

**WYG** Planning & Design

part of the WYG group



# **North Somerset Council Core Strategy EIP Position Statement on behalf of Sainsbury's Supermarkets Ltd**

**By Sarah Hawkins BA (Hons) MTP MRTPI**

**Land off Serbert Way, Portishead**

**November 2011**



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## QUALIFICATIONS AND EXPERIENCE

My name is Sarah Hawkins. I am a Regional Director of WYG Planning & Design, a specialist town planning business which forms part of The WYG Group. The Group operates across a wide range of environmental disciplines.

I am a member of the Royal Town Planning Institute and have over 15 years experience in the practice of Town and County Planning. More particularly, I have extensive experience in respect of planning for retail development. This has included producing retail studies on behalf of local planning authorities and acting for specialist retail development companies such as Peel Developments, Morbaine and leading retailers such as Sainsbury's and Aldi, in relation to specific development proposals. I have carried out work on behalf of Sainsbury's for the past 13 years, specialising in proposals for new stores, store extensions and asset development schemes across the south of England. This work has included giving expert witness evidence at Inquiry.

I have acted as agent for the Sainsbury's proposal in Portishead, and in doing so I have visited the town centres of Nailsea, Clevedon, Weston super Mare and in particular Portishead, which I am very familiar with.

The evidence that I have prepared and provide for this EIP Hearing (reference 4 h ii) in this position statement is true and has been prepared, and is given in accordance with, the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.



## 1.0 INTRODUCTION

### The Status of the Revised North Somerset Retail Study

1.01 The Revised North Somerset Retail Study (NSRS 2011) (prepared by GVA Grimley) was published on 20 October 2011. It forms the evidence base to the Core Strategy. In particular reference to our client's interests in Portishead, the NSRS 2011 underpins Core Strategy policy CS21: *Retail hierarchy and provision*, and policy CS31: *Clevedon, Nailsea and Portishead Area Policies*.

1.02 Following the release of the NSRS 2011, the Council issued "Consequential Changes to the Core Strategy as a result of the revised North Somerset Retail Study 2011". This identified a strategic requirement for additional retail floorspace in Portishead (change no.PS13). Change no.PS 16 then sets out an amendment to paragraph 4.82 which sets out a table for the broad estimate of new jobs, dwellings and retail floorspace (2006-2026) within Nailsea, Clevedon and Portishead. This sets out the following new line in the table:

Land use	Nailsea	Portishead	Clevedon
Retail (net m2)	0	14,096	0

1.03 Suggested new text notes that the Portishead retail floorspace figure includes existing commitments and an estimate of 1,616 sq m of additional convenience floorspace and 1,826 sq m comparison goods floorspace for the period 2006 to 2026 as calculated in the NSRS 2011.

1.04 It is relevant to note the estimate convenience goods floorspace requirement is based on an increased market share with Portishead retaining 80% of convenience goods expenditure within its immediate catchment area as set out in NSRS 2011.

### Matters of Support/Objection

1.05 We support change no. PS 13 that identifies a strategic retail requirement for additional floorspace in Portishead.



- 1.06 We also support an enhanced market share in Portishead. However, this should seek to allow Portishead to retain similar levels of retail expenditure comparable to Clevedon and Nailsea. It is suggested that a level of at least 85% should be sought. This would allow a suitable qualitative improvement to be achieved to stem the current high level of leakage of main food/bulk food expenditure from Portishead. PS 16 should be amended to reflect this higher market share.
- 1.07 If the Inspector does not wish to prescribe such higher market share, it is suggested that a sentence is included in the text of the core strategy to state that additional floorspace may be justified if the impacts on the town centre and other centres are found to be acceptable.
- 1.08 I also suggest that the Core Strategy supports development that will expand the town centre of Portishead to ensure the town retains local retail expenditure comparable to Clevedon and Nailsea, in furtherance of the policy objective set out in Policy CS21.

### **Portishead's Position in the Retail Hierarchy – Emerging Core Strategy**

- 1.09 In terms of Portishead, emerging Core Strategy Policy CS21 "*Retail hierarchy and provision* states" that "at Clevedon, Nailsea and Portishead town centre regeneration will be supported to improve the quality of retailing at these centres. The vitality and viability of the following hierarchy of existing and proposed centres will be maintained and enhanced:

1. Sub-regional centre
  - Weston-super-Mare town centre
2. Town Centres
  - Clevedon (Triangle)
  - Nailsea
  - Portishead".

