

# PLANNING AND RETAIL STATEMENT

181 HAVANT ROAD, HAYLING ISLAND  
EG GROUP

01 MARCH 2023



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# 1.0 INTRODUCTION

- 1.1 This Planning and Retail Statement has been prepared on behalf of EG Group, (“the Applicant”), in support of an application seeking full planning permission for the demolition of existing structures and replacement kiosk store including integrated drive thru unit at 181 Havant Rd, Hayling Island (“the Site”).
- 1.2 The Site comprises an existing petrol filling station, linked kiosk store and separate unit occupied by Greggs. It is tired in appearance and includes significant elements of unused hardstanding. EG Group, a leading provider of roadside facilities has identified a requirement to provide a betterment to the facilities as detailed within the proposals.
- 1.3 The application therefore includes an improved kiosk store and drive thru provision. A rationalisation of parking at the Site will be provided in addition to the installation of 8no. EV charging points.
- 1.4 EG Group are committed to significant capital expenditure as part of the upgrades to the operation. It will result in the creation of 15 new jobs. The job creation associated with the proposed development comprise a material consideration in the determination of the application.
- 1.5 This Report addresses the key issues relating to planning and planning policy, with a specific focus on land use and retail policy. It should be read in conjunction with the supporting drawings a suite of supporting documents relating to material planning considerations.
- 1.6 The remainder of the Report is structured as follows:

- Section 2:** *The Application Site and Relevant Planning History* – This section explores the Application Site in some detail, including its history and links to the wider area.
- Section 3:** *The Proposed Development* – The section provides an overview of the development proposals in terms of use and amount. This section will also consider EG Group, the applicant, in terms of their business models and formats.
- Section 4:** *Relevant Planning Policy* – This section identifies relevant planning policy, both at a national and local level which will need to be addressed by the application. At a national level, this includes the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). At a local level, this includes the Core Strategy (2011) and Allocation Plan (2014).
- Section 5:** *The Retail Assessment* – This section considers the appropriateness of the development in the context of the planning policy identified at Section 4, focussing on the potential impact of the development, and whether there are any sites within the nearby centres capable of accommodating the additional retail floorspace (the sequential test) and retail impact considerations.
- Section 6:** *Other Planning Considerations* – This section will consider all other relevant planning matters including parking provision and the potential effect on the surrounding highways network.
- Section 7:** *Summary and Conclusions* – Here we provide a summary of the key planning issues and will provide the conclusions of the assessment. We conclude that the proposed development is fully in line with national and local planning policy and should therefore be considered positively by the Local Planning Authority.

## 2.0 SITE AND SURROUNDING AREA

- 2.1 The Site comprises 181 Havant Road, Hayling Island, which is located to the north of Hayling Island. It is 0.85 ha in area, brownfield in nature and currently operates as a Petrol Filling Station, linked convenience store occupied by Spar and standalone unit occupied by Greggs. The Spar store has a footprint of 102 sq. m and the Greggs unit c. 100 sq. m.
- 2.2 It is prominent and has a frontage onto Havant Road. The Site includes significant levels of undeveloped hardstanding which is redundant in its overall operation.
- 2.3 Dedicated vehicular and pedestrian access is taken from Havant Road at the southern portion of the Site. A separate vehicular exit is located to the north of the Site.
- 2.4 Based on EA online Flood Maps, the Site is within Zone 3 for the purposes of achieving a planning permission (extract below):

