

# FAREHAM

## BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT  
PROCEDURE) ORDER 2015

### Planning Decision Notice

Planning Application Reference: P/15/1093/FP

Decision Date: 12 February 2016

Fareham Borough Council, as the local planning authority, hereby **PERMIT** the **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) at **Units 1-4 & 18-19, Castle Trading Estate, Fareham, PO16 9SF** as proposed by application P/15/1093/FP subject to the following 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

REASON: To ensure a satisfactory comprehensive development

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 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:

Monday – Saturday: 0600 and 2200;  
Sundays, Bank and Public Holidays: 0830 and 1900

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: 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.

# **Notes to Accompany Planning Decision Notice**

**Planning Application Ref: P/15/1093/FP**

**Decision Date: 12 February 2016**

## **General Notes for Your Information:**

- The approved documents can be obtained by viewing the submitted application online at [www.fareham.gov.uk/planning](http://www.fareham.gov.uk/planning)
- The Council worked positively and proactively with the applicant and their agent to address any issues which came up during the course of the application being considered. A report has been published on the Council's website to explain how a decision was made on this proposal.
- Please contact the officer who handled this application Mark Wyatt on 01329 824704 or at [mwyatt@fareham.gov.uk](mailto:mwyatt@fareham.gov.uk) if:
  - You would like clarification about this notice
  - You would like to make changes to your permission
  - You are unhappy with this decision or the way it has been reached

## **Right of appeal:**

- The person who made this application has the right to appeal to the Secretary of State against the imposition of any of the conditions this permission is subject to.
- The Secretary of State may decide he will not consider an appeal if it seems to him that, due to statutory requirements, the local planning authority could not have granted permission without the conditions being imposed.
- Appeals must be made within 6 months of the date of this decision notice (so by 12 July 2016).
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:
  - The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
  - Or submit online at The Planning Inspectorate website at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)
- There is no third party right of appeal for neighbours or objectors.

## Purchase Notices:

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.

## What to do next:

- Please take note of the conditions this permission is subject to. If these conditions are not met, for example if works are not carried out in accordance with the approved documents, the Council has the ability to take enforcement action where necessary.
- This permission relates to town planning. It does not grant other forms of consent which you may need, for example:

### Building Regulations consent

- Building Regulations legislation sets out technical standards required for the design and construction of buildings.
- For advice please contact The Building Control Partnership:
  - Telephone 01329 824 823
  - Email [bcpartnership@fareham.gov.uk](mailto:bcpartnership@fareham.gov.uk)
  - Website [www.buildingcontrolpartnershipants.gov.uk](http://www.buildingcontrolpartnershipants.gov.uk)

### Consent for works in the vicinity of a public sewer

- A minimum distance of three metres (for apparatus up to three metres deep) must be maintained between any building and the public sewer. In some cases however, Southern Water will allow buildings to encroach on the public system.
- For further information please contact Southern Water:
  - Telephone 0845 278 0845
  - Website [www.southernwater.co.uk](http://www.southernwater.co.uk)

### Works affecting neighbours

- Where proposals involve work on party walls or excavations near neighbouring properties, there may be measures required under the Party Wall Act 1996. Fareham Borough Council is not responsible for enforcing the Party Wall Act.



- For further information please see the following guidance:
  - Website [www.gov.uk/party-wall-etc-act-1996-guidance](http://www.gov.uk/party-wall-etc-act-1996-guidance).