

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Thursday, 23 July 2015

Time: 10.00 am

Venue: Solent Room - Ferneham Hall

Members:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors B Bayford
T M Cartwright, MBE
P J Davies
K D Evans
M J Ford, JP
R H Price, JP
D C S Swanbrow

Deputies: L Keeble
Mrs K K Trott
Mrs C L A Hockley
D J Norris



1. Apologies for Absence

2. Chairman's Announcements

3. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

4. Deputations

To receive any deputations of which notice has been lodged.

5. Development Control (Pages 1 - 16)

PLANNING APPLICATION P/14/1187/FP – UNITS 1-4 &18 CASTLE TRADING ESTATE FAREHAM PO16 9SF

Demolition of existing buildings and erection of Lidl food store with circa 70 car parking spaces.

P GRIMWOOD
Chief Executive Officer

Civic Offices
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15 July 2015

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Agenda Item 5

P/14/1187/FP

PORTCHESTER EAST

LIDL UK GMBH

AGENT: LIDL UK GMBH

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF LIDL FOOD STORE WITH 70 CAR PARKING SPACES.

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

Report By

Mark Wyatt. Direct dial (01329) 824704.

Amendments

Additional Information Received:

- Additional information on non-food impacts 23/02/2015
- Additional information on Flooding - 26/02/2015
- Amended Highway Drawing 10/03/2015
- Applicant's response to the Co-op Representation 25/03/2015
- Analysis of Lidl survey with regard to the impact of the store on the District Centre - 05/05/2015

Site Description

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

The site comprises a two storey building in its northern half most recently occupied by Homewood Interiors. The industrial building on the southern half of the site has been demolished and the site cleared. The site is currently enclosed by construction hoarding.

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.

Description of Proposal

The application proposes the demolition of the remaining existing buildings and structures on the application site and redevelopment to provide a use Class A1 foodstore of 1,502sq m gross floorspace. The proposed store would be occupied by the applicant, Lidl, and would trade as a discount foodstore.

The proposed building is sited primarily towards the eastern edge of the site with the car parking to the western side. The access to the store is to the north western corner of the building. The building is essentially single storey with a monopitch roof at its highest over the site entrance and falling to the east.

At the southern end of the building is the proposed delivery bay to service the building. The delivery store and warehouse storage effectively wraps itself around the shop floor on the southern and eastern sides of the building.

The eastern site boundary is proposed to be finished with a brick wall with piers and infill fence panels adjoining neighbouring gardens.

The Design and Access Statement sets out that the applicant's business model is now well established in the UK with over 600 stores operational. As a discount food store Lidl stocks around only 2,000 product lines which is significantly less than the number stocked by the main high street grocers. Lidl operate with a concentration of 'own brand' products to avoid passing on the cost of brand name marketing to its customers and given its scale across Europe has powerful buying power for products.

The Company also seeks to provide a standardised servicing and operating system across its stores plus simple and minimal product display and stock handling procedures.

The application is supported with the following documents:

- Design and Access Statement
- Employment Land Appraisal
- Flood Risk Assessment and Drainage Appraisal
- Extended Phase 1 Habitat Survey
- Geo-environmental Investigation Report
- Retail Assessment
- Counsel Opinion on Site Availability
- Statement of Community Involvement
- Various appeal decisions
- Petition in support of Lidl plus 25 letters sent directly to the applicant prior to the application being submitted

Policies

The following policies and guidance apply to this application:

The National Planning Policy Framework (NPPF)

The 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

In March 2007 a scheme for a Lidl foodstore and first floor offices on the application site was refused planning permission (P/06/1647/FP refers). This application was refused for six

reasons. These reasons were:

- 1) The out-of-centre location for a retail use had not been adequately demonstrated
- 2) The proposal would adversely affect the viability and vitality of the Portchester District Centre
- 3) Increased traffic through the Castle Trading Estate / A27 junction
- 4) Insufficient parking was provided for both the retail store and the offices with the likely result of additional, unacceptable, onstreet parking.
- 5) Impact on neighbouring gardens by virtue of overshadowing and overbearing relationships
- 6) Retail development would result in the loss of employment in use classes B1, B2 or B8.

