

Mr Thornton
Simply Planning Limited
Third Floor Suite
Front Office
Victoria House
114 - 116 Colmore Row, Birmingham
B3 3BD

For: C/O Agent
Lidl Great Britain Limited

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Grant of Planning Permission**

Application Number: APP/24/00330

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.**

Further to your application received on 23 April 2024, which was valid from 29 May 2024 Havant Borough Council, as Local Planning Authority **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

Conditions:

- 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

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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
 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/LIDLPURBROOKWAY4.1/06 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

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 Way 4.1 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

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 pose 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
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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.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.co.uk
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.
- (4) Southern Gas Networks - Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work
<https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here
<https://www.sgn.co.uk/help-and-advice/digging-safely>

(5) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- Offering a pre-application advice service, and
- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit,

(6) A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which have now been published and is available to read on Southern Water's website via the following link
southernwater.co.uk/infrastructure-charges

(7) 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.

Alex Robinson

Alex Robinson
Executive Head of Place

4 February 2025

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at:** <https://www.gov.uk/appeal-householder-planning-decision> for householder applications; <https://www.gov.uk/appeal-planning-decision> for full applications; <https://www.gov.uk/planning-inspectorate> for anything else.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

023 9244 6571

Southern Gas advisory note

In June 2021 SGN issued a comprehensive advisory note

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone: 0800 912 1722 / Email: plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work
<https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here
<https://www.sgn.co.uk/help-and-advice/digging-safely>

SGN personnel will contact you accordingly.