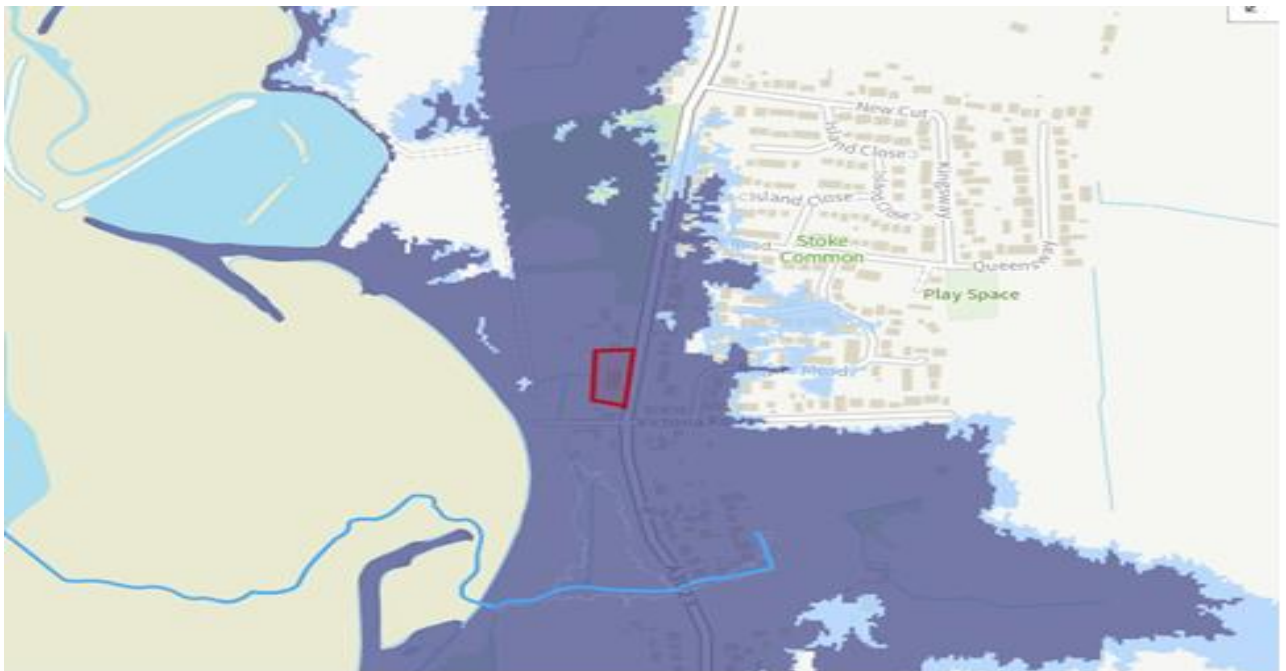


**Figure 2.1 – EA Flood Maps.**

- 2.5 The Site is not subject of a listing, within a Conservation Area or located in proximity to any historic assets.
- 2.6 Owing to its location, the Site is accessible via a range of transportation methods. Bus stops are located opposite the Site from which the 30 and 31 services run.
- 2.7 In respect of surrounding uses, it is bounded to the east by Havering Road. A residential property is located to the south with mature trees to the north and west.
- 2.8 The Site is out of centre in respect of retail policy. It is 2 miles north of the principal centres within Hayling Island. Notwithstanding, it is within the Settlement boundary and currently serves a retail function given its roadside use.

### **Relevant Planning History**

- 2.9 The Planning history of the Site is varied and includes a significant number of operational, small-scale consents. Of most note is:
- APP/17/00420 - Change of use of car wash to ancillary A1, single storey extension to north elevation, external alterations to existing and extended unit, installation of 3No. air conditioning condenser units to rear of converted unit and provision of 4No. new car parking spaces. Approved, Sept 2017; and

- 08/53358/012 | Height reduction of 20% Leylandii (Group 1) subject to TPO 1886. (Unconfirmed.) Approved, June 2008.

2.10 In accordance with the above, the principal of extending existing uses on Site has been confirmed as acceptable. Notwithstanding, the proposed development comprises a fresh chapter in the planning history of the Site and therefore the application should be determined in accordance with prevailing policy at a local and national level.

## 3.0 PROPOSED DEVELOPMENT AND EG GROUP

- 3.1 The application seeks full planning permission for the demolition of existing structures and replacement kiosk store including integrated drive thru unit at 181 Havant Road, Havering Island.
- 3.2 EG Group comprise a market leader in the provision of roadside services. The existing facility is tired and need of improvement. The kiosk store is of limited scale and the facility does not offer a more comprehensive food and beverage offer via drive thru provision akin to more contemporary roadside sites. It also includes significant elements of redundant hardstanding. The proposals will ensure a significant betterment including utilisation of existing redundant, brownfield land within the Site.
- 3.3 It is the intention to redevelop the Site in accordance with the below:
- Replacement kiosk store of 510 sq. m;
  - Drive thru provision of 113 sq. m;
  - Proposed Parking 33 Bays (2 DDA Bays); and
  - Proposed EV Charging 8 EV Bays.
- 3.4 The proposed development comprises a significant financial commitment by the Applicant and will provide a comprehensive roadside facility offering fuel, EV charging and respite facilities for motorists.
- 3.5 The net additional floorspace as part of the kiosk store will comprise 421 sq. m. Occupation of the proposed unit will come from brands under the EG Group banner.
- 3.6 Vehicular and pedestrian access is to be largely unaltered as a result of the proposed development.
- 3.7 Albeit extended to the north, the kiosk store will be retained within the location of the existing facility. The pumps will also be unmoved. Car parking areas will be located to the Site peripheries. Landscaping is to be provided at the Site peripheries in order to ensure biodiversity gain and a pleasant aesthetic for visitors.
- 3.8 The proposed development will deliver a significant aesthetic improvement at the Site which is tired in appearance. As shown on the proposed elevation drawings, the principal materials to be used on the exterior of the replacement kiosk store comprise:
- Fascia, Capping and Glazing - Umbra Grey RAL 7022;
  - Isoclad Composite Panel in Hamlet RAL 9002;
  - Havwood H0940 Chocolate Vertically laid Trekker boards; and
  - Glazing (By others) frames un Umbra Grey RAL 7022.
- 3.9 Akin to the existing operation, it is proposed that the store and drive thru will operate on a 24 hour basis.
- 3.10 The proposed development will combine a high-quality design with sustainable development practices. The EV charges will be ultra-fast in nature so that a beneficial charge can be gain by those using the facility. Each EV charger will have a canopy including PV panels which will reduce draw on the national grid. PV panels will also be located on the roof of the proposed kiosk store.
- 3.11 Finally, the proposed development will result in economic benefits in the form of significant job creation in the form of circa 15 additional positions. This represents a net gain in employment provision and comprises a material consideration in the determination of the application.

### **EG Group**

- 3.12 Founded in 2001 by the Issa family with the acquisition of a single site in the UK, today the company is at the forefront of delivering an innovative approach to forecourt convenience retail. EG Group are widely recognised for their investment

model, trading performance and providing a best-in-class customer experience in grocery, merchandise, foodservice and fuel.

- 3.13 The company's transformational convenience retail business model has been built upon excellent relationships with an extensive portfolio of leading retail brands, and through strategic network acquisitions supported by a programme of new-to-industry developments.
- 3.14 EG Group act in accordance with the following company values:
- Committed to investing in people, infrastructure and systems to build a sustainable business model;
  - Support local communities and empower individuals to grow, contribute and succeed;
  - Deliver value and results consistently to shareholders, stakeholders and partners; and
  - Awareness and commercial responsiveness to market trends and consumer demands.
- 3.15 The company benefits with a significant presence within the UK, Europe, North America and Australia. In respect of the UK, 666 sites are operated with 12,974 employees and 131 million customers served annually.
- 3.16 EG Group is committed to investing in its people, local communities, infrastructure and systems to deliver value to shareholders and other stakeholders. By incorporating these elements into their investment decisions, they believe that we can continue to drive sustainable value in the business.
- 3.17 The company strives to be a good corporate citizen and an environmentally responsible group. They have robust procedures, systems and controls in place to manage and monitor statutory compliance. This helps build the foundations of a sustainable business model.
- 3.18 EG Group are committed to being an environmentally responsible group and aim to positively manage our impact on the environment. They closely monitor electricity and water consumption, which are the two highest consumers of energy on their sites, and the volume and disposal of waste materials which they seek to minimise.