The refused proposal sought permission for a two storey building with a 2,275sq.m Lidl Store (1,286sq.m sales floor) and 2,174sq.m office at first floor. 99 car parking spaces were to be provided for the Lidl store and the offices 21 car parking spaces.

An appeal was made against the refusal and then subsequently withdrawn by the applicant.

The following planning history is, therefore, relevant:

<u>P/06/1647/FP</u>	ERECTION OF FOODSTORE WITH ASSOCIATED PARKING AND FIRST FLOOR OFFICES WITH PARKING
	REFUSE 23/03/2007

Representations

There has been a significant level of public interest in this application. At the expiry of the period for public comments there were 1,096 letters received in support of the application and thirteen objecting.

To better understand where the support and opposition is derived, 886 of the support letters (81%) were from Portchester Residents. Twelve letters of support came from other Borough residents and 153 were from outside of the Borough. A further 45 letters had no address details.

Two petitions were also received (with 6 and 43 signatures) in support of the application.

Of those in opposition, twelve of the thirteen letters were from Portchester residents and one from outside of the Borough.

The main material planning issues raised in the representations of support can be summarized as follows:

- It would provide a store of appropriate scale
- Good food choices
- Employment for 40 people
- Modern tidy store
- Reduce the need for residents of Portchester to travel further afield to other stores
- New store would attract people from the surrounding areas
- Store would enhance the local area
- Easy reach of Portchester District Centre; 400m enabling linked shopping trips to be made
- The Council should be encouraging this investment
- Lidl would provide much needed competition with the co-op stores with a benefit of 30% saving on the cost of a weekly shop

- Off road parking will be provided
- Good food at good prices
- More diverse traders for long term viability and competition
- District Centre car park is well used and needs to be retained; the proposal would retain the precinct free car park
- 84% of retail spend is outside Portchester there is a need for a new store
- If Lidl are refused permission its unacceptable tax payers foot the bill for the inevitable appeal
- Highway access is better at Castle Trading Estate
- Store would be built of sustainable materials
- Lidl recycle their own waste and will reduce carbon emissions
- A discount store would benefit pensioners and low income families
- Lidl would attract more traders into the area to occupy the empty shops
- The Council's planning policies are ambiguous and open to interpretation i.e Cams Mill was permitted contrary to policy other examples are mentioned, Asda, Newgate Lane, Tesco, Town Quay and Sainsburys at Wallington I think the supermarkets are mentioned as examples of retail uses on industrial estates. Lidl should be classified as employment use
- Portchester Trading Association on behalf of 31 traders support the application
- Lidl should provide additional secure cycle stores and the development should be used to enhance facilities for safer cycling in Portchester.

The main material planning issues raised in the representations objecting to the proposal can be summarised as follows:

- Lidl store would increase the traffic flow on the A 27
- Lidl would take business away from the district centre
- Castle Trading Estate should be retained as an industrial area (Employment)
- Lidl would reduce the viability of Castle Trading Estate.
- There is scope to expand the retail offer at the District Centre and retain car parking

Letter of representation from the Co-operative Group within Portchester District Centre:

- The Co-operative group confirm that the applicant's retail assessment over exaggerates the turnover of the co-op store. The store is actually trading below the company benchmark by 34%
- The co-op performs an anchor store role to the district centre.
- The District Centre is more sensitive to change than the application suggests
- Poorly performing retailers are more sensitive to change
- The co-op has reviewed the application and is of the view that the proposal will have a negative impact on trading at the co-op moving it to 44% below the benchmark
- At this level the co-op will cease to trade.
- The closure of this anchor store will have a negative impact on the District Centre vitality and viability.
- The Council has clear policy intentions to expand the size of the District Centre to include the car park site suggesting the increase in retail offer in Portchester
- The car park is an available site and a sequentially preferable site.

