

**P/13/0297/FP**

**PORTCHESTER EAST**

BRIGHTBEECH PROPERTY  
LIMITED

AGENT: SAVILLS PLANNING

ERECTION OF CONVENIENCE RETAIL STORE AND ASSOCIATED ACCESS AND  
DELIVERY AREA, VEHICLE AND CYCLE PARKING, BIN STORAGE AND  
LANDSCAPING (REVISED APPLICATION)

LAND ADJACENT TO THE WICOR MILL WHITE HART LANE PORTCHESTER  
FAREHAM PO16 9AR

***Report By***

Susannah Emery Ext 2412

***Introduction***

This application was reported to the planning committee on 24 April 2013. Members resolved to defer the application so that a number of matters detailed below could be addressed.

In the first part Members requested that the neighbour notification should be extended to a wider area. Members considered that the scheme had potential impact upon more than just those properties immediately abutting or opposite the site.

Members also requested further clarification on a number of matters comprising the arrangements for deliveries (especially the size of delivery vehicles), whether residential accommodation could be introduced at first floor level, the proposed use of the existing co-op building if it is to be vacated, and whether the requirement for a 2 metre high acoustic fence along the southern boundary could be considered further to minimise the impact upon the adjoining resident.

The delivery arrangements for the store have now been included within a delivery management plan. The deliveries to the store would be the same as to the current store with the servicing arrangements being improved by being off-road.

The delivery management plan confirms that a 10 metre long rigid vehicle would be used for deliveries with chilled and frozen produce being delivered approx 5-6 times a week, ambient goods being delivered 2-3 times per week and a daily delivery of newspapers arriving in a transit van.

The tracking diagram submitted with the application indicates how a 10 metre long rigid vehicle could be parked and turned on the site thus entering the highway in a forward gear. This is the largest vehicle which would access the site and the applicant is happy for this to be secured by planning condition. If an articulated lorry were observed making deliveries to the store then planning enforcement action could be taken for breach of such a condition.

On occasions when deliveries are made to other local stores within a 2 mile radius, a cycle of deliveries may be planned, but this would not apply to the articulated lorries which would only be used to service other local units. The delivery process would be kept to a minimum length of time to prevent disruption to the use of the car park. Lorries are typically on-site for 15 minutes with store staff being kept informed of their arrival time.

The viability of locating two flats above the proposed convenience store was tested prior to the submission of the application. The applicant advises that in the current economic climate it is extremely difficult for a purchaser to raise mortgage finance on residential property located above a convenience store making them extremely difficult to sell. Furthermore there is nowhere on the site that could be used for amenity space and there are no spare parking spaces that could be allocated to the residents which would not be attractive to potential purchasers.

It has been concluded that the site is best used for a convenience store in isolation and that is the application proposed. With the adoption of the Community Infrastructure Levy this would have further implications on the viability of residential development.

At the present time it is not possible to confirm the proposed use of the existing Co-op store on the corner of Wicor Mill Lane if it is vacated. Officers would in the first instance prefer to see an alternative retail use to complement the local parade unless it can be demonstrated and tested by a marketing campaign that this is not viable. The Southern Co-operative have stated that converting the store back to residential accommodation is an option if it is not possible to attract an alternative retail use. It will not be in the interests of the Southern Co-operative to retain an empty building for a long period of time. It should also be stressed that the applicant for this proposal does not control the existing co-op store site and is not able to control how it is used.

Members raised concerns regarding the proposal to erect a 2 metre high acoustic fence along the southern boundary adjacent to No.1 Foxbury Grove. Officers are unable to offer an immediate alternative solution as the car parking and turning areas prevent the fence being set off the boundary. Fences up to 2 metre in height are not uncommon along party boundaries and are often erected without the need for planning permission (under permitted development rights).

On the basis of the noise report submitted it is not currently possible for officers to support the removal of the fence from the scheme as all calculations and assessments have been made with the acoustic fence in place and there would be concerns for the amenity of the occupants of the neighbouring property if this were not provided. The fence would be dropped down in height to 1 metre as it approaches Foxbury Grove so as not to impinge on the visibility from the driveway of No.1 Foxbury Grove.

The applicant has indicated that they will be approaching the occupants of the neighbouring property regarding the erection of the fence. It is suggested that a condition seeking further details of boundary treatment is imposed and that if a suitable alternative can be agreed with the neighbour which would also satisfy Environmental Health then alternative details could be submitted to discharge the condition.