## 4.0 PLANNING POLICY

- 4.1 We consider national policy contained in the National Planning Policy Framework (July 2021) (NPPF) and the accompanying guidance contained in the Planning Practice Guidance (PPG) relevant to this application. At a local level, we consider the statutory Development Plan to include the Core Strategy (2011) and Allocation Plan (2014).

### National Planning Policy

- 4.2 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development - performing economic, social and environmental roles. The three roles are interdependent and need to be mutually supported.
- 4.3 **Paragraphs 8-11** confirm that at the heart of the NPPF is a presumption in favour of sustainable development. The planning system should therefore promote sustainable development solutions.

### Economic Growth

- 4.4 **Paragraphs 81-83** state that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Planning decisions should also recognise the specific locational requirement of different sectors.

### Town Centres

- 4.5 **Paragraphs 86-91** of the NPPF seek to ensure the vitality of town centres and requires that planning policy should provide a framework to assess proposals for main town centre uses, such as retail, which cannot be accommodated in or adjacent to town centres. Paragraph 86 requires proposals to demonstrate compliance with the sequential test, and paragraph 89 to demonstrate that the proposals will not have a significantly adverse impact on any designated local centres.
- 4.6 LPA's should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. That is to say that 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. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, and the sequential test should be considered in light of the latest NPPF policy, which confirms that when considering availability, it is necessary to consider sites which may become available within a reasonable period.
- 4.7 Details of how this policy should be applied are contained in the NPPF Planning Practice Guidance 2019 as well as relevant Secretary of State decisions, which are explored in more detail later in this Statement.
- 4.8 The application of the sequential test should be proportionate and appropriate for the given proposal. The following considerations should be taken into account in determining whether a proposal complies with the sequential test (Paragraph 011 of Planning Practice Guidance) 11:

*With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.*

*Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*

*If there are no suitable sequentially preferable locations, the sequential test is passed.*

- 4.9 Paragraph 012 of the PPG guidance further states that the implementation of the sequential test should reflect the specific characteristics of the development proposals:

*Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations*

- 4.10 With regards to retail impact, the PPG confirms:

*The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority. In setting a locally appropriate threshold it will be important to consider:*

- *The scale of proposals relative to town centres;*
- *The existing viability and vitality of town centres;*
- *Cumulative effects of recent developments;*
- *Whether local town centres are vulnerable;*
- *Likely effects of development on any town centre strategy; and*
- *Impact on any other planned investment.*

*As a guiding principal impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities. Conditions may be attached to appropriately control the impact of a particular use.*

#### Transport

- 4.11 Transport issues should be considered from the earliest stages of development proposals. In assessing specific applications for development, it should be ensured that:

- *Appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location;*
- *Safe and suitable access to the site can be achieved for all users; and*
- *Any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated and acceptable to a degree.*

- 4.12 Paragraph 110 of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 4.13 All developments that will generate significant transport movements should be required to provide a Travel Plan and the application should be supported by a transport statement or transport assessment to enable the likely impacts of the proposal to be assessed.

#### Sustainability

- 4.14 Paragraph 149 of the NPPF confirms that the planning system should support the transition to a low carbon future in a changing climate, including encouraging the re-use of existing resources, such as the conversion of existing buildings.

#### **Local Planning Policy**

- 4.15 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 4.16 The statutory Development Plan for the Site consists of the following:

- Core Strategy (2011); and

- Allocation Plan (2014).

#### Core Strategy

- 4.17 The Havant Council Core Strategy was Adopted in 2011. The policies form an element of the Development Plan alongside the Allocations Plan.
- 4.18 The Site is unallocated as per the Proposals Map (extract below). It is within the Urban Areas/Urban Area Boundaries, but outside of the identified Town / District / Local Centres.



**Figure 4.1 – Proposals Map Extract.**

- 4.19 In the context of the proposed development, **Policy CS17** is therefore relevant. It states:

*Development will be permitted that makes the most effective use of land in the borough by granting planning permission that:*

1. *Concentrates new housing, employment, retail, leisure and other development within the five urban areas of Havant, Leigh Park, Waterlooville, Emsworth and Hayling Island, as shown on the Proposals Map.*
2. *Prioritises development on previously developed land, including redundant, derelict or underused land and buildings within the urban area.*
3. *Broadly distributes the new housing and employment development in the five areas of the borough as indicated on the Spatial Distribution Map (Key Diagram).*

- 4.20 **Para 3.39** of the Core Strategy identifies:

*All applications for the development of town centre uses and in particular new retail floorspace 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.*

- 4.21 **Policy CS2** promotes employment generating new development.
- 4.22 **Policy CS5** supports new proposals that safeguard existing tourist facilities.
- 4.23 **Policy CS6** relates to regeneration within the Borough. It states:

*“permission will be granted for development which positively contributes by type of use and design and by its comprehensive approach to the social, economic and/or physical regeneration.”*