Consultations

Hampshire County Council (Highways):

- No objection:
- The principle of the new access at a point furthest from the A27 junction is accepted
- Adequate geometry and visibility at the access can be provided

- It has been demonstrated that the proposed access is capable of accommodating the type and volume of traffic
- The applicant has agreed to upgrade the A27 junction and the off site footway enhancements (widening the northern footpath to a shared pedestrian / cycleway and the re-instatement of the full faced kerb and path on the western side of the site) are acceptable.
- Conditions are recommended and an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the bonded travel plan and the off site highway works

Director of Planning & Development (Highways):

- No objection subject to conditions:
- As well as HCC comments for the agreement pursuant to Section 106 of the Town and Country Planning Act 1990 suggest that the Travel Plan includes measures to monitor the use of the car park to ensure that there is adequate shopper parking.

Director of Planning & Development (Ecology):

- No objection

Director of Community (Environmental Health - Contamination):

- No objection subject to conditions

Eastern Solent Coastal Partnership:

- No objection.
- The applicant has indicated that flood resilience and resistance measures will be implemented but there is little detail on this. The LPA could secure these additional details by condition.

Environment Agency:

- No objection:
- The proposed development has a lifetime of 25 years, rather than 60.
- The applicant states that their buildings are typically rebuilt rather than refurbished at the end of their lifetime.
- The Local Planning Authority (LPA) will need to determine if this lifetime is acceptable.

Southern Water:

- Comment:
- A formal application for a connection to the public foul and surface water sewer will need to be made by the developer

Portsmouth City Council:

- No response received.

Planning Considerations - Key Issues

The key planning considerations in the determination of this application are:

- Planning Policy & the Principle of retail development outside a designated Centre
- Employment generating development
- Sequential test
- The Impact upon the District Centre
- Highways
- Flooding
- Ecology
- Amenity

- Building Design

PLANNING POLICY AND THE PRINCIPLE OF RETAIL DEVELOPMENT OUTSIDE A DESIGNATED CENTRE:

Policy CS3 of the Core Strategy identifies the retail hierarchy in the Borough, with Portchester identified as a district centre. Policy CS11 supports small scale development provided that inter alia it maintains and strengthens the character, vitality and viability of district and local centres. There is no specific policy within the Core Strategy (Local Plan Part 1) that addresses out of centre development such as the application site. However, Policy DSP37 in the Local Plan Part 2 (Development Sites and Policies Plan) does set out the relevant tests for out of centre uses. Policy DSP 37 sets out that applications will only be acceptable where:

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

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.

In addition to the development plan policies the National Planning Policy Framework is also a material consideration. Section 2 of the NPPF is relevant to this proposal, with paragraph 24 noting that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale".

In relation to the assessment of impact, paragraph 26 notes that applications for retail development outside of town centres should include an assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centre in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre, up to five years from the time the application is made.

The national policy sets out that when assessing retail impacts, only those impacts that are "significantly adverse" should be refused.

These national policy tests along with the tests of policy DSP37 are considered further

below.

EMPLOYMENT GENERATING DEVELOPMENT:

At the time of the application submission the saved policies of the Borough Local Plan Review remained part of the development plan.

There has been a shift in the development plan policy position since the application submission with the examination and subsequent adoption of the Local Plan Part 2 (Development Sites and Policies Plan).

The Local Plan Part 2 (LPP2) sets out in policy DSP17 that existing employment sites (of which Castle Trading Estate is one) will be protected for "...Economic development uses" rather than an explicit reference to the 'B' planning Use Classes as was the case under policy E1 of the now superseded Fareham Borough Local Plan Review.

The policy also sets out that "...different uses that contribute towards economic development will be permitted provided that the proposed use will supply employment opportunities of similar quantity as those that previously existed". Policy DSP17 is reflective of the advice in the National Planning Policy Framework (NPPF) in this regard.

The former use of the site by Homewood Interiors was undertaken without the benefit of any planning permission. The retail use for the sale of furniture was never assessed against the policies of the Borough Local Plan Review (policy E1). Notwithstanding this, the applicant has submitted the case that, authorised or not, the Homewood Interiors use operated with eleven employees. The now demolished industrial unit was vacant from 2006 and was only used for storage ancillary to the furniture sales business. The applicant submits that this created no jobs. The combined floor space of the two buildings on the application site equates to 2,137sq.m.

