

INTERNAL

Environmental Health

7.1 No objection

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of Development
- b) Impact to Character & Appearance of the Area
- c) Highway Implications & Car Parking Provision
- d) Impact on Living Conditions of Neighbouring Properties

a) Principle of Development

8.2 The site is located within the urban settlement boundary however it is not located within an allocated retail centre as shown on the proposals map of the adopted Local Plan.

8.3 The units contained within this retail park were originally permitted in 1983 and were subject to planning conditions preventing the sale/display of goods within the open areas of the site and it was also required that the areas

provided for the loading or unloading of vehicles were retained for that purpose. Therefore, whilst the service yard falls within the same planning unit and the nature of goods sold within a garden centre would comply with the current restriction on the type of goods to be sold (i.e non-food retail) it is considered planning permission is required for the proposed garden centre extension.

- 8.4 Policy CS3 of the adopted Fareham Borough Core Strategy seeks to focus new retail floorspace within the Borough's retail centres maintaining the current hierarchy (i.e. town centre, district centres, local centres). It is recognised that retail development outside of the Borough's centres can cause unsustainable shopping patterns and adversely impact on the health and vibrancy of nearby centres, by drawing away trade.
- 8.5 Policy DSP37 of the adopted Fareham Borough Council Local Plan Part 2: Development Sites & Policies relates to 'Out of Town Shopping'. Policy DSP37 states;

“Proposals for main town centre uses outside of the Borough's centres or parades will only be permitted where:

- *A full sequential test has been carried out demonstrating that there are no more centrally located sites that are available, suitable or viable;*
- *Appropriate levels of parking are provided;*
- *The site is not located outside the defined urban settlement boundaries and is accessible, particularly by public transport;*
- *The scale and design of buildings are appropriate to their surroundings; and*
- *The proposal would not have any unacceptable environmental, amenity or traffic implications.*

Where a development for main town centre uses is proposed over 500 sq. m, an impact assessment must be carried out to demonstrate that the proposal will not have an adverse effect on the vitality or viability of nearby centres, nor on any planned centre expansions.

Conditions may be attached to permissions for new out-of-town shopping units to restrict the range of goods sold, and to control the size of units.”

It is considered that the proposal would comply with the above.

- 8.6 Policy DSP37 states that where a development for main town centre uses is proposed over 500sq.m, an impact assessment must be carried out to demonstrate that the proposal will not have an adverse effect on the vitality or viability of nearby centres, nor on any planned centre expansions. Policy R2 of the Emerging Local Plan 2037 set out the same requirement for a retail impact assessment but states that proposals for main town centres uses outside of the Borough's centres or parades will be permitted where they can demonstrate there is no significant harm, to the centres and parades. This accords with guidance contained within the National Planning Policy Framework (NPPF) (para 90).
- 8.7 Whilst when viewed in isolation the sales floor area created by the garden centre extension would fall below the threshold for submission of a retail impact assessment, its addition to the retail unit was nonetheless considered within the retail impact assessment submitted in support of planning application P/22/1172/VC (officer report included elsewhere on this agenda). Officers concluded that the use of the existing retail units by a budget retailer such as B&M with ancillary garden centre would not result in a significant adverse impact on the vitality and viability of the town centre, district or local centres and will not impact on the ability of these centres to attract appropriate future investment. It was also considered that there were no sequentially preferable sites available to the retailer. It is considered that the proposal complies with Policy DSP37 of the Local Plan Part 2, Emerging Policy R2 and the NPPF.

b) Impact to Character & Appearance of the Area

- 8.8 The site is visually contained by vegetation which extends around the perimeter of the site. It is not considered that the proposed fencing to enclose the outdoor garden centre would be detrimental to the character and appearance of the area.

c) Highway Implications & Car Parking Provision

- 8.9 The car parking provision assessment for the B&M store undertaken in respect of P/22/1172/VC included for the additional sales floor area to be created by the addition of the external garden centre. It was concluded that the site has ample capacity to accommodate the anticipated level of parking demand.
- 8.10 Whilst the garden centre would reduce the size of the existing service yard it has been demonstrated that the remainder of the service yard would be accessible for HGV's and that vehicles would be able to turn on site to enter and leave the site in forward gear.

d) Impact to Neighbouring Properties

- 8.11 The nearest residential properties to the application site are located approximately 35 metres to the west off Primate Road. Given the level of separation it is not considered that the proposal would be likely to result in a material increase in noise and disturbance to the occupants of these properties.
- 8.12 As stated above views into the site are limited and given the level of separation and lack of direct facing windows it is not considered that the proposal would have any adverse impact on the outlook from nearby residential properties. A planning condition would be imposed to secure details of any external lighting to be installed so that potential light disturbance can be fully mitigated.
- 8.13 Due to the potential increase in the number of deliveries to the site it is proposed to impose a planning condition on P/22/1172/VC restricting deliveries to between the hours of 7am-9pm to minimise potential for disturbance to neighbouring properties.