- 4.24 **Policy CS15** relates to proposals for Sites within the Flood Zone and identifies a requirement to undertake relevant assessments in support of applications proposing physical works.
- 4.25 **Policy CS16** promotes high quality design in new development.
- 4.26 **Policy CS19** relates to infrastructure. It identifies proposals will be supported where they:
- *It ensures that it makes the most effective use of existing infrastructure, including opportunities for co-location of facilities.*
  - *It ensures that if there is a proven need for additional infrastructure, a programme of delivery has been agreed with the relevant infrastructure provider that coordinates contributions from the development with other investment streams before development begins.*
  - *A programme of delivery of improved or new infrastructure needs to be agreed; the nature, scale and phasing of any infrastructure will be commensurate with the form of the development and its potential impact upon the surrounding area.*
  - *A programme of delivery of improved or new infrastructure is agreed so that the facilities being provided are accessible by a range of transport modes and meet the needs of the borough's community.*
  - *It promotes the creative multifunctional use of existing and proposed facilities.*
  - *It ensures that new infrastructure supports the local economy.*
  - *It ensures that decisions on the provision of infrastructure are taken on the basis of whole-life costing.*
- 4.27 **Policy CS20** relates to transport and access strategy in new development.

#### Allocations Plan

- 4.28 The Allocations Plan was adopted in 2014. The document compliments the Core Strategy and provides a series of development control policies.
- 4.29 The Site is again identified within the Settlement Boundary and not allocated for a specific purpose as per the below extract:



**Figure 4.2 – Allocation Plan Extract.**

- 4.30 The following are considered relevant in the context of the proposed development:
- 4.31 **Policy AL1** sets out a presumption in favour of sustainable development.

4.32 **Policy AL2** relates to Sites within the Settlement Boundary. It identifies:

*Planning permissions will be granted for developments within the undeveloped gaps that help to define the separate identity of settlements and prevent their coalescence, and meets any of the following:*

1. *Relates to small scale householder development.*
2. *Meets an overriding public need e.g. For community or recreation use, that cannot be accommodated elsewhere in the Borough.*
3. *Meets the policies for exceptional development in 'rural areas', set out in the NPPF*

#### Forthcoming Policy

4.33 The Council are currently consulting on their new Local Plan; however, this is not at an advanced stage. Adoption is earmarked for summer 2025. The emerging Plan therefore does not comprise a material consideration in the determination of applications.

#### Summary of Relevant Policy

4.34 In the context of the scale and type of development proposed, it is our opinion that the proposals should be considered against the following:

- **Are the proposals for a scale of retail development appropriate?** The Site as existing includes a petrol filling station, linked kiosk store and Greggs unit. The proposed development will enable the comprehensive betterment of it via a modern kiosk store and food / beverage offer. The proposed development accords with the requirements of EG Group, the existing operator of the Site and a market leading provider of roadside facilities;
- **Is the proposed development appropriate to the character and appearance of the site and the surrounding built environment?** The Site is tired in appearance and in need of update. The proposed development will significantly enhance its appearance, in addition to investment from the Applicant to enable a betterment to the facility including use of redundant brownfield land within the Site. The proposals will therefore represent a net gain in respect of the character and appearance of the Site;
- **Is the proposed development easily accessible, or capable of being made easily accessible, by a choice of means of transport, including by public transport, walking and cycling?** The Site forms part of an existing roadside destination, aimed as serving passing traffic. Notwithstanding, it is accessible by train, bus, walking and cycling. The proposed development will provide a betterment to the existing facility. Therefore, we conclude that the proposals are fully compliant in this regard;
- **Will the proposals comprise sustainable economic development?** The proposed development will meet the requirements of the existing owner/operator and aid the overall viability of the operation. It will therefore contribute positively to the overall economic wellbeing of the area. It will result in the creation of 15 positions, enhancing employment opportunities and generally meet sustainable economic development objectives. Accordingly, we conclude that the proposals are compliant in this regard;
- **Are there any sequentially preferable sites?** A sequential assessment has been undertaken and is set out within Section 5 of this Planning and Retail Statement. The assessment has been undertaken on the basis of the specific occupier-led floorspace and business model requirements; and
- **Will the proposals have a significant detrimental impact on the vitality and viability of any allocated centres?** The development proposed by way of this application therefore comprises an increase in the level of Class E floorspace by 421 sq. m. The net additional proposed development is therefore just 16% of the 2,500 sq. m threshold set out in NPPF. There is no locally set threshold below the figure provided in NPPF. Accordingly, there is no requirement to provide an assessment of retail impact given the small-scale nature of the proposal.

## 5.0 RETAIL CONSIDERATIONS

### The Sequential Test

- 5.1 This section of the PRS assesses the proposed development against the provisions of Paragraphs 87-88 of the NPPF, namely whether there are sequentially preferable sites that have the potential of accommodating the floorspace associated with the application.
- 5.2 The sequential test means wherever possible seeking to focus new development within, or failing that, on well located sites on the edge of existing centres. Only if in-centre or edge-of-centre sites are not available will out-of-centre locations be appropriate, provided they are acceptable in other respects.
- 5.3 Applying the sequential approach should have regard to the need, both consumer and operator, that will be met by the development. It is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand. For it to have meaning, the sequential approach must be applied in a way that allows the identified need to be fully met. Applicants and local planning authorities are to demonstrate flexibility in terms of format and scale of the developments.
- 5.4 We make the following general observations which set the context for this sequential assessment:
- The prevailing use of the Site as a petrol filling station will be retained. The application proposes a betterment in the facilities provided at the Site to the benefit of users of it including EV charging facilities;
  - It's use as a Petrol Filling Station is underperforming. The proposed development will modernise the operation and increase its overall performance, aiding its retention as roadside infrastructure;
  - EG Group comprise a leading provider of roadside services. The application and uses proposed are not speculative; and
  - The proposed uses will be ancillary to the main function of the Site as a roadside facility. The uses require suitable servicing arrangements and a roadside location capable of hosting a viable petrol filling station. For any site to comprise a suitable alternative, it would have to benefit from similar characteristics in respect of vehicular movements past its frontage to enable a viable operation.
- 5.5 Given the above, and by implication, compromises to the size, form and layout of the proposed development will impact on EG Group's business model and will result in unacceptable operational impacts which would prevent the operator from proceeding with the site.
- 5.6 Applying the sequential approach should have regard to the need, both consumer and operator, that will be met by the development. It is not an academic exercise divorced from the commercial realities of what it is that occupiers, retailers and developers and landlords are seeking to provide in response to market demand. For it to have meaning, the sequential approach must be applied in a way that allows the identified need to be fully met. Applicants and local planning authorities are to demonstrate flexibility in terms of format and scale of the developments.
- 5.7 The Planning Practice Guide (PPG) advises that applicants and planning authorities should consider what contribution more central sites are able to make individually to accommodate the proposal. This should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Local planning authorities need to be realistic and flexible in terms of their expectations.
- 5.8 There have been a series of court and appeal decisions which provide the binding authority and guidance on the correct application of national policy relating to the sequential approach. The Supreme Court in *Tesco Stores v Dundee City Council* [2012] UKSC 13, 21 March 2012, considered how the sequential test should be applied. It concluded that:
- "...it is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre"*
- 5.9 The Supreme Court was clear that a developer or retailer should not be required to materially change a development to operate in an artificial world. At Paragraph 38 of the transcript, Lord Reed states:

*“The whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for which is something less than that sought by the developer...”*  
*“But these (sequential assessment) criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so”.*

5.10 It is not the intention of the policy to require a developer or operator to materially alter the proposal to it can be accommodated by an alternative site. The sequential approach is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand.

5.11 The High Court supported the principles established in the Supreme Court and confirmed that its decision was binding in England. The Court provided further analysis in *Zurich Assurance Limited (t/a Threadneedle Property Investments) V North Lincolnshire Council and Simons Developments*. In the judgement, Justice Hickinbottom concluded that:

*‘It is also important to mark that developers, and planning authorities, work in the real world. Working in the real world, the [planning] committee were entitled (and, indeed, bound) to take into account the evidence... Marks and Spencer would not locate to Scunthorpe town centre in the event that this application for the site was refused.’*

5.12 The Judgement is explicit in that it requires decision makers to take into consideration the commercial requirements and objectives of operators, developers and the wider commercial sector. Of particular relevance from the Zurich case was the acceptance that, should planning permission not be granted for the proposed development, the tenant would not occupy any of the sites that had been identified as alternatives. This accords with the principal objective of the sequential approach which is to direct development to defined centres in the first instance.

5.13 In *Aldergate Properties Ltd v Mansfield District Council*, the application of the policies in respect of suitability and availability, and the requirements for applicants to demonstrate ‘flexibility’ were considered. The Judgement states:

*“In my judgement, “suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity or personal or corporate attitudes of an individual retailers”.*

5.14 The NPPF requires applicants to consider sequential sites that are ‘available’ which is defined as including sites due to become available within a ‘reasonable period’. A ‘reasonable period’ is not defined by the NPPF or PPG but is considered to be ‘reasonable’ having regard for the requirement the development is intended to meet and the relevant local context.

5.15 In the *Scotch Corner Secretary of State Decision* in December 2016 (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143690) the Inspector found:

*“In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites...” (IR paragraph 11.7)*

5.16 More recently, the Secretary of State has issued his decision in respect of development at Cribbs Causeway. In that decision, the requirement for ‘disaggregation’ is specifically considered within the context that an explicit requirement was not re-introduced in the revised NPPF:

*“In the Tollgate Village case the Inspector did consider that there was scope for disaggregating the proposals and spreading them onto different sites, even though ultimately such sites were found not to be available. However, the findings here were case specific and it is noted that they were not specifically endorsed by the Secretary of State in his decision”*

5.17 In December 2014, the Communities and Local Government Committee assessed the operation of the NPPF and considered whether disaggregation should be re-introduced into the application of the sequential approach. This was

rejected by the Government and not seen necessary, given the established policy and requirement to demonstrate 'flexibility'. The requirement to disaggregate a specific development was seen to go beyond the requirements of this policy.

5.18 It is therefore clear that there is no requirement to disaggregate proposals into its smaller constituent parts when applying the sequential test, and when considering sequential sites, these need to be able to be suitable for the development proposed as a whole, and not an alternative hypothetical smaller version of the proposal.

5.19 The interpretation of the NPPF and its role in decision making was explored in Asda Stores Limited v Leeds City Council Respondents and Commercial Development Projects Limited ('The Leeds Case'). The decision is clear in that:

*"The words "should be refused" have a clear meaning, which requires no elaboration by the court. They do not mean "must be refused". The policy is not imperative. It does not dictate a refusal of planning permission whenever the development proposed is likely to have a "significant adverse impact" on the "vitality or viability" of a town centre".*

5.20 Instead, it allows for planning balance. In the Leeds Case, it was acknowledged that the sequential test had not been passed, and that the development would be a significant adverse impact on a town centre. However, in reaching their decision to approve the application, Members determined that, this was outweighed in the planning balance by socio-economic factors and other considerations. The High Court concluded that:

*"That balance, conducted within the statutory parameters, depended on an exercise of planning judgment. The panel exercised its planning judgment lawfully"*

#### **Scope Of The Sequential Assessment**

5.21 The proposed development is based on a clear understanding of the form and size that is required for the Applicant to ensure a continuation and betterment of the prevailing operation of the Site as a roadside facility. Any compromises to the either party's business model would result in the occupier not being able to fully implement its established retail model and would result in the retailer not proceeding with the Site.

5.22 In considering the sequential test in relation to the development proposals, we would set out the following relevant business model and format considerations.