### ***Site Description***

This application relates to a site on the corner of White Hart Lane and Foxbury Grove within the urban area. The site is located to the east of the Wicor Mill Public House and has previously been used as informal local car parking. The site has been fenced off and left vacant for in excess of 18 months. The surrounding area is primarily residential although there is a car garage workshop located on the opposite corner and a row of retail units to the west of the public house. Planning permission was recently granted to demolish the building merchants on the opposite side of White Hart Lane and erect a terrace of three dwellings.

## ***Description of Proposal***

Planning permission is sought for the erection of a convenience retail store with a floor area of 4451 sq ft gross internal floor area (413 sq metres) and associated vehicle car parking. The building would be located within the north-west corner of the site adjacent to the Wicor Mill Pub. The building would be single storey in height with a pitched roof. The car park would provide a total of twenty spaces including two disabled bays and would extend to the south and east of the building with access from Foxbury Grove. Four cycle parking spaces would also be provided adjacent to the store entrance. A bin storage area would be provided to the rear of the store adjacent to the western boundary with the public house. Landscaping would be provided on the site where possible with the hedge on the White Hart Lane frontage retained and cut back where necessary. A 2 metre high acoustic fence is proposed on the southern boundary.

Opening hours for the store are proposed to be 6am-11pm seven days a week.

## ***Policies***

The following policies apply to this application:

### **Approved Fareham Borough Core Strategy**

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

### **Fareham Borough Local Plan Review**

S9 - New Local Shops

## ***Relevant Planning History***

Pre-application advice was given on the principle of erecting a convenience retail store in November 2012. Officers advised that in principle there would be no objection. In February 2013 an application (P/13/0004/FP) was submitted which was subsequently withdrawn as officers raised concerns regarding the design of the building and minor issues with the layout of the site.

## ***Representations***

The neighbour notification period expires on 22 May 2013. At the time of writing this report seven letters had been received raising the following objections;

- The area is primarily residential;
- Intolerable noise from delivery vehicles and customers coming and going;
- Increase in traffic on local roads
- Vehicles will be parked on Foxbury Grove for convenience rather than using the car park;
- Lorries could be loading/unloading early mornings and late evenings seven days a week;
- Yellow line will cause inconvenience to neighbours;
- Potential for anti-social behaviour and litter;
- The store will attract people from outside the community who will not respect it;
- Is there a need for this store so close to an existing Co-op?
- Something needs to be done with the car park which has hardly ever been used but a residential development would be more beneficial;

- Local residents were not consulted by the applicant regarding the application as suggested;
- Location of bin store would impact on amenity of 1 Foxbury Grove;
- Acoustic fence along southern boundary would impact on amenity of 1 Foxbury Grove and would limit highway visibility;
- Wicor Mill Public House has insufficient parking at certain times

Two letters of support have been received including one from the Portchester Civic Society who also raise concerns over the car parking layout as delivery lorries will restrict access to car parking.

Any further letters subsequently received will be reported at the committee meeting. Since the neighbour notification was extended only one additional letter of objection has been received and two letters of support.

### ***Consultations***

Director of Planning & Environment (Highways) - Subject to the rearrangement of the pedestrian accesses, the securing of funding for a 'no parking' Traffic Regulation Order and appropriate conditions, no highway objection would be raised.

Director of Planning & Environment (Arborist) - no objections subject to landscaping condition.

Director of Regulatory and Democratic Services (Environmental Health) - No objections to this proposal providing that the recommendations made in the noise report are followed and secured by condition.

The report proposes a design noise criteria at 1.0m from the nearest existing residential premises and this should be achieved when selecting plant. Further acoustic calculations must be made to ensure that the target levels are adhered to and if the criteria is not met then acoustic remedial works must be introduced in order to ensure compliance. The report also recommends that a 2.0m high acoustic fence, with a minimum density of 13kg/m<sup>2</sup>, be constructed on the southern and western boundaries of the proposed site.

Director of Planning and Environment (Planning Policy) - The proposal accords with the relevant local plan policies and national guidance contained in the National Planning Policy Framework 2012 and the emerging Local Plan Part 2: Development Sites and Policies. There is no planning strategy objection.

Director of Planning and Environment (Urban Design) - Subject to a condition requiring the submission of materials and sections, the proposed building form and scale are broadly appropriate to the character of the locality. It is predominantly brick with a hipped tiled roof, which is typical of this area. It would have benefitted from additional height or a two storey construction but it is understood that there were value and operational constraints to implementation.