Summary

- 8.14 In summary it is not considered that the proposed garden centre would have a significant adverse impact on the vitality and viability of the Borough's town/district and local centres. Whilst a number of alternative sites have been explored by the intended occupant of the units there are no sequentially preferable sites that are available within the short term.
- 8.15 It is not considered that the proposed fencing enclosure would have any detrimental impact on the character and appearance of the area of the living conditions of neighbouring properties.
- 8.16 The proposal accords with the relevant policies of the adopted Core Strategy and the Local Plan Part 2: Development Sites & Policies and the emerging Local Plan and is considered acceptable.

9.0 Recommendation

- 9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:
1. The development hereby permitted shall be begun within 3 years from the date of this decision notice.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Site Location Plan (1:1250)
 - b) Proposed Block Plan (1:500)
 - c) Proposed Elevations – drwg No. RB-TFP-02
 - d) Proposed North-East Elevation – drwg No. RB-TFP-008
 - e) Proposed South-West Elevation – drwg No. RB-TFP-009
 - f) Proposed North-West Elevation – drwg No. RB-TFP-011
 - g) Proposed Uncontrolled Crossing Arrangements (drwg No. 226796_PD01)

REASON: To avoid any doubt over what has been permitted.

3. The use hereby permitted shall not commence until details of any proposed floodlighting, security lighting or other means of external illumination have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any lighting thereafter retained in the approved form.

REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution.

Then

9.2 DELEGATE authority to the Head of Development Management to:

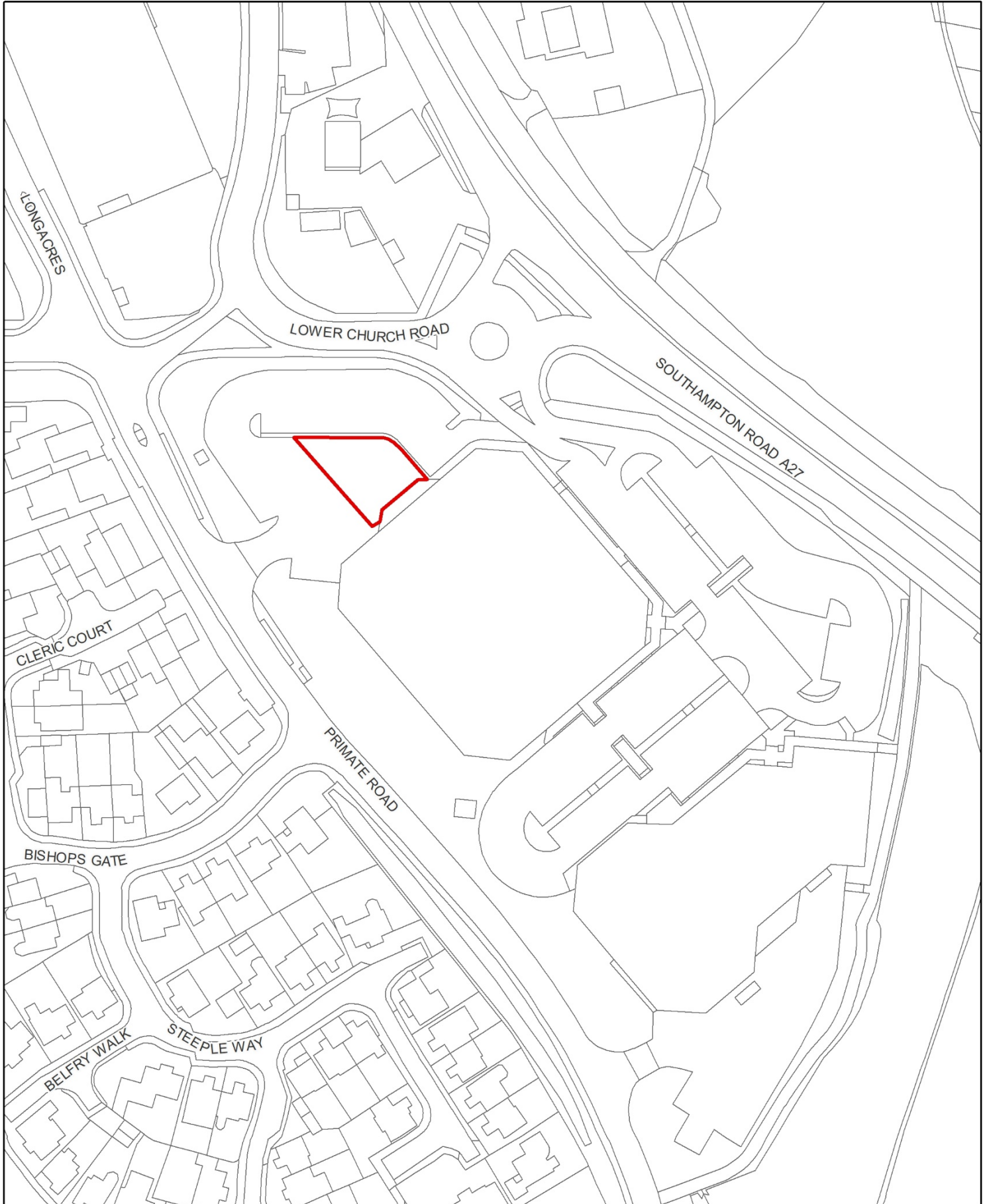
- a) agree any necessary modifications to the proposed development; and
- b) make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



166 Southampton Road
Titchfield, Fareham
Scale 1:1,250



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