5.23 EG Group comprises a market leader in the provision of roadside services. The company has vast experience in the provision of facilities aimed at driver welfare via a range of services including refuelling, rest and respite throughout the UK and beyond.

5.24 There is no presumption within the NPPF in favour of disaggregation rather that the applicant should provide evidence that the scope for reasonable disaggregation has been explored. The proposed development cannot be expected to disaggregate into smaller sites, removing the critical mass necessary for a commercially viable roadside operation, as set out within the above consideration of relevant appeal decisions and judgements.

5.25 We do not consider that there are any defined elements to the proposed development which could be reasonably or successfully disaggregated for the purposes of the sequential test, given the unacceptable impact that such disaggregation would have on the operation of wider Site or operation from it.

5.26 The Site is an existing roadside facility in the form of a petrol filling station, linked kiosk store and Greggs unit. As such, in our view it is an appropriate location for the proposed development which will not alter its prevailing use. Notwithstanding, given that it is located in an out-of-centre location, a sequential test has been undertaken in line with national and local policy.

5.27 The proposed development requires a site area of 8,500 sqm, to accommodate the filling station, linked pumps, EV charging, car parking and kiosk store/drive thru. To demonstrate flexibility for the purposes of undertaking the sequential test, we have searched for sites / units between 7,650 sq m 9,530 sq. m. This demonstrates a flexible interpretation of the sequential test, with sites 10% smaller and larger than the requirements of the Applicant.

- 5.28 Unit / sites below this range would require a material change to the established business model of EG Group, leading providers of roadside facilities. Units/sites larger than this range would result in an over-supply of area / floorspace that would impact the overall viability of the operation. In addition, it will also be necessary to consider the ability of sites to accommodate the necessary surface level car parking, servicing and access. Further, for any site to comprise a suitable alternative, it must benefit from the level of pass by trips to sustain a petrol filling station.
- 5.29 Given that the proposals relate to a site which is owned by the Applicant and a proposed betterment to the facility is intended without a material change in the prevailing use, for a site to be considered genuinely available, it needs to be currently vacant, or be available in the short term. Sites which require a redevelopment or are not available in the short term cannot be considered genuinely available in the context of the sequential assessment for the application to which this Statement relates.
- 5.30 The following centres have been assessed:
- Mengham District Centre; and
  - Gable End District Centre.
- 5.31 Both centres are located on Hayling Island and include primary and secondary retail frontages. Accordingly, they have formed the focus of our search for vacancies and development opportunities.

#### Mengham – Existing Opportunities

- 5.32 Mengham comprises a small scale, L shaped centre focused on Elm Grove and Mengham Road. It is anchored by a Sainsburys Local convenience store, a Co-op convenience store and includes a series of largely local operators. Experian data in addition to our research via local agents and online sources identified 5no. vacancies within the centre as detailed below:

| Unit              | Size (Sq. m) |
|-------------------|--------------|
| 29 Elm Grove      | 60           |
| 23-25 Elm Grove   | 180          |
| 14 Elm Grove      | 100          |
| 18 Mengham Road   | 60           |
| 9-11 Mengham Road | 415          |

- 5.33 It is clear than none of the vacancies are large enough to comprise a realistic alternative to the Site. Accordingly, there are no units within the centre large enough to comprise a suitable alternative irrespective of vacancy. Irrespective, it is clear that Mengham Road does not benefit from the required number of vehicle movements in order to sustain a roadside facility.
- 5.34 In accordance with the above, we have discounted Mengham in respect of existing opportunities.

#### Mengham – Development Opportunities

- 5.35 No sites within the centre are allocated for development for any purpose within prevailing planning policy.
- 5.36 Mengham Lane car park is located to the east of the centre. The car park comprises the only public car parking facilities of scale servicing the centre. It is therefore playing a key role in the upkeep of the vitality and viability of the centre. It is not being marketed for sale or large enough to comprise an alternative the Site. It is not available or suitable as an alternative for the purposes of the sequential test.
- 5.37 In accordance with the above, we have discounted Mengham in respect of development opportunities.

#### Gable End – Existing Opportunities

- 5.38 Gable End comprises a linear centre focused on Elm Grove. It is anchored by a Co-op convenience store and includes a British Legion social club. Our research identified 1no. vacancy in the centre, 126C Legion Road which comprises just 10 sq. m. It is therefore clear that there are no existing opportunities within the centre that could realistically be considered an alternative to the Site.

5.39 In accordance with the above, we have discounted Gable End in respect of existing opportunities.

#### Gable End – Development Opportunities

5.40 As identified above, Gable End does not benefit from the required number of vehicle movements in order to sustain a roadside facility. Irrespective, no sites within the centre are allocated for development for any purpose.

5.41 Policy HY13 of the Allocation Plan allocated Land to the Rear of 108-110 Elm Grove for the purposes of 14 dwellings. The site is 0.17ha in scale and does not benefit from a frontage onto Elm Grove. It is therefore not large enough or suitable to comprise an alternative to the Site.

5.42 Our search failed to identify any other development opportunities within the centre. In accordance with the above, we have discounted Gable End in respect of development opportunities.

#### **Retail Impact Considerations**

5.43 Paragraph 90 of the NPPF states that an assessment of retail impact is necessary for proposals above 2,500 sq. m not located within a Town Centre location, unless a locally set floorspace threshold indicates otherwise. There is no locally set threshold below the NPPF threshold.

