

P/15/1093/FP

PORTCHESTER EAST

LIDL UK GMBH

AGENT: LIDL UK GMBH

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)

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

Report By

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Introduction

Planning Permission was granted on 11th November,2015 for a new Lidl foodstore at Castle Trading Estate under reference P/14/1187/FP.

The planning application now before Members seeks permission for a larger store of amended design with increased car parking.

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.

Buildings on the area to be occupied by the permitted store have recently been demolished and the site cleared. The unit of number 19 (the recently acquired additional land) is occupied by a vacant industrial building. 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

In early November 2015, Lidl submitted a revised application for a larger store having acquired additional land south of their original site at Castle Trading Estate. The main changes to the application are:

- The application site is increased southwards with additional land now having been acquired by the applicant.
- The building increases in size by 930 square metres (2,432 square metres from 1,502square metres) with the shop floor increasing by 361 square metres. This is approximately a 34% increase in sales area.
- The remaining extra floorspace is to provide additional back-of-house storage areas and a small first floor for staff welfare/facilities
- The car parking provision increases from 70 to 100 spaces; an increase in 30 spaces and the car park entrance position moves south along the Castle Trading Estate road
- The design of the building is amended slightly with more glazing around the store entrance and an increase in the overall finished height to accommodate the first floor.

In brief, the new application, proposes the demolition of remaining buildings and structures

on the application site and redevelopment to provide a Class A1 foodstore of 2,432square metres gross floorspace. The proposed store would be occupied by a Lidl and would trade as a discount foodstore.

Lidl have advised, in their submission, that the larger store represents the new format and specification of store which has been adopted by the Organisation since the submission of the permitted scheme. It is the applicant's case that the new store format will deliver an improved store layout for its customers with better circulation space and additional shop floor space for fresh produce, chilled goods and bakery products. The additional floor area also provides for a much larger and more efficient storage and warehousing operation.

The proposal would continue to operate as a discount store and the applicant is happy to accept the same conditions as the permitted scheme with regard to the number of lines the store can carry and the percentage of floor area for comparison and non-comparison goods.

Policies

The following guidance and policies 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:

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

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

Following extensive publicity of the planning application, 11 representations of support and one representation of objection have been received. The main points raised can be summarised as follows:

Supporting representations:

- Support the new store and its revised layout
- We see no reason why this shouldn't be approved
- Generally consider it to be a good idea but suggest that someone from highways positions themselves at the junction to assess congestion; especially in the opening weeks.
- The larger site will further assist with the usage of adjacent derelict and unwanted industrial premises and offer a larger retail unit on such an important site.
- Look forward to walking to this store- only concern is the quantity and location of the cycle parking.

Objecting representation:

- The original proposal was for a small store with limited stock. This is a bigger store with more parking and will offer all manner of goods.
- It will decimate the District Centre.
- It was obvious that Lidl would not build the smaller store as no commitment to a date for development was given.

Consultations

EXTERNAL CONSULTTEES:

Hampshire County Council (Highways):

- No objection:
- 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

Eastern Solent Coastal Partnership:

- No objection.

Environment Agency:

- No objection:

Southern Water:

- 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.

INTERNAL CONSULTEES:

Highways:

-No objection subject to conditions:

Ecology:

-No objection

Environmental Health - Contamination:

-No objection subject to conditions

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:

In between the consideration of the permitted scheme and this current application there has not been any material change in the development plan and national policy guidance in relation to retail development proposals. Therefore the policy context described in the committee report previously (P/14/1187/FP refers) remains applicable to this current application.

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.

The Local Plan Part 2 (LPP2) is also relevant and sets out in policy DSP17 that existing employment sites (of which Castle Trading Estate is one) will be protected for "...Economic development uses".

In addition to the development plan policies the National Planning Policy Framework (NPPF) is also a material consideration when considering retail proposals such as the application proposal. The NPPF requires Local Planning Authorities to apply a sequential test to applications for main town centre uses that are not in existing centres. In addition to

a sequential test, the NPPF requires an assessment of impact on a town (or in this case, District) centre.

Subject to compliance with the tests in the development plan and the NPPF the principle for the development is considered to be acceptable.

EMPLOYMENT GENERATING DEVELOPMENT:

The smaller already approved store was recorded as providing up to forty new local job opportunities. The current application seeks to provide at least the same number of jobs.

The increase in site size in turn equates to the further loss of an industrial unit. The application submits that the commercial buildings on the site were and are old, in a poor state of repair and unattractive to companies looking to secure industrial space. The application is supported with an addendum to the previous applications Commercial Premises and Employment Land Study by Lambert Smith Hampton. This concludes that the loss of the commercial floorspace to a retail use would not have a significant or detrimental impact upon the Fareham Borough or wider South East Hampshire economy.

