

DELEGATED OFFICER REPORT

Site Address:	Land to the west of B&Q, Purbrook Way, Havant		
Proposal:	Erection of retail foodstore with associated car parking, access, landscaping and engineering works.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00330	Expiry Date:	28/08/2024
Applicant:	C/O Agent		
	Lidl Great Britain Limited		
Agent:	Mr Thornton	Case Officer:	Kayleigh Taylor
	Simply Planning Limited		
Ward:	Leigh Park Hermitage		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is located to the north of Purbrook Way, close to the junction with the A3(M), on the western edge of Havant. The site sits to the west of the existing B&Q store. The site will be accessed via the service road leading off the Purbrook Way/A3(M) slip roundabout which serves B&Q. In retail terms the application site is considered out-of-centre. The nearest defined centre to the site is at Middle Park Way in Leigh Park to the east.
- 1.2 The application site totals approximately 1.27 hectares (c.3.2 acres). The site is undeveloped and is largely screened from the surrounding highway network. It comprises largely overgrown scrubland with significant differences in levels that contains scattered trees around the perimeter; areas of grass are present towards the north of the site. The main site constraint relates to the presence of a single tree, protected by a Tree Preservation Order (TPO). This tree is located towards the eastern boundary of the site. The southern part of the site comprises made ground. The application site includes land within the ownership of highways and part of the private access road that currently serves B&Q.
- 1.3 The site is bound by Purbrook Way to the south, whilst the access road and car park for the adjacent B&Q surrounds the site to the northwest and east respectively. In terms of the wider surrounding area alongside the B&Q, an Asda Supercentre (out-of-centre) is situated to the south of the site, together with other roadside retail occupiers and a range of mixed uses which occupy Larchwood Business Park. The surrounding area is urban in character, although north of the site is the Neville's Park Wood SINC.

2 Planning History

APP/20/01221 - Erection of retail foodstore with associated car parking, access, landscaping and engineering works (approved 2.12.22). Request to discharge conditions 3, 4, 12 and 15 (recd 4.5.23)., PERM,02/12/2022

APP/23/00063 - 2No. illuminated fascia signs, 1No. illuminated flag pole/ totem sign, 3No. externally illuminated large billboards, 1No. free-standing poster display unit and 2no. externally illuminated small billboards., PERM,13/04/2023

3 Proposal

- 3.1 The proposed development comprises the construction of a retail foodstore with associated car parking, access, landscaping and engineering works – the food store would have a GIA of 2,185sqm (including sales floor area of 1516sqm) and would have a Finished Floor Level (FFL) of 41.95. The development will also provide a free customer car park and recessed loading bay to facilitate the delivery of goods to the store.
- 3.2 The store has been positioned on the eastern part of the site, with customer car parking to west of the building. Original plans showed 113 vehicle parking spaces (including 6 disabled spaces, 10 parent and child spaces, 2 active EV charging spaces, 21 passive EVC infrastructure), 5 motorcycle spaces, and 12 cycle spaces. During the course of the application, amended plans were submitted in response to consultee comments. The amended plans show; 110 vehicle parking spaces (including 6 disabled spaces, 10 parent and child spaces, 2 active EV charging spaces, 21 passive EVC infrastructure), 5 motorcycle spaces, and 12 cycle spaces. The car parking spaces have been positioned to the principal, front elevations of the store, with the 6 disabled spaces in the south-eastern area of the car park. There would be 10 parent and child spaces adjacent to the store frontage and in the south-eastern area of the car park. 1 rapid charging point serving 2 EV bays is located by the car park entrance.
- 3.3 The proposed access to the site will be from the existing access road via a new entrance for use by customers, staff and delivery vehicles. This single vehicular access point is located approximately 55 metres from the roundabout. The site is accessible via sustainable modes of travel with infrastructure to facilitate pedestrian and cycle movements between the site and local residential areas. A dedicated pedestrian and cycle access is proposed to link the development directly from the footway on Purbrook Way. During the course of the application, the location of this pedestrian/cycle path and access has been amended in response to comments from Southern Gas Network and would link the development to Purbrook Way adjacent to the roundabout. Convenient access to public transport services is provided in the form of bus stops, the nearest located along Purbrook Way which is approximately 200 metres away from the proposed pedestrian access to the site.
- 3.4 A number of highway improvements have been proposed to address existing constrained visibility at the roundabout crossing point and ensure appropriate future capacity, these are:
- i. Full width speed humps on the junction approach to reduce vehicle speeds on approach to roundabout/crossing point;
 - ii. Two lane entry onto the roundabout from the B&Q arm with a reduced pedestrian/cycle crossing distance from 7.3m to 5.9m, achieved via amendments to the eastern kerbline.
 - iii. Vegetation clearance to improve pedestrian and cyclist visibility; and
 - iv. Introduction of tactile paving at the crossing
- 3.5 The building itself is proposed to be single storey, with a mono-pitched roof with a maximum height of 6.8m. The south-east elevation facing Purbrook Way will implement 4m glazing. The elevations will consist of full height insulated metal composite panel cladding. White cladding from the bottom until the canopy, and a

silvery metallic coloured cladding from the canopy to the roof; all of which sits on a low level grey rendered plinth beneath. This palette will be complemented by the silvery metallic coloured eaves, guttering and rainwater pipes. The proposed doors and window frames will be dark grey. The roof will include a Photovoltaic (PV) system helping to achieve BREEAM very good for the development and also help to assist with the overall sustainability credentials of the store.

- 3.6 The development would result in the loss of 1no. tree subject to a Tree Preservation Order (TPO), located towards the eastern boundary. A detailed landscape strategy has been provided as part of the application submission.
- 3.7 The application has been submitted with a Design and Access Statement and Planning Statement, which provides a background business model of the applicant. This submission outlines that Lidl's business model is to provide a limited range of staple food and convenience goods to meet, primarily, 'main' food shopping needs. The proposal seeks a 'flagship' store, it will be the first of the new Lidl specification/design stores on the South coast, with a larger sales floor to provide for better end user experience and catering for the latest Lidl remerchandising strategy and optimisation of the ancillary/welfare areas. As a flag ship store it would have larger parking bays (measuring 2.7m width by 5.2m depth).
- 3.8 A Sustainable Urban Drainage system (SuDS) is proposed, this comprises the discharge of surface water run-off into the existing B&Q drainage network to the north. The car park will drain via a gully system and through a petrol interceptor to provide treatment, before discharging into the existing drainage network. Water from the roof of the building will drain via a piped network into the existing drainage network. A pump will convey surface water from the bottom of the delivery ramp and into the surface water network onsite. The SuDS features will ensure that excess water will be safely contained within the site boundary up to and including the 1 in 100-year event plus 40% climate change.
- 3.9 Having regard to the characteristics and location of the development, set out in the application documentation, the development is not considered to have significant effect on the environment within the meaning of the Environment Impact Regulations and as such does not require an Environmental Impact Assessment (EIA).

4 Policy Considerations

National Planning Policy Framework

The NPPF states in paragraph 91 that *'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*

Paragraph 92 states *'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'*

Paragraph 94 states *'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:*

(a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

(b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'

NB This application does not breach this threshold and an Impact Assessment

is therefore not required.

Paragraph 95 states *'where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.'*

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
CS4	(Town, District and district centres)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Building Regulation consent will be required for this work

Compliance with Approved Document B5 Fire Authority Access

Means of escape routes unclear along with landscaping details

Further issues will be raised once application submitted

Officer comment: *Notwithstanding the decision on this planning application, the development will need to comply with Building Regulations under separate legislation. Submitted plans show secured footpaths around the perimeter of the building with fire escape ironmongery.*

Community Infrastructure

CIL liability £297,316.07 providing the decision is made on or before 31/12/24.

Countryside Access Team

1. Where Public Rights of Way are close to application sites or are used for access to the development site, they must be shown on the submitted plans with details of how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such information has been submitted.
2. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.
3. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the PROW at all times.
4. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process, which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 of the TCPA (1990) will invariably be made or confirmed. Development, in so far as it affects a PROW, must not be started and the PROW should be kept open for public use, unless or until the necessary order has come into effect.
5. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highways Authority prior to any approval by the Planning Authority, and prior to commencement, to ensure the protection of

public safety.

6. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highways Authority. Planning permission under the Town and County Planning Act (1990) does not provide this and separate consent is required. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).
7. No works to the surface of the Public Right of Way shall be carried out without prior approval of the HCS Area Countryside Access Manager. Any damage caused to the surface of the Public Right of Way by construction traffic will be required to be restored to the satisfaction of the Area Countryside Access Manager on the completion of the build.

Officer comment – *there are no PROWs in the immediate area of the site. Purbrook Way is an adopted highway with a footpath.*

County Archaeologist

I would draw your attention to the archaeological assessment submitted with the application, which I would endorse to you. The assessment notes that the site has been subject to 20th century landscaping. Up to 5 metres of material has been dumped at the site and more recent boreholes show that there is no underlying buried topsoil implying that the areas was stripped prior to the dumping. This will have severely compromised any archaeological potential. Accordingly I would not raise any archaeological issues.

County Minerals

No comments received.

National Highways

Original comments received 31/05/24:

No objection.

We have reviewed information available on your planning portal and note that this application is for the site that is located just east of A3(M) J4 but is accessed from the local road network/Purbrook Way. The site benefits from an extant permission for a smaller food store, which was granted planning permission by Havant Borough Council in December 2022 (ref: APP/20/01221).

Current proposal seeks permission for a Lidl food store approximately 15% larger than that previously consented, with a total of 113 proposed car parking spaces (reduction of 18 spaces compared to the consented application). The application is supported by the Transport Assessment (TA), which uses determined trip generation from the extant permission (using analysis of ANPR data from a nearby comparable store) but is based on the increased floorspace. It shows trip generation of +13 trips in the AM peak and +27 trips in the PM, which is considered robust in a view of reduced car parking level for this proposal.

In a view of this we are content that the proposal will unlikely impact the safe and efficient operation of the SRN A3(M) and we recommend 'No Objection'.

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105

prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Amended comments received 01/08/24 following amended plans:

We reviewed information available on your planning portal and note that this re-consultation is a result of amendments to the pedestrian / cycle access arrangements for the proposed discount foodstore on land adjacent to Purbrook Way in Havant, Hampshire. We further note that detailed engineering design identified that access link will be crossing over an existing high-pressure gas main and would require extensive fill to achieve necessary site levels. As this solution was found unacceptable to the statutory undertakers, alternative solution has been considered by the applicant. The amended pedestrian/cycle route will consist of a shared link between the store entrance and B&Q roundabout, it will be 3m in width, except for a short section of narrowing to a minimum of 2m where the route passes in the vicinity of crash barrier and third-party land constraints (B&Q Totem signage) and will also result in the loss of 3 car parking spaces. We are content that amendments will unlikely impact the safe and efficient operation of the SRN/A3(M) and our original recommendation dated 31 May 2024 is still valid.

Developer Services, Southern Water

Foul and Surface Water Drainage

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/
ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of

the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Ecologist, Planning Policy Team

Original comments received 11/06/24

This is a new application on the site of the previously approved, and partly commenced, APP/20/01221.

The application is accompanied by a Biodiversity Net Gain Report (RPS, April 2024) and accompanying BNG Metric and Condition Assessments. On a BNG technical note, the Metric is incomplete: the title page is showing that the name of the assessor and the date of completion are not completed. This needs to be corrected immediately.