The elevational treatment therefore is the where the design can lift quality and create a visually interesting and expressive impact. The design is brick with some projecting piers and a coloured 'Trespa' cladding band under the eaves. It is important that there is a good depth of detailing so that it is not a flat facade, and quality materials are used. It is unfortunate that greater levels of glazing has not been provided to help create a lighter structure and visual interest to the blank elevations and bring better natural daylight to the

interior, though the internal operational requirements and safety concerns of supermarkets is recognised. There is glazing to White Hart Lane and Foxbury Grove which should be sufficient to create natural surveillance and an active frontage.

It is pleasing to see the retention of the hedgerow and additional complimentary soft planting to Foxbury Grove which will help to visually soften the car parking.

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

The main issues to be considered in the determination of this planning application are;

- Principle of Development
- Impact on Visual Amenities of Streetscene/Character of the Area
- Highways
- Impact on Amenities of Neighbouring Residential Properties

#### Principle of Development

Officers have been advised that the proposed retail store would be occupied by the Co-op who would be looking to relocate from their existing store just to the west of the application site on the corner of Wicor Mill Lane. Whilst this information may be of interest to Members, it must be stressed that the intended occupant of the store is not a material consideration in determining this application and cannot be secured through any planning permission granted. It is the use not the potential occupant which must be considered.

Saved policy S9 of the Fareham Borough Local Plan Review relates to the provision of new local shops. It states that the provision of local shops within the urban area and in areas of new development to meet the day to day needs of the immediate locality will be permitted provided that such development is of a scale and character appropriate to its surroundings and local function.

The new store is proposed to be 413sq.m (GIA) in size, which is comparable to other large local shops around the Borough, and not significantly larger than the local shop on the other side of the Wicor Mill pub, which measures over 300sq.m in size. The existing local shop represents the only shop in south west Portchester, and as such potentially serves a wider population as well as the immediate locality. It is worth noting that the parade adjacent to the existing local shop has suffered with consistent vacancies over recent years, and that an additional local shop of an acceptable scale could act as an attraction to the parade, making the adjacent units more viable.

The National Planning Policy Framework (NPPF) does not specifically mention Local Shops, but CLG has produced a document called Parades to be Proud of: Strategies to Support Local Shops which emphasises the importance of local shopping provision in communities.

Due to the scale of the proposed development it is not considered that the proposal would have an adverse impact on retail facilities within the district and main centres as it is not designed to compete with such types of retail provision. It will provide basket shopping to meet the day to day needs of those living within close proximity.

The NPPF states 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". Although this proposal is for a town centre use

outside of a centre, the wording of the Borough's Local Plan is clear that Local Shops should be supported where they are of appropriate scale and character. Given that it is accepted that this shop is "local" in nature and suitable in its location, it would be counterproductive to require the applicant to provide a sequential test.

A condition is suggested to restrict the use of the store to A1 (Retail Use) limited to the sale of convenience goods as the sale of comparable goods would not be appropriate outside of the local centres.

#### Impact on Visual Amenities of Streetscene/Character of the Area

A planning application for the erection of a retail store on the site with a similar footprint was withdrawn earlier this year. Officers raised concerns that the flat/mono pitched roof and largely clad building proposed would lack visual interest and would not reflect the characteristics of development within the surrounding area. The design of the building has now been amended to a more traditional form introducing a pitched roof with facing brickwork. A limited amount of cladding would be used on the elevations to add visual interest. The siting of the store would accord with the general building line of White Hart Lane and the store would sit adjacent to the two storey brick built public house to the west. An active frontage would be presented to both White Hart Lane and Foxbury Grove with a glazed entrance on the eastern corner.

Officers are of the opinion that the proposed building is of a design and scale which would be in keeping with the character of the area and would not cause harm to the visual amenity of the streetscene.

#### Highways

A detailed transport statement has been submitted with the application including discussion on site accessibility, car and cycle parking provision, access arrangements, and likely trip generation.

It is considered that a significant proportion of traffic generated by the site would be 'diverted' or 'linked' trips and therefore not new to the network. It is not anticipated that there would be any additional pressure placed upon the local road network by the development in terms of vehicular trips compared to the previous use of the site. It is suggested that the proposed convenience store would generate in the region of 177 trips throughout the day. As such it is not considered appropriate to seek a highways contribution. A legal agreement is however being sought to secure the provision of a traffic regulation order (TRO) on Foxbury Grove to stop vehicles being parked on the highway within 10 metre of the proposed access.