The application proposal is less than this (1,502sq.m) however the vacant and now demolished building had been marketed with no viable interest from users within the B Classes and the redevelopment of the site for a B class industrial unit would not, it is submitted, be economically viable. The marketing exercise, undertaken by Lambert Smith Hampton, details that the site was marketed for just over a year with targeted mail shots to interest parties for business and warehouse property, website advertising and in relevant publications. Sale boards were also provided on site. The principle interest in the site was from roadside and showroom type users given the site location. Any enquiries faltered, it is submitted, due to the ineffectual layout of the building and prohibitive costs of refurbishment.

The proposed Lidl store would create 40 direct employment opportunities plus any potential indirect opportunities during the period of construction. The application submits that the 40 jobs will be "...Full and part time jobs for local residents within 12 months on a vacant and obsolete industrial site".

Given that DSP17 facilitates different uses that contribute towards economic development and that the NPPF advises that "...where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities" (para 22); it is considered that the proposed retail store would be an acceptable economic development use on this site

with the provision of 40 new jobs. The publication of the NPPF and the evolution of the new development plan policies also addresses the previous reason for refusal on the loss of B class employment opportunities.

DSP17 does, however provide a restriction on all "...economic development uses" being acceptable. The policy cross refers to policy DSP37 "Out of Town Shopping" for retail and other main town centre uses. As such, even though the application proposal can satisfy the tests of DSP17 in terms of creating or contributing towards economic development then there is a further test in policy DSP37 to satisfy. The tests of policy DSP37 are set out above and considered in more detail below.

SEQUENTIAL TEST:

It is noted from the planning history that the lack of a sequential test was identified as a reason for refusal when considering the 2006 application on this site.

Given the location of the site outside of the District Centre there is a need under the first criterion of policy DSP37 to consider whether the proposed foodstore development complies with the sequential test. It is necessary to assess whether there are any available, suitable and viable sequentially preferable sites within the catchment area of the proposed store.

The focus for the applicant's assessment is the surface level public car park which is located on the southern edge of Portchester District Centre. At the present time, no other sites or premises in and around the District Centre have been highlighted for consideration in the application submission. Officers agree with the applicant that the District Centre car park is the only site that requires consideration.

Availability of sequentially preferable sites

The case made by the applicant on this element of the policy test is that the car park is not currently available and there has been no attempt to make the site available since the previously refused application in 2007. Additionally the application submits that there is no information to suggest that the car park will be made available in the foreseeable future.

In considering this matter Officers have had regard to planning appeal decisions elsewhere in England where Planning Inspectors have had to consider the issue of availability. The Council's Retail Consultant has directed the Authority to the Secretary of State call-in decision for a site in Rushden, referred to as the Rushden Lakes case. In this appeal the Inspector interpreted the reference to availability as a site which is available "now" and not over the course of the development plan period or over a period of some years.

The car park is under the control of the Borough Council. In this case the Council has not made any public statement that it intends to dispose of the car park site since the previous refusal in 2007. As such the site is not available 'now' as per the Rushden Lakes decision. As the car park is not considered as an available alternative to the application site it fails the "Availability" test.

On the basis that there are no sequentially preferable sites which are available, the issues of suitable and viable do not need to be considered further. The applicant's sequential test is accepted and the first criterion in policy DSP37 is satisfied in the opinion of Officers.

IMPACT UPON THE DISTRICT CENTRE:

In line with the National Planning Policy Framework, the applicant's Retail Assessment provides an assessment of impact which covers the tests of 'impact on investment' and 'impact on town centre vitality and viability'.

Within its assessment of the 'impact on investment' test, the applicant's Retail Assessment discusses the potential for the proposed Lidl store to claw-back expenditure which is currently being lost to surrounding areas and particularly sites such as Sainsbury at Broadcut and Tesco, at North Harbour.

Based on the Fareham Borough Retail Study (2012), evidence indicates that 16% of local spending is being retained by the existing stores in Portchester with the remaining 84% leaking away to other stores outside of the area; the two larger stores referred to above comprise the major draw.