"Proposals for town centre uses in the identified centres (1–4 above) will be supported, provided that they:



- are of a scale appropriate to the size and role of these centres;
- support the creation of a comfortable, safe, attractive and accessible shopping environment;
- improve the mix of town centre uses in each centre”.

1.10 Emerging Core Strategy Policy CS31 “*Clevedon, Nailsea and Portishead Area Policies*” states that

“Proposals for development within settlement boundaries in Clevedon, Nailsea and Portishead will be supported which:

- Increase self containment
- Ensure the availability of jobs and services for the town and the surrounding catchments
- Improve the town role as a service centre.

Within the three towns provision will be made through the plan period as follows.

Town	Houses (2006-2026)	Indicative Jobs (2006-2026)
Clevedon	346	766
Nailsea	151	172
Portishead	2,903	2,141

1.11 In terms of retailing the Policy states that:

“Shopping and town centre uses will be supported within the town centres (and expanded town centre at Portishead) which improve the town centre environment and the retail, leisure, and employment offer”.

1.12 Paragraph 4.79 of the supporting text for policy CS31 comments that Clevedon, Nailsea and Portishead all “have high out-commuting levels and the emphasis will be on discouraging development which would re-enforce this and on encouraging local employment and service provision which would stem the flow of commuters”.



1.13 In summary, the emerging Core Strategy places Portishead on the same level as Clevedon and Nailsea in the retail hierarchy. In addition, the policy seeks to increase Portishead's self containment.

### **Sainsbury's Interest in Portishead and Alignment with the Core Strategy**

1.14 Sainsbury's has aspirations to invest in Portishead. In advancing this aspiration, Sainsbury's submitted a planning application for a foodstore measuring 2,787 sq in December 2009. In November 2010 North Somerset Council resolved to grant planning permission for a new Sainsbury's supermarket on land at Serbert Way in Portishead, subject to a legal agreement (application reference 10/P/0053/F). In February 2011, the legal agreement was signed. However, planning permission was subsequently quashed following a legal challenge by the Cooperative Group and the application was returned to North Somerset Council for re determination. To date the application is still pending a decision.

1.15 In May 2011 Sainsbury's submitted a new application (LPA ref no.11/P/0955/F) for a supermarket on the same site, but with a new internal store layout and the incorporation of the latest design standards. That application is also pending a decision.

1.16 Some of the key benefits of the scheme, as identified during the determination of the 2009 application, align with the underlying aims and objectives of the Core Strategy to promote self containment through increased choice and competition of services locally. A copy of the 2009 decision notice is enclosed at **Appendix A** at the rear of this statement for information.

### **Background: Current Planning Policy Context**

#### ***RPG10***

1.17 RPG10 does not refer to Portishead. It lists Weston-super-Mare as a "Principal Urban Area" within the "Northern" sub-region of the southwest.

1.18 RPG10 also lists three factors that planning authorities should consider in formulating their planning policies (GVA refer to these factors in the NSRS 2011). These include.



- Locating uses which attract large numbers of people in the centres of the Principal Urban Areas (PUAs) and in the other designated centres for growth specified in the spatial strategy.
- Encouraging town centre developments of an appropriate scale in keeping with the settlement's size and function and which can help to reduce the need to travel and encourage journeys by modes other than the private car.
- Ensuring the vitality and viability of existing centres is maintained, by assessing the need for new development and by applying the sequential test. For convenience provision, RPG10 advises that a distribution of provision should be maintained that minimises the lengths and frequency of trips.

***RSS (Regional Spatial Strategy) – Incorporating the Secretary of State's Proposed Changes (July 2008)***

1.19 Like RPG10, the RSS does not specifically refer to Portishead. However, Weston-super-Mare is identified as a "main retail centre" alongside other settlements including Bath and Bristol. Guidance contained in the RSS also seeks to promote self containment through sustainable shopping patterns.