Concerns were raised by the Council's Highways Officer during pre-application discussions regarding the loss of parking for the public house. Whilst the site may historically have been used as car parking by patrons of the pub and other local businesses it has not been in use as such now for a considerable length of time. There have been no reported incidences of problems caused by vehicles being parked on the highway in the local area. Officers are of the opinion that a public house of this nature is likely to attract patrons from the immediate surrounding area who are likely to travel on foot and that there would therefore be limited demand for car parking which is still available on the pub frontage. It had been suggested to the applicant that the proposed store and the public house could share car parking however officers accept that this would be a problematic solution due to a difference in site

ownership, conflicting trading hours and length of stay.

It is considered that adequate car parking would be provided to serve the store in accordance with Hampshire County Council (HCC) Parking Standards. For food stores the HCC guidance requires a maximum of 1 space per 14 sq metres which would equate to just under 30 spaces which in officers opinion seems excessive for a small local store. Appendix 1 of the HCC parking standards states that several local factors can influence the calculation of parking spaces required and that a reduction of parking to 75% of the required level will be acceptable in area of high accessibility. These standards also apply to all food retailers regardless of being a large supermarket or a local convenience store. Convenience stores would be more local in nature and would not necessitate the same proportion of vehicle useage or length of time for each trip as a larger supermarket.

Access to the site would be from Foxbury Grove which is subject to less traffic than White Hart Lane and is also the location of the existing access. A new crossover access would be provided approx 12 metre further to the south than the existing access to improve visibility in the direction of White Hart Lane. The Council's Highways Engineer is satisfied that delivery vehicles would be able to access the site and manoeuvre in and out without obstructing the highway. Clear pedestrian routes would be provided through the site to the store entrance.

#### Impact on Amenities of Neighbouring Residential Properties

A noise report has been submitted in support of the application as the proposal is likely to generate concerns from local residents regarding noise disturbance from external plant equipment and from delivery vehicles and customer use of the car park.

At this stage the precise details of all the proposed external plant is yet to be determined. The noise report recommends that a maximum noise level is set for plant which takes into account the current background noise level. All external noise generating plant will need to adhere to this maximum level when measured at 1m from the nearest affected residential dwelling in order to suitably protect the local residents from noise disturbance. Further details of the proposed plant will be secured by condition and it will need to be demonstrated that the maximum noise level will not be exceeded.

It has been demonstrated using 3D modelling software to assess noise data obtained at a similar store that the delivery noise of moving lorries and the unloading process would not have a detrimental acoustic effect on the nearest residential properties to the south of the site. The calculated levels have been assessed against BS 4142:1997 (Method for rating industrial noise affecting mixed residential and industrial area) and the levels calculated demonstrate compliance with the standard and that any complaints should be of marginal significance.

With regards to the noise arising from customers using the car park as the site has previously been used as such it is considered unlikely that this would cause a nuisance to residents. A 2 metre high acoustic fence is proposed on the southern and western boundaries of the site to provide additional screening.

The Council's Environmental Health Officer has raised no objection to the proposal subject to securing the recommendations within the noise report.

#### Summary

At the request of Members, further information has been sought in association with the proposals and possible changes to the scheme explored.

In light of the further information provided, Officers consider that the proposal would comply with the relevant policies of the Fareham Borough Local Plan Review and the Fareham Borough Council Core Strategy and the proposal is considered acceptable subject to the imposition of conditions and a planning obligation in respect of a Traffic regulation Order on Foxbury Grove alongside the application site.

Should Members conclude that this scheme is acceptable then the proposal will be liable under the Council's recently adopted Community Infrastructure Levy.

### ***Reasons For Granting Permission***

The development is acceptable taking into account the policies of the Development Plan as set out in this report. The proposal is not considered likely to result in any significant impact on the amenity of adjoining occupiers, the character of the area, or highway safety. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied and a planning obligation required in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

### ***Recommendation***

Subject to;

- i) Consideration of any further material planning considerations raised by 22 May 2013;
- ii) 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 Council to secure a financial contribution of £5000 towards the provision of a TRO to prevent vehicles from being parked on Foxbury Grove.