I would also highlight that the ecological mitigation, compensation and enhancement measures agreed for the previous application remain valid and should be included within this application, not just the BNG measures. For example, the previous proposal included a number of Hazel Dormouse boxes and Bat boxes: these are not included in the latest application plans. It is expected that all previous ecological measures are carried forward to the amended site and I expect the submitted documents to reflect this.

The BNG assessment is based upon a modified site habitat baseline from the permitted scheme. The bulk of vegetation was cleared in 2023 in accordance with the permitted scheme, and the new baseline is calculated based on the part-cleared site. This is in accordance with BNG legislation and guidance. There is no fundamental issue with the submitted BNG calculations, with an estimated 54% gain in habitats.

However, the Metric trading rules are not currently satisfied. The loss of woodland to create the new pedestrian/cycle link to the east will require woodland habitat to be found. The BNG report states that off-site units/credits will be used. This is an acceptable outcome in respect to BNG and the applicant will need to provide full details of any off-site BNG provision within a Biodiversity Gain Plan and Habitat Management and Monitoring Plan prior to commencement.

The LPA is obliged to secure any 'significant' on-site BNG provision through legal agreement rather than planning condition. I would welcome clarification from the applicant on the extent of on-site habitat considered to be 'significant' in the context of BNG. The default position from the LPA is that all BNG habitat on-site is significant. It is a legal requirement of BNG that all significant habitat is secured and managed appropriately for at least thirty years. Similarly, all off-site BNG provision (once acquired) will need to be legally secured.

There is in my view a missed opportunity in respect to BNG. For example, the proposed ornamental ground cover and shrub mixes could very easily be incorporated into the BNG offering and include native species: this seems to be a straightforward option to provide a more biodiverse site rather than standard ornamental species landscaping. It is unclear whether a change from standard ornamental plantings to a native shrub/woodland mix would allow a betterment in terms of BNG trading rules for habitats. I would welcome comments on why there is not further opportunity for native-led landscaping (especially to the west, away from public facing areas).

In summary, there are some points that require clarification and amendment before I can recommend that ecological matters are addressed.

Further comments received 10/10/2024

This is a new application on the site of the previously approved, and partly commenced, APP/20/01221.

To reflect changes in site layout, the application is accompanied by an amended Biodiversity Net Gain Report (RPS, July 2024) and accompanying BNG Metric and Condition Assessments (amended, RPS, July 2024).

The BNG assessment is based upon a modified site habitat baseline from the permitted scheme. The bulk of vegetation was cleared in 2023 in accordance with the permitted scheme, and the new baseline is calculated based on the part-cleared site. This is in accordance with BNG legislation and guidance. There is no fundamental issue with the submitted BNG calculations, with an estimated 94% gain in habitats. However, the Metric trading rules are not currently satisfied. The loss of woodland to create the new pedestrian/cycle link to the east will require woodland habitat to be found. The BNG report states that off-site units/credits will be used. This is an acceptable outcome in respect to BNG and the applicant will need to provide full details of any off-site BNG provision within a Biodiversity Gain Plan and Habitat Management and Monitoring Plan prior to commencement: I have included this within a recommended condition.

The LPA is obliged to secure any 'significant' on-site BNG provision through legal agreement rather than planning condition. I would welcome clarification from the applicant on the extent of on-site habitat considered to be 'significant' in the context of BNG. The default position from the LPA is that all BNG habitat on-site is significant. It

is a legal requirement of BNG that all significant habitat is secured and managed appropriately for at least thirty years. Similarly, all off-site BNG provision (once acquired) will need to be legally secured.

If you are minded to grant permission, can I suggest that BNG measures are secured by condition. The deemed condition states that a Biodiversity Gain Plan be submitted to and approved by the local planning authority prior to the commencement of development.

Suggested wording is as follows:

A Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Report (RPS, July 2024) and BNG Metric and Condition Assessments (RPS, July 2024) and must include:

- (1) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat;*
- (2) the pre-development biodiversity value of the on-site habitat;*
- (3) the post-development biodiversity value of the on-site habitat;*
- (4) any registered off-site biodiversity gain allocated to the development and the value of that gain in relation to the development;*
- (5) any biodiversity credits purchased for the development; and*
- (6) any such other matters as the Secretary of State may by regulations specify.*

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- (7) a non-technical summary;*
- (8) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- (9) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- (10) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
- (11) the monitoring methodology and frequency in respect of the created or enhanced habitat.*

Economic Development

Economic Development would look to work with the developer to create an Employment & Skills Plan for the construction phase and work with the food retailer through an end of use Employment & Skills Plan to fulfil recruitment with local people and help to upskill the local community.

Officer comment: *This is one of the Heads of Terms of the recommended S106 Agreement.*

Engineering/Drainage

No comments received.

Environment Agency

We have no objection to the proposal as submitted.

This site lies within the confined source protection zone 1 (SPZ1C) for the Havant and Bedhampton Springs public water supply. This is associated with the chalk aquifer that occurs at significant depth beneath this site. The site itself is immediately underlain by London Clay formation, which would protect the underlying chalk aquifer.

Though piling is proposed, from the design proposal it is highly likely that the piles will remain within the overlying London clay, and not penetrate any of the underlying aquifers. No deep drainage is proposed, which may impact on the chalk aquifer.

As such we are satisfied the proposed development should not impact on the deep chalk aquifer. As such would consider the development as set out as being low risk from a controlled waters contamination perspective.

We have undertaken a high level review of the submitted phase 2 site investigation. We accept the conclusion of the report that as there is significant thickness (>50m) of clay beneath the site, above the source protection zone, it is highly unlikely that any pollution linkages to the source protection zone would exist. We can confirm that we could see no reason to dispute the controlled water risk assessment provided in the report.

Environmental Health Manager, Community Group

We have no objections to make in relation to noise. We note the proposed development is at some distance from residential properties. However, if planning permission is granted, we recommend the following condition is attached.

If piling is to be undertaken on this site, the least intrusive noise and vibration method of piling shall be employed. This shall be accompanied by justification as to the reasons why a particular piling method has been chosen, and additionally the proposed mitigation methods to be employed, to ensure minimal impact on the nearest residential receptors.

Officer comment: *An amended condition has been included on the recommendation to ensure that the condition is enforceable.*

Environmental Health – pollution

Ground Contamination

The submitted assessments represent a revision of previously approved documents, introducing the revised layout (only). Conclusions & Proposals remain unchanged, and therefore prior Environmental Health comments made under APP/20/01221 continue to apply.

For continuity/consistency, it is recommended that the following condition be applied to any approval granted under the current application;

Verification (Standard) [1]

Prior to the occupation of any relevant part of the permitted development, the verification report referred to in section 6 of the Remada Geo Consultants Remediation Strategy Ref 7700.04.02; Jan 2024 ('the approved verification plan') shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan and must demonstrate that site remediation criteria have been met.

Reason: The 7700.04.02 report recommends the undertaking of some minor works to mitigate risks associated with soil contaminants. Soil gas has been shown to poses a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. This condition is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 189-191 of the National Planning Policy Framework."

Air Quality – Development as source

I have reviewed the PRS Air Quality Technical Note. I would disagree with a number of the technical details underlying the assessment conclusions, however, I note factors which influence the estimated scale of impact in both a positive and negative way.

The conclusion against the National Air Quality Objective ('negligible') is not disputed, but it is noted that a non-negligible ('moderate') road-link-proximal NO2 impact may be inferred against non-statutory air quality guidelines, using the same guidance and calculation method. Affected (relevant) receptors are likely to those located at Khandala Gardens, Purbrook Way, and Morelands Court.

In terms of mitigation, it should be noted that the weight that may be given to emerging policy has reduced since consideration of the APP/20/01221 scheme, and also that some recommended scheme enhancements have been implemented – including clearer commitment to LZCT, and an improved cycle access. The policy basis for seeking further improvement is therefore weak, and it would not be considered to justified to seek at this time.

No objections arise, and no requirements/conditions are proposed.

Forestry Commission

The planning authority should consider the following policy and guidance as part of their decision-making process for this application (updated February 2024):

1. Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 186(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases. Impacts can be caused by activities outside of areas designated as ancient woodland (eg within buffer zones), or within open areas of ancient woodland, which can result in loss or deterioration of ancient woodland.

Please refer to Natural England and Forestry Commission joint Standing Advice for

Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.

The Town and Country Planning (Consultation) (England) Direction 2024 (published January 2024) requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development, including development that affects ancient woodland: The Town and Country Planning (Consultation) (England) Direction 2024 - GOV.UK (www.gov.uk)

2. Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution.[1] Paragraph 136 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.

For all planning applications, we advise the Council to carefully consider the previous usage of sites, including historical satellite imagery, to consider if development is being proposed on recently felled woodland. Please contact us if you suspect this is the case.

3. Biodiversity Net Gain (BNG): As of the 12th of February 2024, major development (unless exempt) will have to deliver 10% net gain in biodiversity.Paragraph 180(d) of the NPPF also sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. BNG offers opportunities for protecting (retaining) trees and woodlands, as well as new planting and enhancement of existing trees and woodlands, and the planning authority also should consider the wider range of benefits trees, hedgerows and woodlands can provide as part of delivering good practice biodiversity net gain requirements in addition to contributing to the BNG figure. Ancient woodlands (including PAWS) and ancient & veteran trees are already recognised as irreplaceable habitats and as such are exempt from the net gain requirement.

We would also like to remind applicants that tree felling may require a felling licence from the Forestry Commission.

Please refer to Annex 1 attached for further guidance and advice that we hope you find helpful.

Officer comment: *There is no ancient woodland within the application site or within near proximity.*

Hampshire Fire & Rescue

Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in

accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 – Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

Access for High-reach Appliances

High reach appliances currently operated by the HIWFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows.

Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

Water Supplies

Additional water supplies for firefighting may be necessary. You should contact the Water Management Team, Hampshire & IOW Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (hydrants@hantsfire.gov.uk) to discuss your proposals.

Fire Protection

HIWFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises.

HIWFRS is fully committed to promoting Fire Protection Systems for both business and

domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Testing of Fire Safety Systems

HIWFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested, and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.

Firefighting and the Environment

Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam.

Officer comment: These matters would be picked up under Building Regulations.

Hampshire Highways

Original comments received 19/07/24

To address the highway implications of the proposed development, the applicant has submitted a Transport Assessment (TA) and Travel Plan (TP). Following a review of

these documents, the Highway Authority wishes to make the following comments.

Planning History

An application for a new Lidl store on the same plot of land was previously considered and granted planning consent under planning reference APP/20/01221.

The application was subject to a number of highway responses, culminating in no objection being raised by the Highway Authority, subject to conditions and the following Section 106 obligations:

- Prior to commencement of development to enter into a Highways agreement for the pedestrian and cycle link as shown indicatively on drawing number AD 110 Rev C. To implement the pedestrian and cycle link to the Highway Authority's satisfaction prior to occupation of development.
- Prior to commencement of development, to enter into a Highways agreement for the A3(M) J4 improvements as detailed in drawing number B/LIDLPUARBROOKWAY2.1/06 Rev H. To implement the 4 improvement works to the satisfaction of the Highway Authority prior to occupation of development.
- Prior to occupation of development, to pay the pedestrian and cycle contribution of £124,500.
- Payment of the Travel Plan approval and monitoring fees along with the bond.

These measures were subsequently secured in a Section 106 agreement dated 30th November 2022.