The Retail Assessment also sets out that there are no known commitments or allocations that could be affected by the Lidl proposal. This part of the assessment is accepted by Officers and the Council's retail consultants.

The applicant's assessment of the impact of the proposed store on town centre vitality and viability relies heavily on an assessment of financial impact. It also provides a review of convenience goods expenditure capacity in the local area along with a review of the qualitative need for new retail development in the local area.

The data within the applicant's retail assessment explains the types of food shopping trips attracted to stores in Portchester District Centre and also the catchment of these stores. The data shows that the Co-op and Iceland stores attract both main and top-up food shopping trips, although like the discount stores this is orientated towards 'second choice' main food shopping and top-up food shopping. The evidence shows that the trading profile of the District Centre stores, particularly the Co-op and Iceland stores, and the existing discounters (Aldi on West Street and the Lidl at Speedfield Park) is similar.

A further consideration to be taken into account is the product range that stores offer. Whilst some stores will be constrained by the size of their own net sales area, the discounters have a narrow product offer (i.e. lack of choice between different brands within a particular product) and this will be a mark of differentiation particularly in relation to certain types of top-up food shopping. The Iceland store in the district centre occupies a niche role and its frozen foods product offer is materially wider than that offered by the proposed Lidl store. Nevertheless, there is likely to remain a large trading overlap between stores in the District Centre and the proposed Lidl store.

The analysis of the District Centre by GVA (The Council's Retail Consultant) indicates that the Iceland store and the other smaller convenience goods stores in the centre appear to be trading well, but the Co-op store is trading below company average levels.

Based upon the trading data provided by the Co-op and the sales density being used by the applicant then the under-performance of the Co-op is 28% below company average. In the opinion of the Council's retail consultants, this is a modest trading performance but not one which immediately suggests that the store is under threat of immediate closure.

The Co-op's representations indicate that if the Lidl store were to open then their store

would likely trade at 60% below company benchmark turnover levels. In these conditions the Co-op submit that their store will cease trading. At this level of trading performance, such a consequence would not be surprising but based on the information in the application and the Co-op representation the retail consultant advising the Council indicates that this is likely to be an incorrect estimate and a figure of 45% below average for the Co-op is more accurate.

In any event, consideration will need to be given to the consequences of this performance for the District Centre. Importantly, the planning system should not protect the private interests of individual businesses and proper consideration of this issue should relate to the consequences of trade loss from the Co-op (and other stores in the centre) for the centre as a whole.

In order to do this, consideration needs to be given to the role of the Co-op store in the wider function of the District Centre. For example, if the Co-op store is a key attractor of trips to the District Centre and is also providing the benefit of linked trips with other parts of the centre, then the loss of trade from the store, plus the prospect of closure, would have a wider harmful effect on the centre. However, if the Co-op is not the sole anchor store and other stores such as Iceland also provide key anchor roles, then the severity of the impact will be less pronounced.

In order to investigate this issue further, the Council and its Retail Consultants commissioned an in-street survey of visitors to Portchester District Centre. Two hundred and twenty eight face-to-face interviews were undertaken in June 2015, gathering information on reasons for visiting the centre, frequency of visits, identity of stores visited and linkages between food shops and different shops/businesses in the centre. Independently of the Council's in-street survey, the applicant has undertaken its own postal survey of 12,000 households across the local area. This survey produced 5,175 responses.

From the Council in-street survey it is clear that:

- 36% of respondents indicated that food shopping is the main reason for their visit and 18% of respondents indicated that non-food was the main reason for their visit
- Of the 36% of respondents who indicated that food shopping was the main reason for their visit, 10% indicated they visit the Co-op store only, 15% indicated the Iceland store only and 10% indicated a combined visit to both the Co-op and Iceland stores
- In terms of visits to foodstores in the centre, 54% of respondents visit the Co-op at least once a week and 61% of respondents visit the Iceland at least once a week
- Of those visiting the Co-op, 91% indicated that they would continue to use the District Centre if the Co-op were to close.
- Linkages between the Co-op, Iceland and other food stores include visits to non-food shops, financial and other services along with other smaller food stores.