***Joint Replacement Structure Plan (Adopted 2002)***

1.20 Policy 38 of the JRSP defines Portishead as a "Major Town" alongside Clevedon and Nailsea.

***North Somerset Replacement Local Plan (Adopted 2007)***

1.21 Policy RT1 of the North Somerset Replacement Local Plan (NSRLP) classifies Portishead as a town centre. This is the same classification as Weston-super-Mare, Clevedon and Nailsea.

***Publication version of the Core Strategy (January 2011)***

1.22 The classification of Portishead as a defined "Town Centre" in the adopted, saved Local Plan is carried through to the Policy CS21 (*Retail hierarchy and provision*) of the publication version of the



Core Strategy. As noted above, as with previous development plan documents, Clevedon and Nailsea, like Portishead, are also classified as town centres.

## **Conclusion**

- 1.23 In light of the historic policy context, it is clear that Portishead is at the same level of the retail hierarchy as Clevedon and Nailsea. Planning policy has consistently recognised that town centres should deliver development that increases self containment, ensures the availability of jobs and services for the residents of the town and its surrounding area, which in turn will reduce the need to travel by car and minimise the length of trips to access services and jobs.



### 3.0 RETAIL PROVISION IN CLEVEDON, NAILSEA AND PORTISHEAD

#### Retention Rates

3.01 GVA commissioned a household survey to inform the NSRS 2011 in 2010. This showed that:

- 63% of main food shopping trips made by Portishead area residents were retained in Portishead; and
- 87% of top-up food shopping trips were retained.
- Overall market share for all convenience goods spending was 70%.

3.02 This confirms the findings of a more detailed survey undertaken by NEMS for WYG in 2009 which found that:

- 55% of main food shopping trips made by Portishead residents were retained in Portishead;
- 90% of top-up food shopping trips; and
- Overall market share for all convenience goods spending was 60%.

3.03 The overall market share of Portishead is noticeably lower than Clevedon and Nailsea. These centres retain 94% and 86% of local residents' convenience goods spending.

#### Floorspace Ratios

3.04 Looking into the reasons why Portishead suffers from such a low market share, I have identified that Portishead has a quantitative shortage of supermarket floorspace per capita compared to Clevedon and Nailsea. The table below shows the current supermarket retail provision over 500 sq metres in the towns of Clevedon, Nailsea and Portishead and then shows the ratio of floorspace per person in each town.



Table 1. Supermarket Provision Per Capita (Total Net Sales Floorspace over 500 sq m net)

Clevedon		Nailsea		Portishead	
Morrisons	1,728 sq m	Waitrose	2,120 sq m	Waitrose	2,508 sq m
Tesco	2,378 sq m	Tesco	2,511 sq m	Co-op	1,445 sq m
Lidl	997 sq m	Iceland	620 sq m		
Asda	1,538 sq m				
<b>Total</b>	<b>6,641 sq m</b>		<b>5,251 sq m</b>		<b>3,953 sq m</b>
Zone 4 Population, 2011	24,882	Zone 3 Population, 2011	23,871	Zone 2 Population, 2011	26,651
Zone 4 Population, 2016	25,099	Zone 3 Population, 2016	24,003	Zone 2 Population, 2016	29,285
Ratio at 2011	0.27 sq m per person		0.22 sq m per person		<b>0.15</b> sq m per person
Ratio at 2016	0.27 sq m per person		0.22 sq m per person		<b>0.14</b> sq m per person
				Sainsbury's	2,787 sq m
					0.25 sq m per person at 2011 & 0.23 at 2016.

3.05 The above results show that Portishead currently has a deficiency in supermarket floorspace compared to its neighbouring towns, despite Portishead having the same retail hierarchy status as Clevedon and Nailsea. The table also shows that, assuming no further convenience floorspace is delivered in Portishead, the deficiency will get worse as Portishead's population increases.



3.06 For the avoidance of doubt, I have calculated that Portishead's population is set to grow at 10% over the period 2011 to 2026. In comparison, Clevedon is only set to grow at 0.9% and Nailsea at 0.5% over the same period.