Personal Injury Accident (PIA) Data

Accident data has been gathered for the most recent 5-year period from Hampshire Constabulary. It is noted that there have been a number of additional accidents across the study area since the previous accident data was reviewed in support of the original application; however, there is no clear accident pattern which would suggest that a specific accident trend has recently occurred. The Highway Authority therefore agrees that there are no existing accident trends on the local highway network which may be exacerbated by the proposed development.

Sustainable Transport

Walking and Cycling

Previous work was undertaken by the applicant and Highway Authority through the consented application to review the walking and cycling provision and to agree a suitable mitigation package from the site.

A new pedestrian and cycle access will be provided from the Lidl car park to Purbrook Way. The link is to be provided in ramped sections at a gradient of 5%. The TA notes that the plan is shown within Appendix E of the document, but it is noted that this has not been provided/uploaded onto the planning portal. For completeness, the Highway Authority requires sight of the plan.

Significant discussions were also held around the works required to provide access from the site onto the A3(M) roundabout, and the impact that this has on the existing pedestrian/cycle crossing point.

The applicant's modelling work identified capacity constraints on the northern arm of the roundabout as a result on the proposed development. To mitigate the capacity constraints, a two-lane approach was proposed and accepted on the northern arm of the roundabout. However, the proposal increases the crossing distance for pedestrians and cyclists, which is not compliant with HCC Local Transport Plan 4 policy which prioritises sustainable transport movements over the use of the private car. To offset the impact, a financial contribution was secured towards improvements for pedestrians

and cyclists along Purbrook Way inline with the measures identified within the LCWIP. The applicant was also required to cut back the vegetation which currently restricts visibility at the eastern crossing point, implement full width road humps to reduce vehicle speeds on the approach to the junction, and also to improve the existing crossing point.

Whilst the extent of the additional trip generation is queried by the Highway Authority within this response, the proposed Lidl store will result in further trip generation above and beyond what was previously agreed. The Highway Authority maintains that the changes to the northern arm of the roundabout will result in an overall disbenefit to pedestrians and cyclists, despite the improvement measures outlined by the applicant. To ensure that this impact is suitably offset via an appropriate mitigation package, the applicant is required to provide further information around the revised trip generation figure presented within the TA.

Proposed Development

The proposed development consists of a 2,185sqm Lidl foodstore, representing a 15% increase on the GIA considered through the consented application.

The development has been described as a flagship store which delivers “improved customers and operational efficiencies”. Under Section 5 of the TA, this is further defined as the provision of wider aisles and stocking products in greater depth.

The access strategy remains as per the previously consented development. A new bellmouth junction will be provided from the site onto the private access road which currently serves B&Q. Keep clear markings will be provided on the carriageway to ensure that right turning vehicles can always access the site, preventing queuing back onto the Purbrook Way roundabout.

Car Parking

The latest development provides 113 car parking spaces, representing an 18-space decrease in the consented application.

A parking demand assessment has been undertaken within section 7.9 of the TA which identifies a peak parking demand 100 spaces (88%) on Sunday, confirming that the provision of 113 space is suitable for accommodating peak demand at the site.

In their capacity as local parking authority, HBC should confirm whether they consider this figure to be suitable.

Trip Generation

Through the previous application, a trip generation assessment utilising ANPR data from a comparative store near to Whiteley was used. Applying the data to the store on Purbrook Way identified trips of 83 in the AM peak hour, 173 in the PM peak hour and 229 during the Saturday peak. A split of 48% primary new, 32% primary transferred, and 20% secondary trips was agreed.

To account for the new store, an uplift has been provided to the agreed trip rate, resulting in an additional 13 trips in the AM peak and 27 trips in the PM peak. It is unclear how the uplift has been derived because no supporting commentary has been provided within the TA. To understand whether the uplift assumption is robust, the applicant is required to provide further information to understand the calculation of the revised trip rate. It is also unclear whether the ‘flagship’ status of the proposed store would lead to an increase above the proposed uplift given better depth of stock etc and

comparison data of a 'flagship' store should be presented.

Given that the trip generation has a bearing on the impact of the development and associated mitigation via financial contribution considered necessary from the development, the applicant should engage with the Highway Authority to agree a trip generation figure across the week which can be utilised to calculate a CIL compliant contribution towards the measures identified within the Havant LCWIP.

Junction Modelling

To forecast the impact of the proposed development, the applicant has modelled the A3(M) J4 roundabout to a future year of 2031, with a baseline and baseline plus development scenario.

As identified through the modelling work undertaken through the previous application, there is forecast queuing on the Purbrook Way (W) arm without the addition of development traffic. Although the addition of the Lidl trips results in a marginal increase in the RFC's across the junctions, this increase is not considered to result in a severe impact across the roundabouts.

Depending on the outcome of discussions regarding the uplifted trip rate for the site, further modelling work may be required by the applicant.

Travel Plan

A new Travel Plan has been submitted in support of the latest planning application which has been reviewed by the Highway Authority. There are a couple of points which need to be addressed by the document can be considered acceptable:

- Para 5.14 – the costs of the printing of documents etc. need to be added to the suggested Travel Plan Deposit of £15,000. This is because the TPD is set up to allow HCC to implement the measures of the Travel Plan if Lidl do not implement them.
- The staff survey should include a question as to what would encourage the staff to use alternative modes of transport

Recommendation

The Highway Authority requires additional information on the following matters before a recommendation can be made on the proposed development:

- Evidence to justify the proposed uplift to the consented trip rate.
- Conversations with the Highway Authority to agree a proportionate contribution from the development towards sustainable transport improvements.
- Updates to the Travel Plan.

Further comments dated 19/08/2024:

Further to the Highway Authority's response dated 19th July 2024, the applicant has produced a Technical Note (TN) which provides details regarding the revised pedestrian and cycle access strategy to the site. Further information has also been provided by the applicant to address the Highway Authority's previous comments, namely:

- Further information to justify the uplift in the proposed trip rate;
- Discussion with the Highway Authority to agree a proportionate contribution; and
- Amendments to the Travel Plan.

Following a review of the TN and further information, the Highway Authority wishes to make the following comments.

Lidl Store Status

The applicant has clarified that the reference to the 'flagship' status of the proposed store refers to a new specification which optimises efficiency and internal operations and does not impact on customer trade draw.

Notwithstanding this point, it is noted that the GFA of the store is increasing from 1,899sqm (granted permission through planning reference APP/20/01221) to 2,185sqm, representing a 15% increase in floorspace. The trip generation assessment undertaken by the applicant highlights that this will result in a further 13 trips in the AM peak hour and 27 trips in the PM peak, all of which are considered new trips on the B&Q arm of the junction.

The Highway Authority previously agreed to secure a £124,500 contribution towards offsetting the increased severance created by the highway capacity scheme which is considered necessary to prevent traffic associated with the Lidl development from creating a severe level of queuing on the B&Q arm of the roundabout. Given that there is a 15% increase in the store size and resultant trip rate, the Highway Authority considers that there should be a pro-rata increase in the contribution value to £143,175. Should the revised application receive permission, the Highway Authority would expect this figure to be secured through a Section 106 agreement.

Revised Pedestrian/Cycle Access

As previously noted, the applicant has produced a TN to address the change in access strategy to the store for pedestrians and cyclists.

Pedestrian and cycle access to the store was previously to be taken from a new link provided directly onto Purbrook Way. Given the levels difference between the highway and the store, a structure was to be provided to achieve the necessary gradients onto Purbrook Way. It is understood that the link crosses over a high-pressure gas main which would need to be bridged to avoid impacting on the infrastructure. The applicant therefore considers this to be unviable.

As a result, an alternative pedestrian and cycle route into the store has been considered. The route involves continuing the existing path on the eastern side of the B&Q arm to the north, past the totem sign to link into the development.

This arrangement is shown in drawing number LIDLHAVANT.2/SK240531 Rev P4. A 3.0m width is provided across the majority of the route; however, there is a 2.0m pinch point past the B&Q totem sign which gradually tapers back to a consistent 3.0m width heading towards the store.

As identified within the Highway Authority's previous response to this application and the previous application which received planning permission, the Lidl development will result in an overall disbenefit to pedestrians and cyclists who are looking to cross the B&Q arm of the roundabout. The previous link direct from the store onto Purbrook Way provided a purpose built, 3.0m wide shared route to the development. The latest proposal represents a downgrade on the agreed provision, introducing a 2.0m pinch point in what could become a busy section of path.

Purbrook Way is a secondary walking and cycling route within Havant's LCWIP which already experiences high pedestrian and cycle flow, particularly around the school drop off and pick up times. The implementation of the Lidl store will result in an increase in flow along the route and the level of vegetation clearance will dictate whether forward visibility is available to anticipate an approaching cyclist or pedestrian when leaving the store and vice versa. Hampshire County Council's adopted LTP4 guidance states that

priority should be given to pedestrian and cycle movements over the use of the private car, meaning the capacity scheme at the B&Q arm of the junction is already contrary to policy.

The reduction in the width of the path to provide a 2.0m pinch point represents a further relaxation in standards and although LTN 1/20 notes that the absolute minimum width of 2.0m can be provided for a two-way cycle track, the Highway Authority considers that this should be accepted on a case by case basis where flows are likely to be lower and not located on a secondary walking and cycling route which also provides access to a Lidl store.

For the reasons set out above, the Highway Authority does not consider the revised pedestrian and cycle access strategy to be suitable. The applicant should revisit the proposal to either provide a consistent 3.0m wide shared use route, or to revert back to the previous proposal to provide a new link onto Purbrook Way.

Travel Plan

The applicant is engaging with the Highway Authority to discuss further amendments to the Travel Plan. An updated position will be set out with a future highways response should the Travel Plan be considered acceptable.

Recommendation

The applicant is required to address the points raised above before the Highway Authority is in a position to provide a formal recommendation on the proposed development.

Further comments dated 19/09/24:

The Highway Authority previously responded to the application in responses dated 9th July 2024 and 19th August 2024, with the latter requesting widening to the revised footway/cycleway link into the store, updates to the Travel Plan and an uplifted contribution pro-rata against the larger Lidl store.

To address these points, Technical Note 2 (TN2) has been provided by the applicant. Following a review of this document, the Highway Authority wishes to make the following comments.

Sustainable Transport Contribution

Within the Highway Authority's previous response, a contribution of £143,175 was requested towards improvement measures identified within the Havant LCWIP. This was based on a pro-rata uplift of the contribution agreed through the previous application.

It is noted that this contribution value has been accepted by the applicant. The monies will be secured through a Section 106 agreement.

Pedestrian/Cycle Access Strategy

TN2 presents amendments to the pedestrian/cycle access strategy in the form of a widened 3.0m shared footway/cycleway into the development. The latest design removes the 2.0m section of path which was previously present adjacent to the totem which created a pinch point that was considered unacceptable in safety terms. To accommodate the 3.0m path, the existing refuge island has been reduced in width and the radii on the approach to the roundabout has been amended, impacting on the alignment of the two-lane entry towards the roundabout.

As a result, updated tracking and junction modelling has been undertaken. The Highway Authority has reviewed the revised design and modelling and

considers the latest proposal to be acceptable. The works will be delivered via a Section 278 agreement with the Highway Authority.

Travel Plan

The amended Travel Plan has been reviewed and considered acceptable. The relevant approval and monitoring fees, along with a bond, will be secured via the S106 agreement.