The main results from the applicants household survey across the local area include:

That 4,188 (81%) of respondents indicated that they regularly use shops in Portchester District Centre, with:

- 48% regularly using the Co-op;
- 81% regularly using Iceland; and
- 86% regularly using other shops.

For those people regularly using the Iceland store and other shops in the District Centre, 98% indicated that they would still use the centre if the Co-op store were to close.

Those surveyed were asked whether they were more or less likely to use the District Centre if a Lidl store was to open at the Castle Trading Estate. Twenty percent of respondents indicated that they were more likely to use the centre; 5% indicated that they were less likely; and 76% indicated that their relationship with the centre would be unaffected.

Respondents were also asked whether they were more or less likely to shop at the District Centre if the Lidl store were to open and the Co-op store were to close. Seventy eight percent indicated that their behaviour would be unaffected; 17% indicated that they would be more likely to visit; and 7% indicated that they would be less likely to visit.

In addition, those survey respondents who currently do not visit the centre were asked whether a new Lidl store at Castle Trading Estate would encourage them to shop at the District Centre more frequently. Seventy six percent of this group indicated that a new Lidl store would encourage them to visit more often; 81% of respondents from the same group indicated that a new Lidl store would encourage them to link their trips with the District Centre on the same journey.

In summary, whilst the two surveys have been undertaken independently, the Council's retail consultants advise that they are both successful in showing two contrasting sets of data: the Council's survey shows current patterns of usage and the applicant's survey identifies what could occur in the future under different scenarios.

The Council's survey indicates that food shopping is very important to the overall function and attractiveness of Portchester District Centre, in terms of the number of visits and also the amount spent per trip. The Council's survey also indicates that there is a high instance of linked trips between the food stores and other parts of the Centre. Both surveys indicate that the Iceland food store is potentially the more popular of the Iceland and Co-op stores in the Centre, with the applicant's survey indicating that the difference is material.

The applicant's survey indicates that the usage of the District Centre will be largely unaffected by the opening of the proposed Lidl store. Most existing shoppers will continue to use the Centre in a similar manner to their current behaviour and there is also a general balance between the Iceland and Co-op shoppers who will either use the Centre more following the opening of the Lidl store and those who will use the Centre less. The one area where there is split in favour of shoppers using the centre less is for those people who only use the Co-op store regularly (and not the Iceland). Within this group, there is the potential for less visits to the centre, although this should be seen in the context of it being a relatively small group in terms of the overall usage of the centre.

As a consequence, the Council's retail consultants conclude that whilst the proposed Lidl store will take some convenience goods trade away from the District Centre, it is unlikely to have "significantly adverse" consequences for the wider health of the centre. In particular, whilst the actual turnover of the centre would reduce, particularly if the Co-op store were to close, it is considered that, based on the survey results, some of this trade would be transferred to other stores in the centre and the number of trips to the centre is likely to be generally maintained. Therefore, the Retail Impact on the District Centre as a whole is likely to be relatively minor and thus would not conflict with paragraphs 26 and 27 of the National Planning policy Framework, the latter of which suggests that applications should only be refused where there is a likely to be significant adverse impact upon centres.

Whilst the identified impact is not 'significantly adverse' it is accepted, as set out above, that there will be some impact upon the District Centre as a result of the proposal. Officers have been exploring the opportunities to increase the attractiveness of the Portchester District Centre to shoppers, through environmental improvements funded by the applicant. Discussions between the applicant and Officers are ongoing on this matter and Members will be advised further on the outcome of these discussions in the Update Paper.

HIGHWAYS:

The principle of creating the new access at a point furthest from the A27/Castle Trading Estate access road traffic signal controlled junction in order to minimise interaction between the two was established between the applicant and the Highway Authority before the submission of the application.

The proposed site access arrangements have been adequately tested and it has been demonstrated that adequate manoeuvring space and visibility can be provided to ensure safe access and egress for all vehicles (including servicing vehicles) to and from the proposed foodstore. It is proposed that the existing drop kerbing will be replaced with full faced kerbing and footway levels adjusted accordingly.