### **Qualitative Deficiency in Portishead's Retail Offer**

3.07 In addition to a quantitative shortfall, I have also identified that Portishead has a qualitative deficiency in supermarket goods floorspace. The existing supermarket provision in Portishead is limited to a Co-op and a Waitrose store. The "Big 4" mainstream supermarkets of Asda, Morrisons, Sainsbury's and Tesco which have a greater level of appeal across all socio-economic bands are not present in the town. In comparison, Clevedon benefits from the more mainstream offer of both Tesco, Morrisons and a recently opened Asda, whilst Nailsea is home to a Tesco and a Waitrose store. In both cases, the presence of one or more broad appeal operator has ensured that the level of trade retained in each town is far greater than that experienced in Portishead.

3.08 It should also be noted that Portishead has a more affluent population than the national average (35% of the town's population compared to the national average of 20%). Waitrose and Co-op will appeal that sector of the population. However, Waitrose and Co-op do not tend to be as popular with shoppers in each of the other socio economic groups who make up the remaining 65% of Portishead's population (Source: How Britain Shops 2010, Verdict). This partially explains why such a large proportion of Portishead's residents drive out of the town to acquire goods from more mainstream retailers.

3.09 When Portishead's floorspace per capita ratios, its market share for main food shopping, and its quantitative and qualitative deficiency of not having a broad mainstream retailer are taken into account it is clear that the town has inadequate main food shopping facilities. As a consequence, the town is not fulfilling its defined role as a 'town centre', particularly in comparison with other centres at this level of the sub-regional shopping hierarchy.



## 4.0 FINDINGS OF THE NORTH SOMERSET RETAIL STUDY (NSRS) 2011

### Points of Agreement

4.01 Whilst I have some reservations about the assumptions and data sources that GVA have used, for the purposes of this statement I note and agree with the following findings set out on the NSRS 2011:

- In calculating a retention rate for main food shopping trips in Portishead of 62.5% (paragraph 5.95), the study notes that "Portishead is not currently retaining a particularly high level of shopping trips" (paragraph 5.96).
- In paragraph 7.13 the study suggests that this situation likely to "be reinforced by the opening of the Asda store in Clevedon" (which opened on 7.11.11).
- The study also accepts that the "new Lidl store in Portishead is unlikely to have a significant impact 'upon' lost expenditure" (paragraph 7.13).
- The study advises that there is "potential to improve the qualitative range of the convenience goods retail offer in Portishead in order to reduce the amount of shopping trips which leak to other settlements such as Bristol and Clevedon".
- The study therefore recommends that "the Core Strategy should identify the potential for an increase in the town's market share".

4.02 However, where I differ from GVA and in turn North Somerset Council is that the market share of local residential spend in Portishead should increase to comparable levels to Nailsea and Clevedon. In my view the only way this can be achieved is to allow delivery of a new large foodstore capable of stemming the current outflow of main food shopping, say to at least 85%. This is an achievable and realistic target given that the NSRS 2011 itself recognises that other towns in North Somerset, that are at the same level of retail hierarchy as Portishead, all have market shares higher than



85%. Paragraph 5.98 of the NSRS 2011 states that Portishead's neighboring towns have the following local market shares:

- Clevedon – 94%; and
- Nailsea – 86%.

4.03 Ultimately, an uplift of at least 15%, from the current 70% to 85%, is realistic given the clear shortfall in a main food store offer in Portishead together with the fact that a substantial number (37.5%) of main food shops are undertaken outside the Portishead area.

4.04 It is only through encouraging new convenience goods floorspace through the Core Strategy in the form of a new supermarket capable of meeting the main food shopping needs of the resident population that an appropriate shift in market share can be achieved to ensure that Portishead can fulfill its role within the sub-regional shopping hierarchy. The benefits of such an increased market share, allowing Portishead to rightly compete with Clevedon and Nailsea, is set out in the next section of this statement.

4.05 I am also of the view that the core strategy should identify the opportunity for additional floorspace i.e. the strategic requirement as set out in change no.PS 13 and the overriding desire to encourage retail development in Portishead so it can compete with Nailsea and Clevedon on the same level within the retail hierarchy. The ultimate size of any facility will be determined by the market, site opportunities and the proper application of development management tests. Thus, retail impact is a matter to be considered through the development management process, on a case by case basis, and not defined in the Core Strategy. Such an approach would be too prescriptive and contrary to the purposes of a Core Strategy which seeks to set out a spatial vision for an area.