Recommendation

The applicant has satisfactorily addressed the Highway Authority's previous comments. The Highway Authority therefore raises no objection, subject to the following Section 106 obligations and conditions.

S106

- Not to commence development until a Section 278 submission for the highway works shown in principle in drawing number B/LIDLPUROBROOKWAY4.1/06 Rev I has been made. Not to occupy the store until the works have been completed to the satisfaction of the Highway Authority.
- Payment of the sustainable transport contribution of £143,175.
- Payment of the Travel Plan approval and monitoring fees, along with a form of financial surety.

Condition

- Construction Traffic Management Plan

Hampshire Biodiversity Information Centre

Hazel Dormouse (likely to be onsite)

HCC Arboricultural Consultancy

In principle I have no objection to the works on arboricultural grounds: the trees to be removed, though numerous are all relatively small stature trees, and the larger pines will be retained which is important.

The removal of multiple trees must be mitigated more fully than is suggested with the replanting proposals as they currently stand.

If the planning officer is minded to consent the application can I request that more complete and robust mitigation must be agreed prior to commencement of works, and the tree Protection Measures must be fully employed and enforced throughout the development to reduce the risk of further loss.

Landscape Team, Havant Borough Council

Original comments received 11/06/24:

From a landscape perspective we have the following comments in relation to this application:

- The proposed site layout is very similar to the previous application APP/20/01221, which is fortunate as the layout reflects the required amendments discussed at the time of the initial application
- Our main concerns are with the visual prominence of the store and the detrimental

impact it will have on the verdant character of Purbrook Way, as such we require a robust landscape scheme which retains and introduces trees to screen the development from the highway.

- This landscape buffer will also help retain the green corridor which is in line with planning policy CS13 which states 'Development will be permitted that: does not undermine the functional integrity of the green infrastructure?.'
- There must not be a net loss of tree as a result of this development the Arb report suggest a loss of over 45 tree and only 27 being planted.

Comments received 13/08/24 following amended plans:

- The loss of the pedestrian/cycle link is disappointing but given the constraints outlined this is understandable. The newly proposed access is appropriate in my opinion and will also ensure those accessing the foodstore from the west will not walk in the road.
- We require further UK native tree planting within the landscape buffer between Purbrook way and the food store. At present there is a loss of 45 trees with 37 being replaced, there is ample room to accommodate the lost trees. We have concerns with the lack of landscape screening on the south west on the site as this area will be visually prominent when on the roundabout on Purbrook Way.

Comments received 30/09/24

From a landscape perspective there appear to be no amendments to the proposed landscape scheme, as such I reiterate my previous comment. We require further UK native tree planting within the landscape buffer between Purbrook way and the food store. At present there is a loss of 45 trees with 37 being replaced, there is ample room to accommodate the lost trees. We have concerns with the lack of landscape screening on the south west on the site as this area will be visually prominent when on the roundabout on Purbrook Way.

Officer comment: *These comments are considered in section 7 of this report.*

Local Lead Flood Authority HCC

This response does not reflect the position of Hampshire County Council as the Highway Authority. If there is a potential for the drainage features to be offered for adoption, this will need to be discussed separately with Highways development planning as they might not be considered acceptable by the Highway Authority.

In order to assist applicants in providing the correct information to their Local Planning Authority for planning permission, Hampshire County Council has set out the information it requires to provide a substantive response at <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

The County Council has reviewed the following documents relating to the above application:

- Flood Risk Assessment & Drainage Strategy (Mayer Brown, 8/4/24)

The site is within Flood Zone 1 and is generally at very low risk of flooding from surface water.

The proposal is to attenuate runoff and discharge it via an existing surface water drainage system at a restricted rate. An earlier application was approved on the basis of such a connection with a discharge rate of 3 l/s. Calculations have been provided showing that there is capacity for runoff from the design storm event. Details of water quality measures and SuDS maintenance schedules have been provided.

We consider that the information provided is sufficient to address our comments and as such we have no objection to this application.

Planning Policy

The site lies within the urban area as currently defined by ALP Policies CS17 and AL2. As such, the principle of the development is acceptable subject to other material considerations.

Retail impact and the sequential test

Paragraphs 86 and 87 of the NPPF are relevant given the application proposals are for a main town centre use in an out of centre location, and a sequential test should therefore be applied. In this case the principle of development was established through the earlier planning permission for the smaller foodstore. At this time, it was concluded that there were no sequentially preferable locations to the application site. It is noted that this established the principle of development in this out of centre location and will be a material consideration in the determination of this application. It is however, relevant to consider whether there are any 'new' sequentially preferable sites which are available since the grant of the original planning permission.

By way of background to the original scheme, the Council undertook a comprehensive assessment of the applicant's Planning and Retail Statement during the previous application reference APP/20/01221. This was informed by an independent review from Stantec (on the Council's behalf with the costs borne by the applicant). This included a review of whether the vacant Waitrose store in Waterlooville, and its potential redevelopment. The outcome of this assessment, having regard to Stantec's advice was that an objection could not be sustained on sequential test grounds.

In terms of whether there has been a material change to this position since planning permission was granted, the revised application is supported by an updated Planning and Retail Statement, including updated Sequential Test Appraisal. Having undertaken a review of this document, an additional site notably that of the former Tesco unit in Greywell Road has been identified. This site actually became available during the lifetime of the earlier application and was considered by officers at the time, but was concluded to be unsuitable being of an insufficient footprint to accommodate the scale and format of the earlier scheme.

It is also noted that the previous vacant units on Solent Retail Park which were previously included, have been omitted from the latest assessment on the basis that these units have now been re-let.

On this basis, it has been concluded that there is not a need to seek independent retail advice to inform the sequential assessment on this occasion. Furthermore, there are no sequentially preferable sites to accommodate the application proposals.

As the site falls below the default threshold of 2,500 m² of gross floorspace, no retail impact assessment is required.

Sustainable Construction and Design

ALP Policy CS14 indicates that non-residential development of over 500 sq. m should meet the 'Very Good' Standard of BREEAM. It is noted from the submitted BREEAM Pre-Assessment Report that a 'Very Good' standard could be achieved. With a condition securing this, it is noted the proposals would comply with the ALP.

Parking

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13 and the Council's Parking SPD.

Summary

Given the site's location within the urban, the principle of development is acceptable subject to other material conditions. Notably, given the main town centre use in this out of centre location, there is a need to apply the sequential test. It is noted the previous planning permission establishing the principle of development is also a material consideration. There are no new sequentially preferable sites to accommodate the application proposals, and as such a policy objection does not arise on this basis.

Further comments following submission of further sequential test information and parking survey clarification received 22/11/2024:

This response follows on from planning policy consultee comments dated 24th July 2024, and provide further comment on retail and parking matters.

Retail impact and the sequential test

In September 2024, Martin Robeson Planning Practice on behalf of Tesco Stores Limited submitted an objection on the basis that there had been a failure of the sequential test. The representations point towards the availability of the former Wilko Store in the Meridian Shopping Centre which was not previously considered as part of the applicant's Planning and Retail Statement dated 2024.

By way of background, the Meridian Centre (and Bulbeck Road car park) was purchased by Havant Borough Council in 2019. The Council's Property & Asset Management Team has confirmed that the unit was marketed when Wilko went into administration in September 2019. An initial offer to rent the whole unit was accepted from Poundstretcher, but did not subsequently proceed with change under new management. As owners, the Council is currently considering the possibility of subdividing the unit.

The applicant provided a response to the objection in October 2024, which comments that there are multiple reasons as to why the former Wilko is unsuitable for the broad type of retailing proposed (as set out on page 6 of their letter dated 4th October 2024). Perhaps most significantly, it is noted that the former Wilko unit is too small to accommodate the application proposals, or accommodate a flexible form of them. As set out in our earlier consultee comments, the Council commissioned an independent review of the applicant's Planning and Retail Statement during the previous application reference APP/20/01221. The review was undertaken by Stantec and included an assessment of the vacant Waitrose store in Waterlooville. Having regard to the conclusions of this assessment, similar conclusions can be drawn with the former Wilko unit. Specifically whilst the former Wilko unit should be able to physically accommodate a Limited Assorted Discounter of a smaller footprint, a number of significant compromises with the operators specific requirements would need to be made. On this basis, it is concluded that a policy objection could not be sustained on sequential test grounds.

Parking

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM14 and the Council's Parking SPD. In this respect, it is noted that the application proposes 110 spaces compared with a minimum of 156 parking spaces that would be required to meet adopted standards. It is noted that this

would result in a shortfall of 46 spaces and a conflict in policy terms.

Summary

It is considered that the development proposals have demonstrated compliance with the sequential test, and as such an objection could not be sustained on this basis. It is noted that there would be a shortfall in parking provision which would result in a conflict with Policy DM14 and the Council's Parking SPD.

Officer comment: *These comments are considered in section 7 of this report. The NPPF was last updated 12/12/2024, the relevant paragraphs of the NPPF are 91, 92, 94 and 95 as set out in Section 4 of this report and remain unchanged.*

Portsmouth Water Company

Portsmouth Water has no adverse comments to make on the development from a groundwater quality protection perspective as it is deemed there is a low risk to groundwater quality. The site is located in Source Protection Zone 1c for an essential public water supply source. The SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities may pose a risk to groundwater quality and the local public water supply source. There is adequate depth of underlying impermeable geology (London Clay) which offers protection to the chalk principal aquifer. Furthermore, there is no proposed activities which will breach this impermeable strata.

The surface water drainage proposal is to utilise an existing surface water drainage network, to the north and will utilise SuDS treatment (attenuation tanks and pollute interceptors). This is acceptable to Portsmouth Water in relation to groundwater protection as no deep infiltration drainage is proposed. The foul water drainage proposal is to connect to an existing main sewer, this is acceptable to Portsmouth Water in relation to groundwater protection.

Piled foundations and deep excavations will be required for the development, but due to the depth of the underlying impermeable strata this is deemed to be of low risk to water quality.

Portsmouth Water would have a preference if piled foundations are adopted that this is implemented using a less intrusive method (e.g. continuous flight auger) to minimise the risks to groundwater quality.

Comments received 21/05/24:

Please find attached the plan(s) showing the approximate position of water mains at the requested location.

Service connections are not shown but it should be assumed that all premises are supplied from the water distribution network. Other connections not related to properties, such as field supplies, may also exist so we would suggest a visual/CAT scan/Ground Radar survey is undertaken prior to any hand or mechanical excavation. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. This documentation is available at <http://www.hse.gov.uk/pubns/priced/hsg47.pdf>. Copies of guidance notes: Working near distribution apparatus and Guidance for working near or over a Trunk Water Main are enclosed. Please read carefully as the conditions will apply to any work you undertake in the vicinity of Portsmouth Water assets. It is important to ensure that a copy of the above guidance is provided to those undertaking any work which may affect our apparatus. Please note Portsmouth water has no responsibility for any underground drainage or sewerage infrastructure. Enquiries regarding these assets should be directed to the relevant authority/company.

Further comments received 13/08/24:

The Catchment and Environment Team have reviewed the amended documentation and have no adverse comments to make.

Southern Gas Network

Original comments received 21/05/24:

There are high pressure pipelines in the vicinity of your proposed work area. SGN formally **object** to this planning application until such time as a detail consultation has taken place.

For your safety, it is essential that no work or crossing of this high pressure pipeline is carried out until a detailed consultation has taken place.