PERMISSION: Materials, Sections of Elevations to be provided, Hard Surfacing Treatment, Boundary Treatment, Acoustic Fence, Details of any external plant, equipment/air conditioning units, Noise Levels of External Plant Equipment/Air Conditioning, Opening Hours 06:00-23:00, Restrict Use to Convenience Retail Store, Vehicle Access Construction, Means of Access Pedestrian/Cycles, Visibility Splays, Parking, Cycle Parking, Landscaping, Landscaping Implementation, Use in accordance with Delivery Management Plan, Max 10m rigid lorries to serve store, No deliveries outside of store opening hours, No Mud on Road, Construction Hours, No Burning, Operatives Vehicles

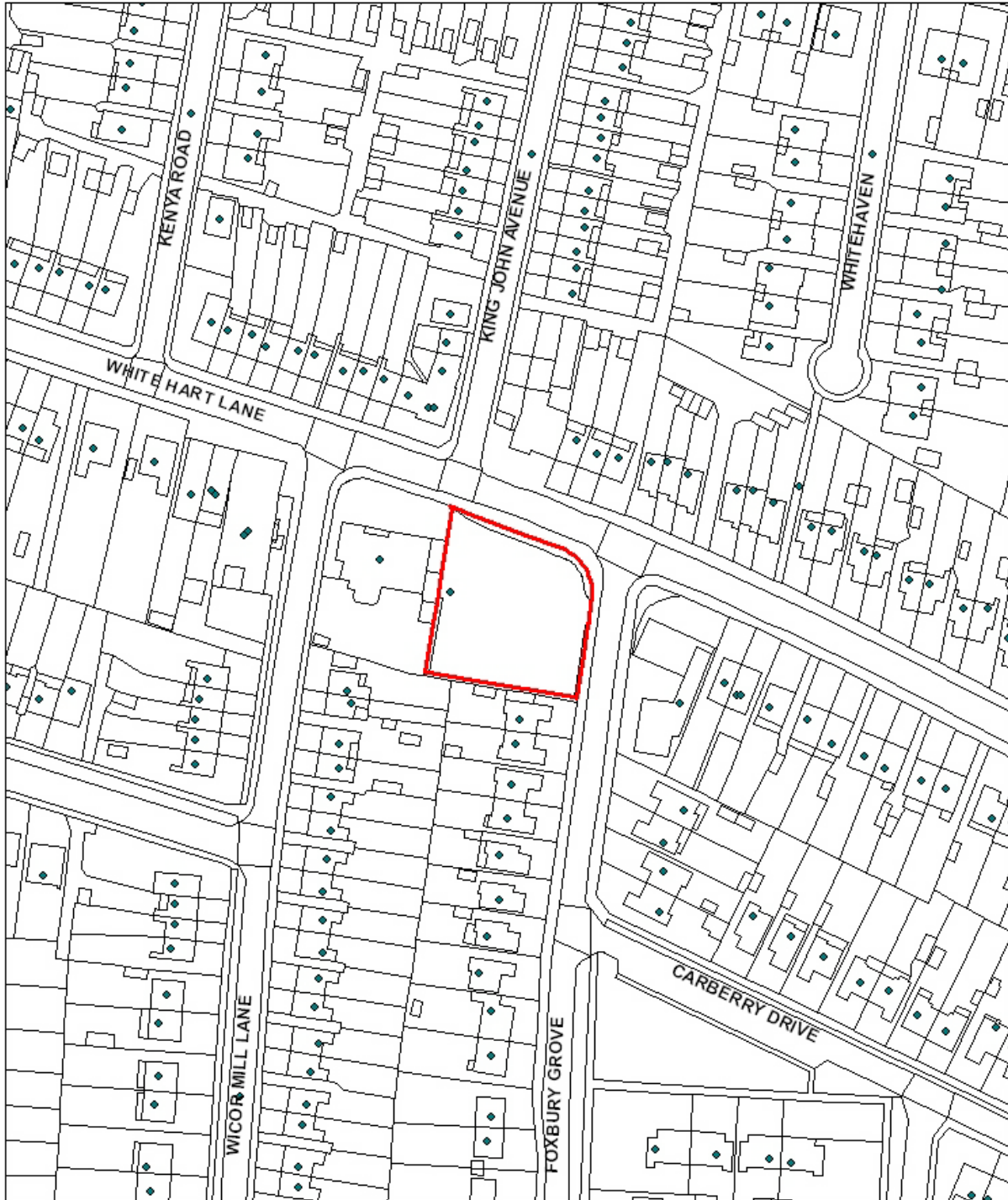
### ***Background Papers***

P/13/0297/FP



# FAREHAM

## BOROUGH COUNCIL



LAND ADJACENT TO  
THE WICOR MILL  
SCALE 1:1250

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