## 5.0 THE BENEFITS OF INCREASED MARKET SHARE

5.01 Increasing the market share of Portishead so it maintains its level within the sub-regional shopping hierarchy has a number of benefits, which I summarise below.

### **Supporting the Role of Portishead as a Retail Centre**

5.02 Increasing the self-containment of Portishead is consistent with its role as a main town (as defined in the adopted Local Plan). The adequate provision of main food shopping facilities to meet identified need accords with the policy aims of ensuring a sustainable pattern of shopping provision and the creation of sustainable communities.

### **Retail Choice**

5.03 An enhanced market share will improve the retail offer in Portishead. Currently Waitrose and o-op dominates the offer. Increased capacity would enable a new retailer to provide a bulk food shopping facility in the town, which in turn would widen the choice of food retailing to the resident and hinterland populations

### **Spin-off Benefits**

5.04 If Portishead residents remain in the town to undertake their main food shop, it stands to reason that there is more prospect that they will also carry out their linked non-food and service shopping in Portishead Town Centre.

### **Job Creation**

5.05 An increased market share, resulting in a subsequent capacity would (if taken up) deliver a significant number of jobs in Portishead, to the benefit of the economy and local people.

### **Reduction in Car Miles, Traffic and Carbon Emissions**

5.06 Added customer choice, and therefore reduced trip leakage, will also have a significant benefit of reducing car miles, which in turn will reduce CO2 levels.



5.07 The above benefits are recognised in planning policy which seeks to increase self containment, ensure the availability of jobs and services for the residents of a town and its surrounding area, reduce the need to travel by car and minimise the length of trips to access services and jobs. All of these objectives contribute to improving the vitality and viability of town centres.



## 6.0 SUGGESTED CHANGES TO THE CORE STRATEGY & CONCLUSION

- 6.01 It has been demonstrated that in the current and proposed retail hierarchy of North Somerset, Portishead is the same level as Nailsea and Clevedon. In order to provide a comparable retail offer, it is important that Portishead increases its market share of convenience goods expenditure so that it might compete at the appropriate level. My view is that the Core Strategy should plan to increase its market share to 85% i.e. to a comparable (but still lower) level of market share as those towns set at the same level of the shopping hierarchy. Thus, a planned increase of at least 85% will assist in Portishead to perform as a 'town centre', alongside Clevedon (which benefits from a convenience market share of 96%) and Nailsea (with 86%).
- 6.02 Portishead's failure to retain the same level of market share as Clevedon and Nailsea is particularly concerning on the basis that it is the largest of the three towns and has a population that is set to grow at a significantly faster rate (10% of the Core Strategy period). Thus, a 'do nothing' scenario or indeed planning on increasing its market share to just 80% will mean that the people of Portishead will continue to undertake long car journeys out of the town to undertake a main food shop. This is at odds with the overriding policy framework for Local Planning Authorities to devise policy that help to reduce the need to travel, encourage journeys by modes other than the private car and distribute retail provision to minimise the lengths and frequency of trips. The clear reason for this out flow is that the existing retail offer simply does not meet the main food shopping needs of the Portishead residents. Only a new supermarket of sufficient size to meet resident's main food shopping needs will reduce this outflow and as a consequence allow Portishead's market share of convenience goods expenditure to rise to its rightful level as achieved by competing settlements.
- 6.03 Accordingly, it is only right and proper that the Core Strategy positively plans for an uplift in Portishead's market share to ensure the town fulfils its role as "Town Centre" alongside Clevedon and Nailsea. The Council's consultant GVA agree with this position. The main difference between the Council's consultant and me is that, in my view, the appropriate level for this uplift is to plan to increase it to at least 85%, so Portishead fulfils its defined role. Without such an uplift the benefits identified in section 3 will not be delivered, and the residents of Portishead and its surrounding area will continue to suffer, unnecessarily, from a poor main food retail offer.