This response is for initial/scoping out work only. This response does not give permission to undertake any work.

When consultation has taken place, your planning has been approved and works on site are due to start, another request for information and updated maps must be made via our on-line system as a 'planned works' enquiry.

Please find an extract from our mains records for your search area, any SGN assets are described in the map legend. On some occasions maps may be sent that do not contain any gas pipes, this is due to the location of your proposed work area and although there are no pipelines in the immediate vicinity, consultation is still required to ensure that your development has no other impact on our pipelines. SGN Personnel must confirm the actual location of all pipelines prior to commencement of any work. Please note there may also be additional gas pipes (low pressure, medium pressure, etc.) shown on the mains record.

This mains record only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed.

Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans.

It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf.

Officer comment: SGN were reconsulted on 24/07/24 on amended plans, showing the proposed pedestrian/ cycle way relocated to follow the main access road and through the proposed car park rather than crossing directly from Purbrook Way. The relocated pedestrian/cycle way would retain the fill within the highways section of land and will allow any site works to be completed without needing to work in the proximity to the high pressure gas main. The submitted covering letter sets out that these amendments were in response to discussions between the applicant and SGN. SGN

have provided no further comments on the application, despite being re-consulted and being chased for a response.

HBC Climate Change Coordinator

I am happy with the pre-design assessment they have submitted for BREEAM. We should condition the works to be in accordance with their report and the 'Very Good' standard they claim they can achieve with a 58.93%.

I am not convinced over their comments re the post-assessment and extending this to 12 months as the usual time period is 6 months and I have not heard of any delays with other applications which have been given the same timeline. My recommendation would be that this is conditioned for 6 months and if they need an extension for this nearer the time then they can make contact following this period.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 10

Number of site notices: 3

Statutory advertisement: Yes

Number of representations received: 9

Comment	Officer Comment
I fully object to this proposal as a long time resident of Leigh Park. The area in question will be negatively impacted by the loss of environment, increase in traffic and pollution and health and safety risks to the public. The shared site with B&Q which has a number of different types vehicles entering and manoeuvring is a hazard; the road coming off the roundabout into the site isn't exactly ideal (strange slope to the road) and too small to be able to handle the flow of outgoing traffic (which it already struggles to do). Additionally that traffic will the either join the larger Asda roundabout or towards South Downs College which already is congested heavily at peak times. Referring to Asda, the supermarket already serves the area superbly and if it doesn't quite fit that need, residents can take the small journey, be it bus, car, walk or bike, to the Lidl located in Park Parade.	The principle of a retail unit has been established in the granting of APP/20/01221 which remains extant. Highways impacts are discussed in Section 7.

The landscape whilst admittedly isn't easy on the eye serves a purpose to the local wildlife and could do with a tidy up. Another Lidl/supermarket is not something the area needs	
The need for a supermarket in this area is absolutely ludicrous. I have lived here for 30yrs + and have seen the influx of traffic rise considerably in that time. The new roundabout was put in to help with this, however even that is now struggling. I'm bemused as to what time of the day HBC conduct their traffic analysis to even contemplate allowing this to go ahead. Surely before any consultation is complete they should put automatic traffic counters down so that they actually get a true picture	The principle of a retail unit has been established in the granting of APP/20/01221 which remains extant. Highways impacts are discussed in Section 7.
I object to this planning application. The store size is increased yet parking provision is reduced. This is illogical. It will possibly create unnecessary car journeys when the car park is full. Access from the existing B&Q access road is dangerous. Traffic already backs up past the proposed entrance to the new site from the roundabout. HGVs reversing in the store car park with restricted space is dangerous to pedestrians (car drivers and passengers) and to other vehicles. Incoming traffic turning right across traffic exiting from B&Q is dangerous. Traffic exiting from the site will not be able to see traffic exiting from B&Q around the bend.	The scale of the development and highways impacts are discussed in Section 7.
Provision needs to be made for increased Traffic on roads that are already dangerous. At least one access from the A3M (which could also service B&Q) might improve this, but better access and egress to be considered as essential. Also the number of parking spaces seems very low, for a remote store, surely this can be improved on. Maybe a different road layout could allow the 2 stores to share parking.	We can only determine the planning application in front of us at this time; the submitted proposal does not incorporate any additional access from the A3(M). Highways matters are considered in Section 7.
Concerned with the access road if shared with B & Q this is already difficult to get onto the roundabout with	Highways matters are considered in Section 7.

the amount of traffic coming down Purbrook Way with just vehicles coming from B & Q it is recipe for an accident let alone the amount of cars and vehicles queuing down the slip road and the pollution is there really a need for another Lidl when there are already 2 in close proximity	
The Biodiversity Net Gain calculation is inadequate. The Baseline Habitat Plan shows the majority of the site as "Artificial unvegetated unsealed surface". The site was covered with trees until it was cleared to allow the food store to be built. Havant Borough Council's own Tree Officer objected to the original proposal on arboricultural grounds due to the excessive tree loss. The latest Tree Survey Report proposes removing a further 21 trees. The Biodiversity Net Gain Report only uses the cleared site as the baseline for calculating Biodiversity Net Gain. The true baseline would take account of the trees on the site before they were removed.	A revised BNG calculation was submitted during the course of the application. Ecological and landscape considerations are considered in Section 7.
I'm shocked this application got through, and now the amendments to destroy more trees, it's unbelievable. The initial Lidl community consult was totally misleading promising to keep as many trees as possible, had they made it clear that they meant 1% of the trees, I would have made a comment before. I also trusted the council to decline the application, based on the congested and dangerous access, the proximity of a gigantic Asda Walmart across the road already serving the area, another Lidl store along the road and a vacant purpose built Waitrose store in Waterlooville, it's madness. The total devastation of the wooded site is disgusting, I thought there was a need for more housing and trees not supermarkets.	Landscape considerations are set out in Section 7.
I support the proposal to erect another food retail store in this area and think	Noted - The principle of a retail unit has been established in the granting of

it's advantageous for the community to have an alternative to existing retailers in that particular area.	APP/20/01221 which remains extant.
I still fail to see how the traffic coming from B & Q and the vehicles coming out of the proposed site will be able to join the roundabout without long queues building due to the existing traffic coming down Purbrook Way from Purbrook direction it can already be an issue just with the B & Q traffic, I am sure that even though cycle lanes and pedestrian access will be improved that most people will use their cars to go to the new Lidl store.	Highways matters are considered in Addressed in Section 7.
The applicant's sequential assessment of alternative sites has failed to consider the available former Wilko Store with the Meridian Shopping Centre. This was not available at the time of the earlier application nor when the applicant's Planning and Retail Statement was written. The premises, as a centrally located town centre opportunity, appear to have considerable merit in terms of meeting the purpose of sequential testing that relates to ensuring continuing town centre health and vitality. Without appropriate assessment the sequential test can be regarded as failed and planning permission should be refused. The application does not provide a retail impact assessment. Whilst there might be no formal requirement, it has become common practice for discounter operators to willingly provide such an assessment. Indeed, there would seem to be justification for such an assessment bearing in mind the level of vacancies within Havant and other town centres. In addition, there is no evidence of any quantitative or qualitative need for further floorspace of the scale proposed. The proposal will result in a substantial loss of mature trees. This issue was seen as leading to a finely balanced issue on the previous decision and the circumstances now, with further	The sequential test and landscaping considerations are addressed in Section 7.

losses having taken place and proposed, would appear to make this consideration more critical and potentially tilt the balance against the grant of planning permission. For all the above reasons permission should be refused.	
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7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are:

- (i) Principle of development, planning history and sequential test
- (ii) Layout, design, scale and landscaping
- (iii) Access, Parking and Highway Implications
- (iv) Impact upon residential amenity
- (v) Impact on drainage
- (vi) Ecological considerations
- (vii) Sustainable construction
- (viii) Financial and other benefits - Community Infrastructure Levy (CIL) and legal agreement
- (ix) Other matters

(i) Principle of development, planning history and sequential test

7.2 Planning application (Ref. APP/20/01221) was approved by the Local Planning Authority (LPA), following completion of a s106 agreement, on Friday, 2nd December 2022. This extant planning permission is for the *'erection of a retail foodstore with associated car parking, access, landscaping and engineering works'*. The permitted foodstore had a GIA of 1,899sqm and had 131 vehicle parking spaces. The granting of this planning permission establishes the principle of the erection of a retail foodstore on this site. The current proposal seeks a larger store with a GIA of 2,185sqm, equating to a 15% uplift in floor area. The vehicle parking spaces have been reduced to 110, a reduction in 21 parking spaces.

7.3 Since the determination of application APP/20/01221, there have been no material changes in local planning policy. The NPPF was last updated on 12/12/2024, however, remains largely the same in terms of retail development considerations, albeit with greater emphasis on placemaking and creating beautiful places.

7.4 In the officer report for APP/20/01221 it set out;
'Planning law requires that applications for planning permission must be determined in accordance with the development plan (the Core Strategy and the Allocations Plan) unless material considerations indicate otherwise. The application site lies within the urban area as currently defined by ALP Policies CS17 and AL2. As such, the principle of the development is acceptable subject to other material considerations.'

The National Planning Policy Framework (NPPF) refers to town centre, edge of centre and out of centre locations for retail development. For retail purposes, edge of centre is defined as a location within 300m of a centre boundary (outlined in the Glossary of the NPPF). Given this the application site, which is closest to the Middle Park Way Local Centre, it is identified as "out of centre".

As this proposal is for a food store in an out of centre location, the process set out in Paragraph 3.39 (Policy CS4) of the Local Plan (Core Strategy) 2011 applies: "All applications for the development of town centre uses and in particular new retail floor space outside designated centres will need to demonstrate in a robust and transparent manner the application of the sequential approach to site selection, an impact assessment and all other relevant tests set out in current government policies".

The National Planning Practice Guidance (PPG) specifies that the NPPF sets out two key tests that should be applied when planning for town centre uses, which are not in an existing town centre and which are not in accordance with an up-to-date Local Plan. These are the Sequential Test and the Impact Test. An Impact Test is only required above a 2,500 sqm threshold, this application does not breach this threshold, and as such is not required.'