It could be the case that the additional land acquired by the applicant would remain empty and unoccupied as a B2/B8 site or that the site could be redeveloped and active with local job opportunities. It remains the case that the proposed retail store would be an acceptable economic development use on this site with the provision of at least 40 new jobs plus indirect jobs through the construction period.

SEQUENTIAL TEST:

In relation to the sequential test, it was previously held that there were no sequentially preferable available sites. There has not been any changes in circumstance and therefore, given that the current proposal is larger than the approved scheme and all associated considerations regarding flexibility, suitability and availability still apply, it is considered that there is no reason to divert from the previous assessment on the Sequential Test; there are no other sequentially preferable sites available.

THE IMPACT UPON THE DISTRICT CENTRE

Previously the assessment of Impact focused on the Portchester District Centre and there is no known reason to change the assessment for this larger store proposal.

In order to assess the overall impact of the proposal on the district centre there is the need to consider the direct financial impact of the proposal, the trading overlap with the district centre, the overall health of the centre, and the importance of foodstores in the district centre to the overall health of the centre.

In relation to these issues, the specific factors associated with the centre itself are not considered to have changed since the previous assessment. The only factor which has changed is the size of the proposed store and therefore the focus will be on whether this increased size, and the associated turnover, would have a materially different effect on the district centre as the approved scheme.

When compared with the previous impact levels, it is understandable that the current scheme will lead to a higher percentage impact on convenience stores in Portchester

District Centre. However, when compared to the previously assessed levels, the difference is not, in the opinion of the Councils retail consultant, significant or material and will not have a materially different impact upon the viability of the District Centre. For example, the overall impact upon the convenience goods sector in the district centre will be -10% when based on the survey derived turnover for the Co-op and -11% when the Co-op's own estimated is used. This can be compared with -7% and -8% impacts respectively in relation to the approved store (so a difference of -3%).

Moreover, the Retail consultant advising the Council does not consider that the small revision in financial impact, when coupled with the wider impacts of the proposal and the salient characteristics of the District Centre, will change the overall impact of the current proposal (when compared with the approved scheme) on the health of the District Centre. This also takes into account the very small change in comparison goods floorspace between the approved store and the current proposal and the limitation on the number of products/lines stocked in the proposed store remaining.

These conclusions have taken into account the changes in the financial impact of the proposal along with separate constant factors including the health of the District Centre, its retail offer, linkages between the centre's foodstores and the rest of the District Centre and the wider retail offer of the centre.

As a consequence, there is no identifiable reason to reach a different conclusion regarding the impact of the current Lidl proposal on the vitality and viability of Portchester District Centre as to the approved scheme. It is concluded that the scale of the impact on the health of Portchester district centre is not so large as to classify it as a significant adverse impact.

Whilst 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 it was previously acknowledged, and continues to be so, 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 an enhanced 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.

HIGHWAYS:

The previously secured off site highway improvements remain applicable to the larger store and the Highway Authority is seeking that these matters be secured by planning obligation.

The proposed site access moving further south is considered to be an improvement in so far as the access is further away from the traffic signals with the A27.

The results of the modelling in the Transport Assessment provided by the applicant are such that the A27 junction with the Castle Trading Estate would, after the improvements and the inclusion of a pedestrian crossing phase in the cycle of lights, plus the likely traffic generation from Trafalgar Wharf continue to operate with spare capacity.

The level of increased parking provision is also found to be acceptable.

FLOODING:

The approved application 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 previously confirmed there is evidence of this practice available.

The application 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, as it did previously, 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.

ECOLOGY:

The application is supported with a Phase 1 Habitat Survey and an internal/external building bat survey including an updated survey to account for the additional building on the enlarged site. 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 was limited potential for bat entry to the Homewood interiors building and the loft space was unsuitable for bats given the number of skylights it contained. These would have made the building too light for bats and also cause variations in temperature which would not be suitable for bats. Since the survey was undertaken the building has been demolished. There were no protected species found in the remaining buildings on the enlarged site. There is no ecology objection to the proposal.

AMENITY:

The building continues to be designed with its lowest parts closest to the neighbouring properties, however it is approximately 0.5 metres higher on its eastern side than the permitted building.

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 3.9 metres with the actual dwellings of Hamilton Road in excess of 30 metres away from the boundary. 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:

Whilst the form of the building remains similar to that previously found acceptable the design does change as a result of the new larger store proposal. As already discussed

above, there is now the provision of a new first floor mezzanine to provide for a staff amenity area away from the shop floor. This requires the resultant increase in height.

Horizontal strip style windows will serve this mezzanine with the windows visible in the western elevation. The entrance way is now to be fully glazed from floor to ceiling with to create a new entrance feature to the store.

These changes are considered to be acceptable without harm to the visual amenities of the area.

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 continues to be unavailable.