- 6.03 I therefore suggest that PS 16 should be amended to allow Portishead to retain similar levels of market share comparable to Clevedon and Nailsea to ensure that it fulfils its defined role in the retail hierarchy and to stem the current high level of main food/bulk food leakage.
- 6.04 If the Inspector does not agree that floorspace/market shares should be amended to achieve the above, it is suggested that a sentence is included in the text of the core strategy to state that additional floorspace may be justified if the impacts on the town centre and other centres are found to be acceptable.
- 6.05 I also suggest that Policy CS31 of the Core Strategy, states that "Shopping and town centre uses will be supported within the town centres (and development that will expand the town centre in Portishead)".



**APPENDIX A**

**Decision Notice**  
**2009 Planning Permission**  
**LPA ref.10/P/00053/F**

NOTICE OF DECISION  
Town and Country Planning Act 1990



White Young Green  
Ropemaker Court  
12 Lower Park Row  
Bristol  
BS1 5BN

Application Number  
Category

10/P/0053/F  
Full Planning  
Permission

**Application No:** 10/P/0053/F  
**Applicant:** Sainsbury's Supermarkets Ltd.  
**Site:** Land off Serbert Way, Portishead, Somerset.  
**Description:** Erection of foodstore, customer car parking, service access and associated development.

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **GRANTS CONSENT** for the above development in accordance with the plans and particulars received and subject to the following condition(s):-

- 1 The development hereby permitted shall be begun before the expiry of five years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2 The building shall not be open to the public until the 293 car parking spaces for the development hereby approved, have been constructed and surfaced to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development is served by parking facilities built to the satisfaction of the Local Planning Authority in accordance with Policy T/10 of the North Somerset Replacement Local Plan.

- 3 The access to the car parking area shall incorporate a turning space that shall be kept free of obstruction at all times and shall be provided prior to the building being brought into use.

Reason: To allow delivery vehicles to enter and leave the site in forward gear and to allow vehicles to stand clear of the highway in accordance with Policy T/10 of the North Somerset Replacement Local Plan.

- 4 Details of the provision to be made for the covered parking of cycles shall be submitted to and agreed in writing by the Local Planning Authority before construction of the access roads and building are commenced. The approved cycle parking provision shall, thereafter, be provided on site before the building is occupied.

Reason: To encourage greater use of the cycle in accordance with Policy T/6 of the North Somerset Replacement Local Plan.

- 5 There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or an surface waters, whether direct or via soakaways.

Reason: In the interests of protecting the environment in accordance with Policy GDP/2 of the North Somerset Replacement Local Plan.

- 6 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, in accordance with Policy GDP/2 of the North Somerset Replacement Local Plan.

- 7 No construction work on the building hereby approved shall be commenced until detailed drawings at a scale of 1:10 or 1:20 of the doors, window openings, and the parapet/eaves details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that these details are designed to a high standard in order to protect the architectural integrity of the development and in order to comply with Policy GDP/3 of the North Somerset Replacement Local Plan.

- 8 No construction work on the building hereby approved shall be commenced until materials, samples of materials and colour of renders have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.

- 9 No construction work on the access roads, footpaths and buildings shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of surface treatment around the building and fronting the public realm together with the footways over the frontage designed so that it positively contributes to the vibrancy and interest of the public spaces. The approved scheme, shall, thereafter be implemented prior to the occupation of the building

Reason: The Local Planning Authority wish to encourage suitable boundary treatment around the building and in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.

- 10 No external lighting, including floodlighting shall be erected anywhere on the site in connection with the approved development, without the prior written approval of the Local Planning Authority.

Reason: The Local Planning Authority wishes to retain control over the matters referred to in the interests of visual amenity and in accordance with Policy GDP/2 of the North Somerset Replacement Local Plan.