- 7.5 In conclusion to the sequential test under APP/20/01221 it was found that there were no sequentially preferable locations to the application site; this conclusion was informed by an independent review which analysed the applicants' submissions in relation to the sequential test. The Council's Planning Policy Team have commented on the current application that the *'revised application is supported by an updated Planning and Retail Statement, including updated Sequential Test Appraisal. Having undertaken a review of this document, an additional site notably that of the former Tesco unit in Greywell Road has been identified. This site actually became available during the lifetime of the earlier application and was considered by officers at the time, but was concluded to be unsuitable being of an insufficient footprint to accommodate the scale and format of the earlier scheme. It is also noted that the previous vacant units on Solent Retail Park which were previously included, have been omitted from the latest assessment on the basis that these units have now been re-let. On this basis, it has been concluded that there is not a need to seek independent retail advice to inform the sequential assessment on this occasion. Furthermore, there are no sequentially preferable sites to accommodate the application proposals.'*
- 7.6 Following a third party objection which stated that the applicant had failed to consider the available former Wilko Store with the Meridian Shopping Centre, the applicant's agent submitted further information. This sets out that the former Wilko unit is too small to accommodate the applicant's proposals, or a flexible form of them. The ground floor area of the former Wilko (1,397m²) would represent a total reduction of c.34% when compared to the gross ground floorspace sought by the applicant. Furthermore, the Meridian Centre does not have dedicated car parking specific to any individual retailer, the car park is not readily accessible with trolleys and the car parking hours would not suit the core trade hours for Lidl. Therefore, the applicant's agent asserts that the former Wilko site is not a sequentially preferable alternative.
- 7.7 The Council's Planning Policy Team have reviewed both the third party representation and the applicant's further information and have stated *'As set out in our earlier consultee comments, the Council commissioned an independent review of the applicant's Planning and Retail Statement during the previous application reference APP/20/01221. The review was undertaken by Stantec and included an assessment of the vacant Waitrose store in Waterlooville. Having regard to the conclusions of this assessment, similar conclusions can be drawn with the former Wilko unit. Specifically whilst the former Wilko unit should be able to physically accommodate a Limited Assorted Discounter of a smaller footprint, a number of significant compromises with the operators specific requirements would need to be made. On this basis, it is concluded that a policy objection could not be sustained on sequential test grounds.'*

- 7.8 It is therefore considered that there are no sequentially preferable sites. A retail impact assessment is not necessary given the scale of the proposal. It is concluded that the proposal is acceptable in principle, and accords with the sequential test in retail terms as set out in the NPPF and NPPG, and in policy CS4 of the Local Plan (Core Strategy) 2011. The acceptability of the scheme in other respects is subject to the following planning considerations.

(ii) Layout, design, scale and landscaping

- 7.9 Policies CS11 and CS16 of the Core Strategy set out a range of criteria that new development should be able to demonstrate in order to protect the environment and heritage of the borough and secure high quality and appropriate developments - amongst these is that new development should ensure that the key landscape and built form principles integrate into the character and appearance of the area.
- 7.10 As set out in the officer report for APP/20/01221 the site is *'bound by Purbrook Way to the south, whilst the access road and car park for the adjacent B&Q surrounds the site to the northwest and east respectively. In terms of the wider surrounding area alongside the B&Q, an Asda Supercentre (out-of-centre) is situated to the south east of the site, together with other roadside retail occupiers and a range of mixed uses which occupy Larchwood Business Park. The A3(M) is located to immediately to the west of the application site. It is understood that the history of the site itself, which varies in levels, is as a result of the works to construct the adjacent B&Q store, which is at a much lower level and the earth excavations being placed on this site. As such the immediate and wider area is defined by notable human influences (e.g., road network, industrial development and power pylons). The key visual impacts of this development would be from the A3(M) Purbrook Way roundabout, which provides access to the southbound A3(M).'*
- 11 The fundamental change in the character of the site from scrubland with trees to a developed site with a large retail unit and associated access, parking and servicing provision has already been considered acceptable, by virtue of the extant permission APP/20/01221.
- 12 The current proposal would maintain a similar layout to the extant permission. The main difference would be the relocation of the previously approved pedestrian/cycle way linking the site to Purbrook Way, from directly cutting through the existing band of trees on the southern site boundary to looping around the band of trees and connecting to Purbrook Way to the west, closer to the roundabout. Whilst this would no longer follow the natural pedestrian desire line, it has been necessitated by utility easements. In terms of visual impact this would allow for more tree retention along the southern site boundary, which would help to soften the appearance of the development.
- 13 The proposed retail unit would have a larger footprint than the extant permission, but would have a similar form to the extant permission with a monopitched roof and contemporary design with elevations of full height metal composite panel cladding. The southern elevation would be fully glazed, providing an active elevation as viewed from Purbrook Way, and a glazed entrance lobby would also punctuate the western elevation. The maximum ridge height would be 0.4m higher than that previously approved. Whilst the proposal would have a slightly larger scale, bulk and mass than that previously approved, it would not result in a material increase in visual impact

above that previously approved.

- 14 Changes in levels and the erection of timber crib retaining walls were granted previously in application APP/20/01221. The cross-section plans (Drawing number: 5098-RPS-XX-EX-DR-L-9003 Rev. P1) submitted with the current application show that the cribwall along the north-western site boundary would appear to be the same height to that previously permitted. However, under the current proposal the southwestern corner of the car park would be the same level as the access road, compared to being set down from the access road in application APP/20/01221. This would mean that the parking provision could be slightly more visible from the B&Q access road as the development is approached from the roundabout. However, as this is seen within the context of the retail unit it is not considered to have an adverse effect on the character of the area. Furthermore, the applicant has submitted elevation plans showing the differences between the current proposal and that of the extant permission (drawing number XX-XX-DR-A-02010 Rev. P1). These plans show that the land levels would be the same as the extant permission. The submitted layout plan also shows the finished floor level (FFL) to be 41.95, which reflects the FFL of the retail unit previously permitted. In order to maintain control over the levels across the entirety of the site, a condition is recommended to require the proposed land levels to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. At the time of writing this pre-commencement condition is still being discussed with the applicant. .
- 15 The loss of trees on the site, including a TPO tree close to the site boundary has already been accepted under application APP/20/01221. The officer report stated *'There is a clear need here to weigh up the harmful loss of trees across the site identified by the Tree Officer, against the compensatory planting proposals and the benefits the scheme would bring in terms of the provision of economic development, including additional employment opportunities.'*
- 16 The current proposal would result in the loss of 30 individual trees (mainly category C) as well as the loss of a group of trees on the eastern site boundary and part of the group of trees on the southwestern corner, adjacent to the roundabout. It is noted that a third party objection states that only 9 trees were proposed to be removed as part of the extant permission, however, the arboricultural report and amended landscaping plan submitted with APP/20/01221 shows that there would also be selective removal of trees along the southern site boundary. Therefore, it is considered that overall the level of tree removal would be similar to that previously permitted. The County Arboriculturist has commented that they have *'no objection to the works on arboricultural grounds: the trees to be removed, though numerous are all relatively small stature trees, and the larger pines will be retained which is important'*. However, they go on to state that *'the removal of multiple trees must be mitigated more fully than is suggested with the replanting proposals as they currently stand'*.
- 17 Furthermore, the Council's Landscape Officer has commented *'We require further UK native tree planting within the landscape buffer between Purbrook Way and the food store. At present there is a loss of 45 trees with 37 being replaced, there is ample room to accommodate the lost trees. We have concerns with the lack of landscape screening on the south west on the site as this area will be visually prominent when on the roundabout on Purbrook Way.'* In response, the applicant's agent has explained that *'There are significant constraints associated with the Purbrook Way boundary that preclude additional tree planting. This has been investigated comprehensively. Such constraints include the presence of a high-pressure gas main and subsequent*

easements, together with the requirement to maintain highway visibility splays. Statutory consultees including SGN have undertaken their own tree clearance within highway land and have objected to additional tree planting within the Purbrook Way frontage. Accordingly, it is no longer viable to plant additional trees adjacent to Purbrook Way (due to below ground services). Therefore, landscaping opportunities have been maximised within the site itself'. It is also noted that HCC Highways commented that the 'level of vegetation clearance will dictate whether forward visibility is available to anticipate an approaching cyclist or pedestrian when leaving the store and vice versa.'

- 18 On balance it is considered that the proposal would provide an appropriate level of soft landscaping having regards to highway safety and the existing site constraints. Whilst the level of screening would be limited, it is not considered to be materially less than that of the extant scheme and therefore the same conclusion as for APP/20/01221 can be drawn as follows; *'On balance, whilst it is very regrettable that the proposal would require tree loss, as set out above the scheme would meet many requirements as set in the local plan, and the economic and social dimensions of the NPPF, by providing economic and employment opportunities. Any harmful visual impact of the development would be localised. The additional landscaping that is proposed, including the provision of 37 new trees, would reduce, and mitigate to a degree, the landscape impact of the development and overall, the development would not unduly affect the character and appearance of the wider area. Therefore, on balance, it is considered that the loss of trees on the site is outweighed by the benefits the scheme would bring to the Borough'*. In fact, the relocated pedestrian footpath would allow for continuous soft landscaping along the southern boundary, which is a betterment in screening and soft landscaping terms compared with the extant permission.
- 19 Having regards to the above it is considered that the proposal would accord with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

(iv) Access, Parking and Highway Implications

- 20 The proposal seeks vehicular access from the private B&Q access road, in the form of a bellmouth junction, and this access point has previously been approved under application APP/20/01221. The current proposal seeks a larger retail unit and therefore has the potential to result in an increase in trip generation. The application is supported by a Transport Assessment, Travel Plan and subsequent Technical Notes. HCC Highway Authority, have commented that the trip generation assessment undertaken by the applicant highlights that this will result in a further 13 trips in the AM peak hour and 27 trips in the PM peak, all of which are considered new trips on the B&Q arm of the junction.
- 21 In order to avoid a severe level of queueing on the B&Q approach arm to the roundabout, the applicant is proposing to widen the approach to two-lanes (this was also necessary for the extant scheme). As a result, pedestrians and cyclists would be required to cross two lanes of traffic (i.e. additional severance is being introduced by the development). To offset this severance, a contribution has been sought by HCC towards improvements measures identified within the Local Cycling and Walking Infrastructure Plan (LCWIP) along Purbrook Way. These schemes would improve pedestrian and cyclist accessibility along Purbrook Way and is therefore considered suitable for mitigating the impact of the development in light of the changes being made to the B&Q arm of the junction. Under the extant scheme a financial contribution

of £124,500 was secured toward these sustainable transport measures - having regards to the increase in store size, HCC requested a 15% uplift in the financial contribution as part of this application. . The applicant has agreed to this financial contribution of £143,175, which would be secured by a S106 Agreement.

- 22 Owing to the proximity of the site to the A3(M) Strategic Road Network (SRN), National Highways were also consulted, whom were satisfied that the uplift in trip generation would be unlikely to impact the safe and efficient operation of the SRN A3(M) and therefore raised no objection.
- 23 The proposed shared pedestrian and cycle access differs to the extant scheme due to utility easements. The proposed shared pedestrian/cycle access has been further amended during the course of the application in response to HCC Highways Authority's comments. This access would have a width of 3m along its entirety, which is considered acceptable. The HCC Highway Authority has commented *'To accommodate the 3.0m path, the existing refuge island has been reduced in width and the radii on the approach to the roundabout has been amended, impacting on the alignment of the two-lane entry towards the roundabout. As a result, updated tracking and junction modelling has been undertaken. The Highway Authority has reviewed the revised design and modelling and considers the latest proposal to be acceptable. The works will be delivered via a Section 278 agreement with the Highway Authority'*.
- 24 The application is supported by a Construction Traffic Impact Assessment and Construction Traffic Management Plan. It is noted that HCC Highway Authority in their formal consultation response requested a condition requiring the submission of a CMP. Officers have confirmed with HCC Highway Authority that they are satisfied with the information submitted with this application and therefore these documents can be conditioned accordingly.
- 25 The Council's adopted car parking standards SPD sets out minimum vehicular parking requirements. For an A1 food retail use the standards state that 1 space per 14 sq. m of the covered area is required. As the proposal is for a gross internal area of 2,185sqm, this means that a minimum of 156 spaces would be required to meet the adopted standards, of which 8 would need to be blue badge disabled parking spaces. The application proposes 110 spaces which is significantly less than the requirement of the SPD, a short fall of 46 spaces (including 2 blue badges disabled parking spaces).
- 26 Within the Council's Parking SPD it states *'on any other site where a lower level of parking is proposed, this will be assessed on a case by case basis. A justification would need to be provided which should consider accessibility to shops and services, accessibility to public transport and the site's relation to the relative accessibility of different areas'*. It also states that Parking *'Surveys should be undertaken over a period of at least one week including both weekends and weekdays at a variety of times throughout the day including late in the evening and early in the morning. This will allow a true reflection of the existing car parking arrangements to be established and this should be submitted with the planning application.'*
- 27 The submitted Transport Assessment (TA) includes a parking demand assessment. This uses the calculated trip generation data, based on ANPR data from the Lidl Whiteley store (identified and agreed with HCC as a comparable store) together with dwell time data from other Lidl stores using the stores ANPR systems to anticipate the

likely length of time vehicles will be parked on site. The TA states the proposed Lidl foodstore is predicted to have a peak parking demand of 89 spaces on a weekday, 84 spaces on a Saturday and 100 spaces on a Sunday.