A new pedestrian access to the site will be provided from the footway on Southampton Road with a safe access route provided direct to the store's customer entrance. Pedestrian access will also be available from the Castle Trading Estate access road via the proposed new vehicular access. The development will provide a gradient across the site appropriate to ensure that those pedestrians with mobility impairments are not disadvantaged in accessing the foodstore. These proposals will provide direct and safe routes from the adjoining pedestrian network to the proposed store.

There is a combination of on-road and off-road cycle lanes along the A27 linking Portchester to Portsmouth. The developer has offered to widen the footway on the site's A27 Southampton Road frontage (the northern boundary) to 3m thereby providing the ability to extend the off-road cycle route provision. The existing cycle infrastructure affords the opportunity for staff and public to access the proposed store by cycle.

There are a number of existing bus services that pass the proposed site along the A27. The bus services provide access to Fareham and Southampton to the west and Cosham, Portsmouth city centre and Gunwharf to the east. The nearest A27 westbound bus stops are on the A27/Portchester District Centre roundabout and to the east of Hamilton Road with the nearest eastbound bus stops immediately to the east of the A27/Portchester District Centre roundabout and to the east of Portsdown Road. The nearest railway station is at Portchester immediately to the north of the village centre and approximately 550m from the proposed development.

The proposed development is considered to be well located such that certain journeys undertaken by customers and staff could be undertaken by walking, cycling, bus or train thereby providing a sustainable location with access choices providing a viable alternative to the use of the private car.

The Transport Assessment includes a methodology to classify and quantify the types of trips likely to be generated by the proposed development. The Methodology is consistent with accepted practice and the resultant likely traffic generated is accepted. Industry standard software has also been used to analyse the impact of the proposed stores likely

generated traffic plus that of the committed development at Trafalgar Wharf.

The results of this assessment indicate that the A27 / Castle Trading Estate junction, with the intermittent use of the pedestrian crossing, would operate within spare capacity in the weekday AM and PM peak and the Saturday peak retail hour. As such the applicant has agreed, through discussion with the Highway Authority, to reconfigure the A27 Southampton Road/Castle Trading Estate access road traffic signal controlled junction to provide a pedestrian east/west phase in the signal's cycle and a pedestrian central refuge on the junction's splitter island to accommodate pedestrians.

A revised junction is shown in principle on the submitted drawings. This measure will provide for the long-term a safe and convenient crossing of Castle Trading Estate access road and improve connectivity between the proposed foodstore and the existing residential and industrial units and Portchester District Centre.

It is noted that there was previously a reason for refusal on highway grounds, however the scheme now omits the first floor office element. The Highway Authority is satisfied that there is no identified safety problem at the A27/Castle Trading Estate traffic signal controlled junction or in the vicinity of the proposed site access and that the additional trips the development is forecast to generate will not result in unacceptable harm to highway users.

The application is supported by a draft Framework Travel Plan the details of which will be further developed and monitored as part of any planning permission to ensure it will have the required impact on improving the levels of sustainable travel to and from the site which is likely to result in a reduction in the anticipated traffic generation over time thereby further reducing the development's impact on the adjoining roads. The Travel Plan will also monitor the use of the store car park and provide mechanisms for control of the car park should it be used by people other than store customers.

FLOODING:

As originally submitted the scheme attracted negative comments from the Environment Agency (EA) and the Eastern Solent Coastal Partnership (ESCP) in so far as the submitted Flood Risk Assessment (FRA) failed to adequately assess the flood risk to the proposed development and state how this would be mitigated against. The failings of the Flood Risk Assessment in particular was that it lacked discussion of how extreme flood levels from the sea would be safely managed.

The applicant has discussed the Flood Risk Assessment with the EA and the ESCP and submitted further details to address the objections

The further information provided by the applicant sets out that Lidl, as an organisation, design buildings to have an approximate life of 25 years. After this point the viability of replacement buildings versus refurbishment is marginal and Lidl choose to replace their stores and the applicant has confirmed there is evidence of this practice available.