- 11 No development shall take place until details of the structural landscaping have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include structural landscaping on the land edged blue on the site location plan adjoining Wyndham Way and the entrance to the Gordano Gate.
- Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.
- 12 No construction work on the access roads and car parking areas shall be commenced until details of the full landscaping scheme has been submitted to and approved by the Local planning Authority.
- Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.
- 13 All works comprised in the approved details of landscaping should be carried out during the months of October to March inclusive following completion of the development, whichever is the sooner.
- Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.
- 14 Trees, hedges and plants shown in the landscaping scheme to be planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.
- Reason: To ensure as far as possible that the landscaping scheme is fully effective in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.
- 15 No external shutters shall be fitted to the ground floor windows without the prior written consent of the Local Planning Authority.
- Reason: The Local Planning Authority wishes to retain control over external alterations visible from public vantage points in order to maintain the integrity and appearance of the development and in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.
- 16 No extractor flues, boilers, vents or air-conditioning units shall be erected on the external face of the building without the prior written consent of the Local Planning Authority.
- Reason: In the interests of protecting the living conditions of adjoining residents and in accordance with Policy GDP/2 of the North Somerset Replacement Local Plan.
- 17 There shall be no deliveries to the site premises before 06:00 hours nor after 22:00 hours on weekdays and Saturdays and not before 08.00 nor after 18.00 hours on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority, and all deliveries shall be made at the dedicated service yard.
- Reason: To prevent undue disturbance to nearby residents and in accordance with Policy GDP/2 of the North Somerset Replacement Local Plan.

- 18 No construction works shall take place on the building until boundary treatment details have been submitted to and approved by the Local Planning Authority. The details, as approved, shall be constructed prior to occupation of the development.

Reason: In the interests of visual and local amenity and in accordance with Policy GDP/2 of the North Somerset Replacement Local Plan.

- 19 The building hereby approved shall be constructed to a BREEAM 2006 rating of "Very Good". A formal assessment following completion of the buildings shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report along with the certificate shall be submitted to the Local Planning Authority prior to occupation.

Reason: In the interests of promoting good design and sustainable construction in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.

- 20 The building shall not be occupied until a Travel Plan, which seeks to reduce the number of vehicle trips to and from the site, has been submitted to and approved by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented at first occupation of the development and in accordance with its recommendations to the satisfaction of the Local Planning Authority.

Reason: In order to reduce the number of vehicle trips to and from the site in compliance with sustainable policies contained in National Planning Guidance and Policy T/10 of the North Somerset Replacement Local Plan.

- 21 No development shall take place until the finished floor, ground and ridge height levels of the building and access roads and car parking areas have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.

- 22 The building shall not be occupied until a pedestrian and cycle access is linked from the application site to the adjoining Portbury Ditch Strategic cycle/footpath corridor, in accordance with plans to be submitted and approved by the Local Planning Authority.

Reason: In the interests of providing a co-ordinated pedestrian link to the town centre in accordance with Policy T/7 of the North Somerset Replacement Local Plan.

- 23 No development shall commence until details of a scheme for the retention / or replacement of aquatic and terrestrial habitats suitable for great crested newts have been submitted to and approved in writing by the local planning authority. The scheme shall include a programme for the implementation of the development that avoids any building or other operations likely to affect the existing or replacement habitat being undertaken. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over development in order to safeguard great crested newts and their habitat bearing in mind the species is protected by law and in compliance with Policy ECH/11 of the North Somerset Replacement Local Plan.

- 24 The building shall not be occupied until a Management Plan, which seeks to minimise the amount of litter and waste around the site during the construction phase and upon opening of the building to the public, has been submitted to and approved by the Local Planning Authority. The approved Management Plan shall thereafter be implemented concurrently with commencement of works on the site and shall operate at all times once the supermarket is open to the public in accordance with its recommendations to the satisfaction of the Local Planning Authority.

Reason: In order to reduce amount of litter and waste around the site in the interests of visual amenity in compliance with Policy GDP/2 of the North Somerset Replacement Local Plan.

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no electricity sub-station or gas governor shall be erected on any part of the development site hereby permitted, without the prior written permission of the Local Planning Authority.

Reason: In order to comply with Policy GDP/3 of the North Somerset Replacement Local Plan.

- 26 The building hereby approved shall not be occupied until measures to generate 15% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low-carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the local planning authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan, to support the key objectives of 'Planning & Climate Change - Supplement to Planning Policy Statement 1 December 2007.