- 28 The proposal seeks 110 parking spaces and as such would be sufficient to meet parking requirements identified within the parking demand assessment. It is noted that the parking demand calculation is based on dwell time data collated from other Lidl stores and not specifically 'flagship' Lidl stores. The applicant has clarified that the 'flagship' store would not have a larger catchment than the consented position nor would it include an extended product line/range that would draw people in from further afield than the consented position. The 'flagship' store description reflects that this would be the first of the new Lidl specification/design stores on the South coast. It would provide a slightly larger sales floor of that to the already approved scheme, but this is to enable the latest remerchandising layout and maximise operational efficiencies with a wider sales floor providing for better end user experience, optimisation of the ancillary/welfare areas and larger parking bays. Officers are therefore satisfied with the submitted parking demand assessment and consider that the proposal would provide sufficient parking spaces to avoid on street parking outside the application site.
- 29 In terms of cycle parking provision, the Council's Parking SPD requires a minimum of 1 cycle space per 6 staff or 1 per 300 sqm GEA whichever is the greater for long stay cycle parking and 1 stand per 200 sqm GEA for short stay cycle parking. The proposal provides 12 short stay cycle spaces in the form of 6 Sheffield stands located adjacent the southern glazed store frontage, this would accord with the SPD. The proposal would also provide 3 cycle parking spaces for staff - the submitted Transport Assessment acknowledges that this falls below the SPD requirements, but advises that this is based on the monitored demand of other Lidl stores. Furthermore, the TA states that the Travel Plan would monitor the cycle parking demand and additional parking would be provided if required. It is also noted that the TA submitted with application APP/20/01221 stated that space is available within the warehouse for staff to store their bikes if required, this is the same sentiment as the current application which states in the TA *'3 formal staff cycle stands, alongside additional informal space is available within the store warehouse for staff to store cycles securely/ safely if required'*. Having regards to this it is not considered that the shortfall in long stay cycle spaces would be so harmful to warrant refusal in this instance.
- 30 Whilst the proposal would not meet the requirements of the standards contained within the Council's Parking SPD and therefore would not strictly accord with Policy DM14 of the Havant Borough Local Plan Core Strategy, the proposed parking provision does exceed the anticipated parking demand based on surveys of other Lidl stores. Officers are therefore satisfied that the proposal would not result in an unacceptable impact on highway safety, nor result in residual cumulative impacts on the road network that would be severe. It is noted that the Highways Authority do not object to the proposals.

(v) Impact upon residential amenity

- 31 As set out in the officer report for APP/20/01221 *'The application is set within a commercial environment with B&Q located adjacent to the site, with the wider immediate area being defined by retail/commercial uses, and significant road infrastructure. Given the wider site context it is not considered that the development would have an adverse impact on the amenities of neighbouring properties.'*

(vi) Impact on drainage

- 32 The application site is entirely located within flood zone 1 and is outside any future flood zone. The submitted Flood Risk Assessment and Drainage Strategy does however identify medium surface water flood risk in a small portion of the site in the southwestern corner, which is a disused underpass underneath the access road, approximately 3m lower than the existing embankment. The existing underpass and embankment would remain as existing and therefore the medium surface water flood risk would not pose a risk to the lowest part of the proposed car park.
- 33 With regards to surface water drainage, a Sustainable Urban Drainage system (SuDS) is proposed, this comprises the discharge of surface water run-off into the existing B&Q drainage network to the north. The car park will drain via a gully system and through a petrol interceptor to provide treatment, before discharging to a proposed new attenuation tank. Water from the roof of the building will drain via a piped network into the proposed attenuation tank. Water would then be discharged into the existing B&Q surface water drainage network at a restricted rate of 3l/second using a hydrobrake and tank system. The SuDS features will ensure that excess water will be safely contained within the site boundary up to and including the 1 in 100-year event plus 40% climate change. The LLFA have raised no objection to this development and are content with the measures in place to ensure that the development is free from the risk of flooding and is sustainably drained. Portsmouth Water is also satisfied that the drainage proposal would protect groundwater as no deep infiltration drainage is proposed.
- 7.34 A condition is recommended to ensure the implementation of the agreed SuDs scheme. Furthermore, the previous application was subject to an obligation contained within the S106 which secured a Management and maintenance plan for the lifetime of the development for SuDs and bond. This will also be secured as part of the legal agreement pursuant to this application.

(vii) Contamination and pollution

Contaminated land

- 7.35 The application is supported by a Phase 1 Site Investigation and Preliminary Risk Assessment dated January 2024, a Phase 2 Ground Investigation dated January 2024 and a Remediation Strategy dated January 2024. The Council's Environmental Health Officer is satisfied with these reports as the conclusions remain the same as those of reports submitted pursuant to conditions relating to the extant scheme. The Council's Environmental Health Officer has recommended a condition to ensure that a verification report is submitted prior to the occupation of the development.
- 7.36 The Environment Agency has commented on the application and is satisfied the proposed development should not impact on the deep chalk aquifer and would pose a low risk from a controlled waters contamination perspective. Portsmouth Water is also satisfied that due to the depth of the underlying impermeable strata the proposed piling would pose a low risk to ground water quality and have recommended that piled foundations are implemented using a less intrusive method (e.g. continuous flight auger). This requirement can be secured by planning condition.

Noise pollution

- 7.37 The Council's Environmental Health Officer has raised no objections in relation to noise, owing to distances to neighbouring properties, however a condition is recommended to minimise noise and vibration caused by piling during the construction, as set out in Paragraph 7.30 above.

Light pollution

- 7.38 The applicant has submitted a lighting schedule with the application, however this has not been amended during the course of the application to reflect the change in the layout of the site and the location of the proposed pedestrian/cycle path. It is therefore considered reasonable to require an updated lighting schedule to be secured by planning condition to ensure that the proposed development would not result in an unacceptable level of light spill.
- 7.39 Subject to conditions it is therefore considered that the proposal would accord with policies DM10 of the Havant Borough Local Plan (Core Strategy) and DM17 of the Havant Borough Local Plan (Allocations) 2014.

(vii) Ecological considerations and BNG

- 7.40 The submitted Technical Note: Lidl Havant Habitat Clearance prepared by RPS dated 11/04/24 states that *'Habitat clearance was undertaken throughout November 2023 under the supervision of an experienced ecologist who holds a Natural England dormouse licence. All works were completed in accordance with the methodology set out in the letter report provided by RPS (RPS, 2020b)'... 'No dormouse or dormouse nests were encountered during the works. No badger setts or evidence of badgers were encountered during the works. There were no other protected species such as reptiles or active birds nests encountered during the works. Following completion of the habitat clearance works, the site comprises bare ground and retained woodland trees.'*
- 7.41 The application is accompanied by a Biodiversity Net Gain (BNG) Report and accompanying BNG Metric and Condition Assessments. These have been updated during the course of the application following amendments to the proposal and comments from the Council's Ecologist. The Council's Ecologist has commented *'The BNG assessment is based upon a modified site habitat baseline from the permitted scheme. The bulk of vegetation was cleared in 2023 in accordance with the permitted scheme, and the new baseline is calculated based on the part-cleared site. This is in accordance with BNG legislation and guidance. There is no fundamental issue with the submitted BNG calculations, with an estimated 94% gain in habitats. However, the Metric trading rules are not currently satisfied. The loss of woodland to create the new pedestrian/cycle link to the east will require woodland habitat to be found. The BNG report states that off-site units/credits will be used. This is an acceptable outcome in respect to BNG and the applicant will need to provide full details of any off-site BNG provision within a Biodiversity Gain Plan and Habitat Management and Monitoring Plan prior to commencement.'*
- 7.42 Subject to BNG being secured through planning conditions and obligations within a S106 Agreement it is considered that the proposal would comply with the BNG legislation and would accord with policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(viii) Sustainable construction

- 7.43 Policy CS14 of the Havant Borough Local Plan Core Strategy requires that non-residential development of over 500 sq. m must at least meet the 'very good' standard of BREEAM. The application is supported by an Energy Usage and Sustainability Statement, this outlines that the development would utilise passive design strategies through the use of natural daylight to minimise artificial lighting and enhance fabric efficiencies. The development would also utilise heat recovery ventilation, and low energy lighting. The Statement also advises that the use of air source heat pumps and solar PV panels are viable and advisable on this site. The submitted TA further indicates that the proposal would have two active Electric Vehicle Charging Points and passive EV provision for a further 21 spaces. The application is also supported by a BREEAM Pre-Assessment Report dated February 2024 which states that the scheme has an anticipated score of 58.93% which equates to a rating of 'Very Good', as required by Policy CS14. A planning condition is recommended to ensure this rating is delivered.

(ix) Financial and other benefits - Community Infrastructure Levy (CIL) and legal agreement

- 7.44 The CIL liability for this site currently stands at £297,316.07 (2024 figure; will be £305,119.64 in the event that permission is granted in 2025).
- 7.45 In addition, having regard to the consultation responses received and the planning considerations set out above, the impacts of the proposed development on key infrastructure have been assessed, in particular with respect to highways. Mitigation for the potential impacts on infrastructure has been proposed by both the applicant and consultees and would be the subject of a S106 agreement. The following obligations are considered to comply with the tests set out by Regulation 122, which requires that obligations sought are (a) necessary to make development acceptable; (b) directly related to development; and (c) fairly and reasonably related in scale and kind to the development. These obligations would secure the following matters:
- 34 Management and maintenance plan for the lifetime of the development for SuDs
 - 35 Employment and Skills Plan
 - 36 £143,175 HCC Highways contribution
 - Requirement to enter into a S278 Agreement with the Highways Authority to secure works to roundabout and the pedestrian/cycle link from the site to Purbrook Way shown in principle in drawing number B/LIDLPUROBROOKWAY4.1/06 Rev I
 - Payment of the Travel Plan approval and monitoring fees, along with a form of financial surety.
 - 'Significant' on-site BNG provision, offsite BNG provision and monitoring fees.
- 7.46 It is noted that the S106 Agreement pursuant to extant permission APP/20/01221 included a £7,000 TRO contribution. HCC Highway Authority have confirmed that the TRO contribution is not required to be secured through this application.

8 Conclusion

- 8.1 The application site lies within the defined built-up area in the local plan, however, the proposal seeks a retail foodstore in an out of centre location. The extant permission (Ref. APP/20/01221) establishes the principle of the erection of a retail foodstore on

this site. The application is supported by an updated Planning and Retail Statement, including updated Sequential Test Appraisal and further sequential test information following third party comments. Officers remain satisfied that there are no sequentially preferable sites to the application site.

