

## UPDATES

for Committee Meeting to be held on 23 July 2015

### ZONE 3 - EASTERN WARDS

(1) **P/14/1187/FP** **PORTCHESTER EAST**  
**UNITS 1-4 & 18 CASTLE TRADING ESTATE FAREHAM HAMPSHIRE PO16 9SF**

#### HIGHWAYS:

in addition to the highway matters addressed in the report, the following matters are clarified for the Committee:

In terms of the new improved signals at the A27 junction; the Highway Authority will seek to understand the Trafalgar Wharf scheme when it has been developed and identify whether it has any impact on the Highway Authority's road network. This will require one of the developers to model both junctions to determine what level of any interaction there would be between them.

The Highway Authority's Intelligent Transport Systems officers have been in discussion with their Portsmouth City Council counterparts concerning the Trafalgar Wharf development and are in agreement that these two junctions need to have some form of linking which should strongly work towards providing progression along the A27 tidally.

#### DISTRICT CENTRE ENHANCEMENTS:

The main agenda sets out that the impact of the proposed Lidl store would not have a "significantly adverse" impact upon the vitality and viability of the district centre at Portchester.

However, it is acknowledged that there would be some adverse impact as a consequence of this proposal. Officers have, therefore, been exploring the opportunities to increase the attractiveness of the Portchester District Centre to shoppers through environmental improvements funded by the applicant.

It has been agreed that the applicant will provide a financial contribution towards environmental improvements to the District Centre. The contribution would be secured by means of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

The Community Infrastructure Levy (CIL) Regulations 2010 came into effect on the 6th April 2010. From that date, Regulation 122(2) provides that a planning obligation can only constitute a reason for granting consent if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

All applications finally determined after the 6th April 2010 must clearly demonstrate that any planning obligation that is used to justify the grant of consent must meet the three tests. The same tests are repeated in paragraph 204 of the NPPF.

The commentary on retail impact sets out that there will be an impact on the Portchester District Centre as a result of this development. It is also noted that the policy test in DSP37 is slightly different to the NPPF in that it seeks to ensure there is no "adverse" impact rather than an impact that is "significantly adverse" as per the NPPF. As such it is considered reasonable that an opportunity to enhance the shopping environment for users of the Portchester District Centre would be "...necessary to make the development acceptable in planning terms". Similarly the retail impact

---

work undertaken has focused on the Portchester District Centre as the key center to be affected by the development such that that the required obligation is "...directly related to the proposal".

Officers have investigated a number of opportunities for the enhancement of the shopping environment at the Portchester District Centre as well as estimating the construction costs of these enhancement opportunities. The research into this cost is considered "...to be fairly and reasonably related in scale and kind to the development" such that the tests in paragraph 204 of the NPPF would be met by an obligation.

The recommendation is adjusted to ensure that this obligation is secured in the s106 agreement.

**AMENDED RECOMMENDATION:**

Subject to 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 Borough Solicitor (and agreed with the Solicitor to the County 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.
- D) Financial Contribution towards enhancements of the shopping environment at Portchester District Centre

Then PERMISSION subject to conditions:

01. The development shall begin before the expiry of three years from the date of this decision notice.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development shall be carried out in accordance with the following approved documents:

- 9354/T/01-01 Revision A Topographic Survey & Underground Services Study
- 4621.005 Revision B Proposed Access Arrangements
- 4621.008 Revision B Proposed Off Site Highway Improvements
- SK005 Location Plan
- SK005 Proposed Store Plan
- SK006 Proposed Elevations
- SK100 Proposed Site Plan Alternative Option
- 1128 Landscaping Scheme

03. No development shall take place above damp proof course (dpc) until details of all external materials to be used in the construction of the building hereby permitted have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

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

04. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for:

- parking for site vehicles and contractors;
- the management and coordination of deliveries of plant and materials and the disposing of waste resulting from demolition and or construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.
- areas for loading and unloading;

- areas for the storage of plant and materials;
- security hoarding position and any public viewing platforms (if necessary);
- site office location;
- construction lighting details;
- wheel washing facilities;
- dust and dirt control measures;
- a scheme for the recycling of construction waste; and
- vegetation clearance details

The development shall be carried out in accordance with the approved details.

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.

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.

06. Prior to the demolition of the existing building on the site an asbestos survey for the existing building and a demolition method statement to protect against risks from the release of asbestos fibres during demolition shall be submitted to and approved in writing by the Local Planning Authority. Demolition shall be undertaken in accordance with the approved details.

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.

07. Prior to work on the building foundations or water services being laid (which ever is the sooner):  
 a) Additional intrusive ground investigations and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources shall be carried out. The methodology for the investigation shall first be submitted to and approved in writing by the Local Planning Authority; and

b) The results of the additional investigation and where required, a strategy of remedial measures and detailed method statement to address identified risks, shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the nomination of a competent person to oversee the implementation of any remediation measures.

The development shall be carried out in accordance with the approved details.

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.

08. The store hereby approved shall not open until the scheme of remedial measures (pursuant to condition 07b above) 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.

09. No piling or any other foundation designs using penetrative construction methods shall be used on site unless details of the use of any necessary equipment/plant has been submitted and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details. The details approved shall include a noise and vibration assessment and a scheme of mitigation measures.

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. The site shall be monitored during construction for evidence of previously unidentified contamination. If suspected contamination is encountered then no further development shall be carried out in the affected area(s) until investigation and remediation measures have been agreed in writing by the Local Planning Authority.

REASON: To ensure any land contamination not previously identified is assessed and remediated so as to not present any significant risks to human health or the wider environment in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

11. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on the site. The lighting will be installed in accordance with the approved details.

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

12. 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.

13. 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.

14. The store hereby approved shall not open until the vehicular access to the site and parking layout as shown on drawing 4621.005 Revision B "Proposed Access Arrangements" 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.

15. 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.

16. 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.

17. 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.

18. 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.

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.

19. The development shall be carried out in accordance with detail under the heading "Residual Flood Risk and Mitigation" in the Stuart Michael Associated letter dated 26th February, reference 4621/AKA/amp.

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

20. 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.

21. No deliveries shall be taken at or despatched from the site outside of the hours of 0600 and 2200.

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.

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

- Monday - Saturday: 0700 - 2200; and

- Sunday and recognised bank and public holidays: 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.

Informatives:

01. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

02. Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the application site. Therefore, should any sewer be found during construction an investigation of the

sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site. The applicant is advised to discuss this matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)