5.44 Given the particular circumstances of the proposal, we would make the following observations:

- The existing use of the Site comprises a roadside facility comprising a PFS and linked kiosk (102 sq. m) and Greggs unit (c 100 sq. m). The use of the Site will not be altered as a result of the proposed development;
- The application proposes a replacement kiosk store (510 sq. m) of and drive thru unit (113 sq. m);
- Owing to the demolition of the existing kiosk store and Greggs unit, the net additional tradable floorspace will be 421 sq. m. The figure is just 17% of the nationally set threshold for impact assessments. The proposed development is therefore de minimis in scale in the context of the national threshold; and
- The Site is prominent and reliant on pass by trade from motorists on the highway. It does not comprise a destination in its own right in either existing or proposed form;

5.45 In light of the above, we conclude that the proposal will not have any perceptible impact on the vitality and viability of well performing and established centres such as Gable End or Mengham and will not have any discernible impact on existing convenience patterns by virtue of its limited scale. It will not result in a significantly adverse impact on either Centre. The proposed development is therefore acceptable from a retail impact perspective.

## 6.0 PLANNING CONSIDERATIONS

6.1 In this section we set out an overview of the other development management issues associated with the consideration of the application. These are as follows:

- Sustainable Economic Development and Socio-Economic Benefits;
- Transport and Highways;
- Flood Risk;
- Ecology;
- Noise; and
- Design and Landscaping.

### **Sustainable Economic Development and Socio-Economic Benefits**

6.2 Sustainable development is the cornerstone of the planning system under the NPPF. The application proposals seek full planning permission to allow a redevelopment of facilities at 181 Havant Rd, Hayling Island in order to provide a new petrol filling station kiosk store and drive thru unit.

6.3 The Site currently comprises a petrol filling station, kiosk store and Greggs unit. It is tired in appearance and suffers from dated facilities in addition to excess areas of hardstanding.

6.4 The proposed development will result in a significant betterment to the offer at the Site, while retaining its prevailing function as a roadside facility for passing motorists. It will lead to the creation of 15 jobs. The development will contribute to local economic growth and therefore the proposals have therefore significant planning merit.

6.5 The Site will continue to be overwhelmingly used by passing vehicular traffic. Notwithstanding, it is accessible by public transport and within walking distance of a number of residential areas.

6.6 The proposed development would qualify as sustainable economic development, as it does not require the release of additional or green field land. It will make use of underutilised elements of a brownfield site. The Applicant is committed to significant investment in order to upgrade and modernise the Site and the roadside operation within it.

6.7 The units/sites in the surrounding town, district and local centres are generally small in scale, and therefore are not suitable to accommodate the proposed development. By locating the proposed use at the Site, the proposed development will increase choice and retailer competition, contributing positively to consumer choice and reducing the distance users of existing facilities and nearby residents will need to travel to satisfy their top up shopping requirements.

6.8 We therefore conclude that the proposed development represents sustainable economic development and secure sustainable economic growth by way of job creation, investment in the area and increase consumer choice and competition, and therefore should be treated favourably.

### **Flood Risk**

6.9 The application is supported by a Flood Risk Assessment prepared by Nicola Sugg which looks at the potential impact of the proposals. The Statement confirms that the Site is accessible by a range of different transport modes, including public transport, private car and by bike. It concludes:

*“The FRA concludes that the only significant potential source of flooding to the development is: tidal (coastal flooding). Site-specific predicted flood water level data have been obtained from the Environment Agency from the 2018 East Solent Coastal study.*

*The model results indicate that the application site would remain dry during the present-day 0.5% and 0.1% annual probability flood events due to the presence of flood defences. However, in the absence of flood defence improvements, the current flood defences would be overtopped during the design flood event (0.5% annual*

probability + climate change) as a result of sea level rise. Peak flood water depths of up to 2.0m are predicted during the design flood event.

However, the local Coastal Management Strategy and confirms that the coastal defences adjacent to the application site have a proposed option of sustaining a minimum 0.5% annual probability (1:200 year) standard of protection. It is recognised that future flood defence improvements are subject to funding and implementation, and a residual risk remains in the event of a flood defence breach/overtopping during an extreme flood event.”

## **Transport and Highways**

- 6.10 The application is supported by a Transport Statement prepared by DTP which looks at the potential impact of the proposals. The Statement confirms that the Site is accessible by a range of different transport modes, including public transport, private car and by bike. It concludes:

*“It is proposed that the existing service station access arrangements into the site will be retained with minor modifications to the existing egress onto Havant Road. The highway accident data has been reviewed for the most recently available three year road safety record for the area within the vicinity of the site.*

*The data does not demonstrate any pre-existing patterns or trends of incidents that could be affected by the development proposals. A swept-path analysis has been undertaken for the largest vehicles expected to service the development proposals which demonstrates that such vehicles will be able to safely manoeuvre into and within the proposed development.*

*The proposals also include the introduction of a formal demarcated car parking provision with EV bays, which align with local parking standards and improve upon the existing site where no demarcated parking bays are provided. The accessibility of the site for non-car modes of travel has been assessed. It is considered that the site is located to allow for journeys by sustainable modes by both staff and customers.*

*The trip generation comparison has been undertaken between the existing site and the proposed redevelopment which shows that there would be no material impact on the surrounding highway network.”*

## **Ecology**

- 6.11 Rachel Hacking Ecology have undertaken an ecological assessment of the Site. It confirms:

*“No statutory protected sites exist on the site or immediately adjacent to the site. The nearest statutory protected sites are Solent Maritime SAC, Chichester and Langstone Harbours Ramsar SPA, Langstone Harbour SSSI, Hayling Billy LNR and West Hayling LNR all lie approximately 50m west of the site.*

*The site is previously developed land, and a buffer habitat of scrub and woodland lies between the development footprint and the protected sites, there is expected to be no deleterious impact on the protected sites from the development.*

*No non-statutory protected sites lie within the proposed development site or immediately adjacent. The nearest non-statutory protected lies approximately 30m from the site boundaries at its nearest point. Buffer habitats of scrub and commercial developments lie between the protected site and the proposed development.”*

- 6.12 Further, the assessment identifies the Site is of limited ecological value with no evidence of protected species via surveys.