- 8.2 The fundamental change in the character of the site from scrubland with trees to a developed site with a large retail unit and associated access, parking and servicing provision has already been considered acceptable in the granting of planning permission APP/20/01221. The current proposal seeks a larger store with a GIA of 2,185sqm, equating to a 15% uplift in floor area. The design and scale of the proposal, albeit larger, is considered acceptable. The loss of trees on the site, including a TPO tree close to the site boundary has already been accepted under application APP/20/01221 - the current proposal seeks a similar level of tree loss, however the relocation of the pedestrian/ cycle path will allow for a continuous band of soft landscaping along the southern site boundary, adjacent to Purbook Way which would help to soften the appearance of the site. Whilst consultees have raised concerns about the level of proposed soft landscaping considering the site constraints and visibility required for highway safety the level of soft landscaping proposed is considered acceptable.
- 8.3 The vehicular access was considered acceptable in the granting of the extant permission. Both HCC Highway Authority and National Highways are satisfied that the proposal would not result in an adverse impact on the highways network, subject to conditions and obligations. Officers are therefore satisfied that the proposal would not result in an unacceptable impact on highway safety, nor result in residual cumulative impacts on the road network that would be severe. The car parking has been reduced to 110 spaces and therefore would significantly fall short of the standards contained within the Council's Parking SPD. The applicant has however provided parking demand surveys of other Lidl stores and has satisfactorily demonstrated that the parking provision would be adequate for the anticipated demand. Satisfactory cycle parking provision would also be provided. In addition, an uplifted financial contribution for HCC Highway works has been secured. It has also been concluded that the proposed development would not give rise to any harmful impacts on pollution, drainage/flooding, the natural environment and residential amenity, subject to necessary mitigation works being secured through a S106 Agreement and conditions.
- 8.4 The application is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00330 subject to:

(A) The completion of a S106 Agreement as set out in Paragraph 7.45 above:

(B) Agreement of pre-commencement conditions; and

(C) the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision)

- 1 The development must be begun not later than three years beginning with the

date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

5098-RPS-XX-EX-DR-L-9004 TYPICAL TREE PIT DETAILS Uploaded 30/04/24

ECO20262 FIGURE 1 - BASELINE HABITAT PLAN 30/04/24

XX-00-DR-A-01001 GENERAL ARRANGEMENT PLAN - GROUND FLOOR Uploaded 30/04/24

XX-02-DR-A-01001 GENERAL ARRANGEMENT - ROOF PLAN Uploaded 30/04/24

XX-XX-DR-A-02001 PROPOSED ELEVATIONS Uploaded 30/04/24

DR-A-91001 P12 SITE LAYOUT PLAN - PROPOSED Uploaded 19/09/24

DR-A-91002 P04 BOUNDARY TREATMENT Uploaded 19/09/24

5098-RPS-XX-EX-DR-L-9001_P08 AMENDED DETAILED SOFT LANDSCAPE PROPOSAL Uploaded 24/07/24

Proposed Isopachte Heights LIDLHAVANT.2/7 Rev. P2 Uploaded 16/01/2025

Proposed Levels and Contours LIDLHAVANT.2/45 Rev. P2 Uploaded 16/01/2025

Proposed site boundary sections – Sheet 1 24212-SDS-00-SL-DR-C-3030 Rev. T1 Uploaded 16/01/2025

Proposed site boundary sections – Sheet 2 24212-SDS-00-SL-DR-C-3031 Rev. T1 Uploaded 16/01/2025

The following plans/documents have also been considered in the determination of this application:

Archaeological Desk Based Assessment dated 07/04/24 Uploaded 30/04/24
BREEAM Pre-Assessment Report February 2024 prepared by Focus Consultants Uploaded 30/04/24

Construction Traffic Impact Assessment B/LIDL Purbrook Way 4.1 prepared by Mayer Brown Uploaded 30/04/24

Construction Traffic Management Plan prepared by Wright-Morgan Ltd Uploaded 30/04/24

Energy Usage and Sustainability Statement dated 26/03/24 Uploaded 30/04/24

Flood Risk Assessment and Drainage Strategy April 2024 prepared by Mayer Brown Uploaded 30/04/24

Landscape Management Plan 794-PLN-LAN-5098 P01 April 2024 prepared by RPS Uploaded 30/04/24

Noise Impact Assessment Reference: 10729/PJW prepared by Acoustic Consultants Ltd Uploaded 30/04/24

Planning and Retail Statement Ref: SP19-1085 April 2024 Prepared by Simply Planning Uploaded 30/04/24

Transport Assessment April 2024 Mayer Brown Uploaded 30/04/24

Air Quality Technical Note Prepared by RPS dated 12 April 2024 Uploaded 30/04/24

Technical Note 2 prepared by Mayer Brown Ltd Uploaded 19/9/24 (including

drawing numbers: XX-XX-DR-A-91001 Rev. P12,
 LIDLHAVANT.2/SK240531 Rev. P5,
 B/LIDLPUARBROOKWAY4.1/06 Rev. I)
 Technical Note: Lidl Havant Habitat Clearance Prepared by RPS dated
 11/04/24 Uploaded 30/04/24
 Updated Travel Plan September 2024 Mayer Brown Uploaded 19/9/24
 Amended Biodiversity Metric Calculation (BNG) dated 16/07/2024 Uploaded
 26/11/2024
 Amended BNG Report ECO 20262 July 2024 prepared by RPS Uploaded
 23/07/24
 JSL5098_770C Amended Tree Survey Report and Arboricultural Impact
 Assessment Prepared by RPS and dated 11/07/24 Uploaded 23/7/24
 Amended Design And Access Statement prepared by Space dated July 2024
 Uploaded 23/07/24
 Parking and Flagship store clarification email uploaded 14/11/2024
 Letter from SimplyPlanning dated 04/10/24 Ref: SP19-1085 Uploaded
 07/10/24
 Letter from Lidl responding to SGN comments uploaded 23/07/24
 Phase 1 Site Investigation& Preliminary Risk Assessment January 2024
 Prepared by Remada Uploaded 30/04/24
 Phase 2 Ground Investigation January 2024 Prepared by Remada Uploaded
 30/04/24
 Remada Geo Consultants Remediation Strategy Ref 7700.04.02; Jan 2024

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings and for hard landscaping have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The construction of the hereby approved development (including site clearance) shall be carried in accordance with the agreed principles and methodology prescribed within the approved Construction Traffic Impact Assessment (ref: B/LIDL Purbrook Way4.1 prepared by Mayer Brown) and Construction Traffic Management Plan (prepared by Wright-Morgan Ltd). The approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used as such throughout the entire construction period.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to the occupation of the development the offsite traffic calming measures and the onsite pedestrian/cycle route as outlined in the Technical Note 2 prepared by Mayer Brown Ltd and shown on the appended plans XX-XX-DR-A-91001 Rev. P12, LIDLHAVANT.2/SK240531 Rev. P5 and B/LIDLPURBROOKWAY4.1/06 Rev. I, shall have been fully installed and be retained and operational at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The car and cycle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The soft landscaping scheme shall be carried out in full accordance with the approved plans, 5098-RPS-XX-EX-DR-L-9001 Rev. P08 and 5098-RPS-XX-EX-DR-L-9004 Rev P01 prior to the occupation of the retail unit or within the first available planting season following the first occupation of the retail unit. Thereafter the soft landscaping shall be maintained in accordance with the Landscape Management Plan 794-PLN-LAN-5098 unless otherwise agreed in writing by the Local Planning Authority. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season, unless agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 8 Prior to any site clearance, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown within the Amended Tree Survey Report and Arboricultural Impact Assessment (Ref: JSL5098_770C Prepared by RPS and dated 11/07/24 Uploaded 23/7/24) shall be installed. The Council's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with the Tree Protection Plan. No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011. It is considered necessary for this to be a pre-commencement condition as trees to be retained need to be protected during the construction of the development.

- 9 The drainage system shall be constructed in accordance with the Flood Risk Assessment and Drainage Strategy April 2024 prepared by Mayer Brown Uploaded 30/04/24. Surface water discharge to the surface water sewer shall be limited to 3.0 l/s, unless otherwise agreed in writing by the Local Planning Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: Without the provision of an appropriate surface water connection point the development cannot be appropriately mitigated and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Notwithstanding the provisions of Part 7, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension, installation of a mezzanine floor or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.

Reason: In the interest of preserving the vitality and viability of neighbouring District Centres in accordance with the NPPF and policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 11 Within 6 months of any part of the development first becoming occupied (unless an alternative timescale has been agreed in writing by the Local Planning Authority), written documentary evidence proving that the development has achieved at minimum 'Very Good' against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 12 There shall be no piling carried out on site unless a detailed methodology has been submitted to and approved in writing by the Local Planning Authority. The methodology should seek the least intrusive noise and vibration method of piling and shall detail proposed mitigation methods to be employed, to ensure minimal impact on the nearest residential receptors and minimise the risks to groundwater quality.

Reason: To safeguard the amenities of the locality and in the interests of safeguarding ground water quality and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 The development hereby approved shall not be occupied until a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 14 Prior to the occupation of any relevant part of the permitted development, the verification report referred to in section 6 of the Remada Geo Consultants Remediation Strategy Ref 7700.04.02; Jan 2024 ('the approved verification plan') shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan and must demonstrate that site remediation criteria have been met.

Reason: The 7700.04.02 report recommends the undertaking of some minor works to mitigate risks associated with soil contaminants. Soil gas has been shown to poses a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. This condition is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and the National Planning Policy Framework.

- 15 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Report (RPS, July 2024) and BNG Metric and Condition Assessments (RPS, July 2024), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of securing biodiversity net gain (BNG) and having regard to the BNG hierarchy and policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990. This decision is subject to a deemed pre-commencement BNG condition requiring a Biodiversity Gain Plan as required by legislation.

- 16 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
- (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved

Biodiversity Gain Plan;

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of securing biodiversity net gain (BNG) and policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990. This is a pre-commencement condition as it relates to the deemed BNG condition requiring a Biodiversity Gain Plan as required by legislation and therefore goes to the heart of the permission.

17 Notice in writing shall be given to the Council when the:

(a) HMMP has been implemented; and

(b) habitat creation and enhancement works as set out in the HMMP have been completed.

Reason: In the interest of securing and monitoring biodiversity net gain (BNG) and policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990.

18 (a) Where the approved HMMP under Condition 16 proposes offsite habitat creation and/or offsite habitat enhancement works, the retail unit hereby permitted shall not be occupied until evidence that such works have been secured and/or delivered in accordance with the HMMP has been submitted to, and approved in writing by the Local Planning Authority.

(b) Where the approved HMMP under Condition 16 proposes onsite habitat creation and/or onsite habitat enhancement works, these works shall be carried out in full accordance with the approved details either prior to the first occupation of the retail unit hereby permitted or within the first planting season thereafter. Evidence of the completed onsite habitat works shall be submitted to the Local Planning Authority within 1 month of the completion of these works. In order to discharge this condition, the evidence must be approved in writing by the Local Planning Authority.

Reason: In the interest of securing and monitoring biodiversity net gain (BNG) and policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990.

19 The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: In the interest of securing biodiversity net gain (BNG) and policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990.

20 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP

Reason: In the interest of securing and monitoring biodiversity net gain (BNG) and policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core

Strategy) 2011, the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990.