A 25 year life for the building runs to approximately 2040 (bearing in mind the application was made in 2014). The forecast 1 in 200 year tide level for 2040 is 3.4m AOD. The existing site levels are between 2.3-3.0m AOD. The flood risks to the store, therefore, are a high tide of 3.4m. It is noted that the ESCP is seeking to improve flood defences along the Emsworth to Paulsgrove coastline such that this improved flood defence would contribute to a reduction in this flood risk. Notwithstanding this, the applicant proposes that the finished

floor level is to be set at 0.6m below the 2040 high tide at 2.8mAOD.

The applicant's submission sets out that guidance concerning flood resistance/resilience for water depth between 0.3-0.6m should be to "keep water out" by means such as flood boards at doors and openings and the use of high strength glass in construction where windows are located below the flood levels. Additionally fittings such as electrical services would all be set at least 1m above the internal finished floor level.

The EA and ESCP both raise no objection to the proposal in light of this additional information and the building life of 25 is also considered to be acceptable.

ECOLOGY:

The application is supported with a Phase 1 Habitat Survey and an internal/external building bat survey. The site survey concludes that the site has no value for biodiversity being primarily hard standing and buildings. There is a small area of long, unmaintained grass along the northern edge of the site and this should be cleared sensitively and in the event that any reptiles are found they should be moved to suitable alternative habitat before the completion of the works.

The bat survey indicated that there is limited potential for bat entry to the building and the loft space is unsuitable for bats given the number of skylights it contains. These would make the building too light for bats and also cause variations in temperature which would not be suitable for bats. There is no ecology objection to the proposal

AMENITY:

The previously refused scheme cited the impact on residential amenity by virtue of overbearing and overshadowing impacts. The building now proposed is much reduced in scale from the previously refused scheme and is designed with its lowest parts closest to the neighbouring properties.

As well as being designed so that the roof slopes down towards the boundary, the building itself is offset from the boundary with the neighbouring gardens by 3.9m. The application submits that all the refrigeration and air conditioning plant is to be located within the loading bay rather than on the rear of the building such that the impact of any such equipment and indeed the deliveries to the store would be mitigated by the presence of the building itself.

BUILDING DESIGN:

The existing building on the application site and those on neighbouring sites throughout the Castle Trading Estate are of no special architectural merit such that the loss of the existing building is acceptable.

The proposed building is simple in design terms and the proposed schedule of materials will provide a building of more contemporary design and appearance to others on the trading estate and at this important eastern gateway to the Borough. The lower walls are to be rendered white with a grey render plinth and grey render piers. The upper part of the building is to be clad with horizontal sliver cladding

The store entrance at the north western corner of the building is articulated by the recessed nature of the entrance doors under the generous overhanging canopy and roof plus the

floor to ceiling glazing, within blue frames, which wraps around the north west corner and extends along the northern elevation.

The scale of the building is acceptable with its simple form and gentle monopitch roof form which, in combination with the proposed materials, will provide for an acceptable appearance.

CONCLUSION:

The proposal is considered to be an economic development use for a vacant site at the eastern gateway into the Borough.

The Portchester District Centre car park site is the only sequentially preferable site to the application site, and this is not presently available.

Extensive work has been carried out to assess the likely retail impact upon Portchester District Centre. The retail impact upon the Portchester District Centre is not judged to be significantly adverse.

The proposed access and highway improvements are acceptable and would not cause unacceptable harm to users of the highway.

The building proposed is simple in its architecture and designed to minimise its impact upon the amenity of neighbouring properties.

Officers are satisfied that the proposal accords with National Planning Policy and this Council's adopted planning policy and accordingly recommend that planning permission should be granted subject to the prior completion of a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and the imposition of appropriate conditions.

Recommendation

Subject to:

- consideration of the Officer Update Paper on the opportunities to increase the attractiveness of the Portchester District Centre to shoppers, through environmental improvements funded by the applicant; and

- the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the County Council (and agreed with the Solicitor to the Borough Council) to secure:

A) Bonded framework travel plan

B) Off site highway improvements to the A27 / Castle Trading Estate

C) Dedication of land as public highway and the provision of the 3.0m wide footway on the northern site boundary.

Then PERMISSION subject to conditions:

A detailed schedule of conditions is to be provided at the Committee meeting.

Background Papers

See "relevant planning history" above