The retail impact upon the Portchester District Centre continues to be judged as not 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 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 3.0 metre wide footway on the northern site boundary.
- D) Financial Contribution towards enhancements of the shopping environment at Portchester District Centre

Then grant 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:

- PR-001 Proposed Site Location Plan
- PR-002 Revision J Proposed Site Layout Plan
- PR-003 Revision B Proposed Store Layout Plan
- PR-004 Revision B Proposed Store Elevations
- PR-011 Soft Landscape Proposals
- 9354/T/01-01 Revision A Topographic Survey & Underground Services Study

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. 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.

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 and section 6 "Recommendations" of the Bat Survey (Building Inspection), prepared by Abricon (reference 010HRHL110) and dated 30th September 2015.

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 Associates 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

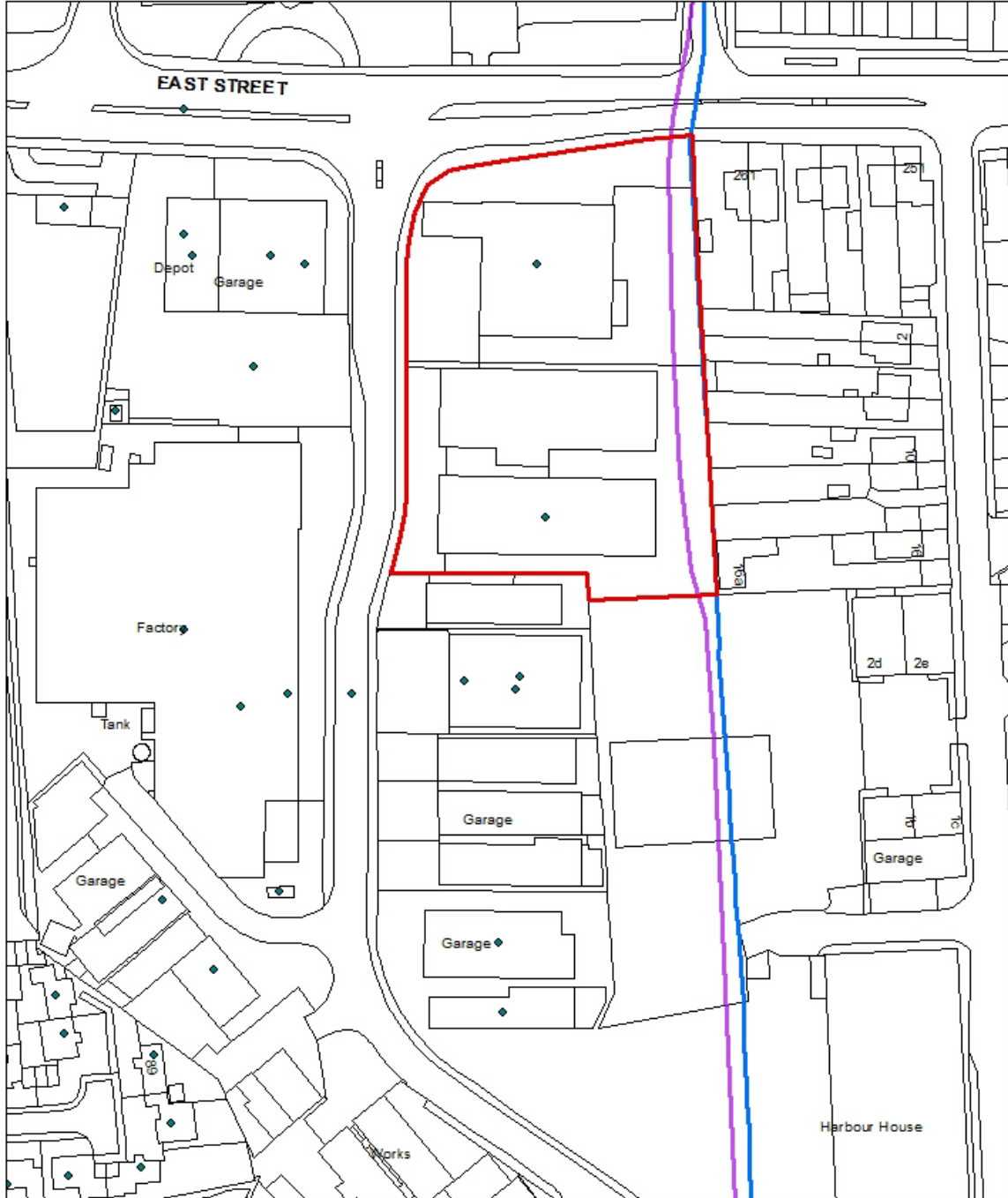
REASON: To ensure that the store operations do not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

Background Papers

see Relevant Planning History above

FAREHAM

BOROUGH COUNCIL



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

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