- 27 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any provisions equivalent to that class in any Statutory Instrument revoking and re-enacting that Order, the primary use of the retail store hereby permitted shall not be other than within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987. The gross area of the store shall not exceed 4,568 m<sup>2</sup> gross internal area. No more that 20% (556m<sup>2</sup>) of the total net retail floorspace of 2,787m<sup>2</sup> hereby permitted may be used for the sale of comparison goods unless otherwise agreed in writing with the Local Planning Authority. Furthermore, no more than 35% (195 sq m) of that area shall be used for the sale of clothing. No footwear; sports goods; DIY or hardware goods; carpets; musical instruments; or prescription pharmaceutical and optical goods shall be sold from the premises. There shall also be no sub-division or concession units within the store.

Reason: In order to maintain and protect the viability and vitality of the town centre in accordance with Policies RT/1 and RT/6 of the North Somerset Replacement Local Plan.

28 The development hereby permitted shall be carried out in accordance with the following approved reports and plans and technical reports

31080-74 PL001E – Site Location Plan  
31080-74 PL002E – Existing Site Plan  
31080-74 PL003J – Proposed Foodstore Site Plan  
31080-74 PL004F – Proposed Elevations & Sections  
31080-74 PL005D - Proposed Foodstore Roof Plan  
40065\_LP(90)102E – Landscape Plan  
40065\_LP(90)103D – Planting Plan 1 of 2  
40065\_LP(90)104D – Planting Plan 2 of 2  
40065\_LP(90)105C – Typical Landscape Boundary Treatments  
40065\_LP(90)106 – Landscape Materials  
40065\_LP(90)107B – Landscape Detail

Lighting Design Specification and Assessment (WYG Environmental)  
Flood Risk Assessment (RMA Environmental)  
Extended Phase 1 Habitat Survey and Reptile Presence Survey Report (WYG Environmental)  
Geo-environmental and Geotechnical Assessment (Tweedie Evans Consulting)  
Waste Management Plan (Davis Langdon)  
Ventilation and Extraction Statement (Davis Langdon)  
Construction Method Statement (Davis Langdon)

## REASONS FOR APPROVAL AND ADVICE NOTES

### Reasons for Approval:

In determining this application regard has been has to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Members carefully considering the objections raised, nevertheless resolved to grant planning permission although it departs from the Development Plan because the development is located outside the town centre.

The proposal complies with the following Joint Replacement Structure Plan policies and the adopted North Somerset Replacement Local Plan:

#### Joint Replacement Structure Plan

Policy 38 defines Portishead as a major town and district centre.

Policy 40 regulates the provision of new retail development.

#### North Somerset Replacement Local Plan

Policy GDP/1 Preferred locations for development

Policy GDP/2 Environment and public protection.

Policy GDP/3 Promoting good design and sustainable construction.

Policy E/5 Safeguarded employment areas.

Policy RT/1 Strategy for revitalising the town and district centres.

Policy RT/3 Portishead Town Centre

Policy T/6 Parking Standards

Policy T/10 Safely, traffic and infrastructure and associated development.

Policy T/11 Travel Plans.

In reaching a decision on the application, and bearing in mind the conflict with Policy RT/6, the Local Planning Authority took into account the following aspects of the scheme:

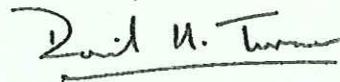
- 1, The development of a Sainsbury's store will provide a greater choice to residents and will help to reduce leakage of food expenditure from Portishead
2. The site is the most sequentially preferable site in Portishead as required by PPS 4;
3. Overall, the development will have no significant adverse impact on Portishead Town Centre in terms of the impacts identified in PPS4 policies EC10.2 and 16.1, and any impact on the Town Centre will be mitigated by the planning obligations contained in the Section 106 Agreement;
4. The fact that the development proposes the reuse of land which has been derelict for 15 years;
5. The proposed development, close to the town centre, will enhance the quality of the built environment of this part of Portishead.
6. The provision of new jobs in Portishead.

There is no conflict with Policy E/5 because the proposal will not lead to the loss of any realistic opportunities for the development of Class B industrial uses on the site and there is sufficient safeguarding existing, vacant and allocated industrial land to accommodate business development over the next 10 years.

This decision notice must be read in conjunction with the terms of a Legal Agreement of the same date. You are advised to satisfy yourself that you have all the relevant documentation.

Date: 21 February 2011

Signed



Director of Development & Environment

Please contact David Tate on 01934 426 987 if you require any further information regarding this decision.