## **Tree Survey**

- 6.13 Bowland consulting have undertaken a Tree Constraints Assessment in respect of the proposed development. The assessment identifies the group of trees to be removed as part of the proposed development are generally of lower quality.

## **Design and Landscaping**

- 6.14 The application proposals will significantly enhance the appearance of the Site via its redevelopment. The Site as existing is tired in appearance and in need of an update. The proposed development will make positive use of redundant areas of hardstanding throughout the Site.
- 6.15 The updates to the kiosk store in addition to the drive thru unit represent a positive steps in the evolution of the site. The unit will be modern in appearance.
- 6.16 Substantive landscaping is to be provided at the Site peripheries as shown on the Landscaping plan prepared by DEP.

## **Drainage**

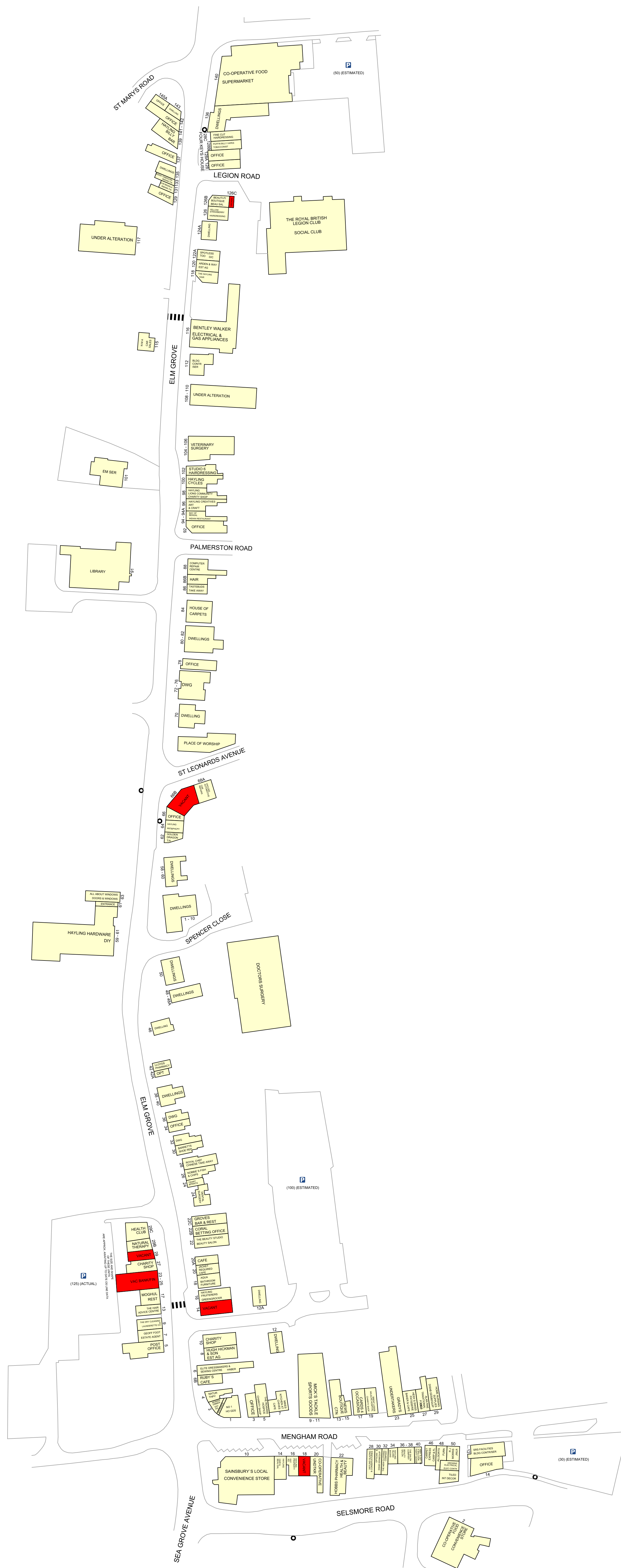
- 6.17 Goodsons Associates have undertaken a Drainage Strategy of the proposed development. Their assessment confirms that in respect of foul drainage, the existing Southern Water adopted foul sewers crossing the site will require to be diverted under a formal Section 185 agreement to facilitate the proposed redevelopment works.
- 6.18 In respect of surface water, infiltration to ground would be an unreliable and inappropriate option for draining surface water for this development. It is therefore proposed that surface water from the roof and hardstanding areas will be collected and directed into the existing surface water network within the site boundary before discharging from site in the manner it is understood to do so at present, via the existing Southern Water adopted storm connection present at the eastern boundary of the Site.
- 6.19 It is proposed that the surface water will discharge from site at a reduced rate of 30% from the existing 0.158 ha impermeable area, which has been calculated at  $2.78 \times 0.158 \times 50 = 22.0$  l/s, hence the reduced discharge rate will be  $22.0 \times 0.7 = 15.4$  l/s.

## 7.0 CONCLUSIONS

- 7.1 This Planning and Retail Statement has been prepared on behalf of EG Group, in support of an application seeking full planning permission for the demolition and redevelopment of existing structures and erection of a replacement store including drive thru unit at 181 Havant Rd, Hayling Island (“the Site”).
- 7.2 The Site is tired in appearance and in need of modification. It includes significant elements of redundant hardstanding. The application proposals aim to provide a series of improvements to the Site and a more comprehensive roadside facility via an improvement in the offer to passing motorists via a modern kiosk store and food and beverage facilities via a drive thru facility.
- 7.3 This Planning and Retail Statement has considered the acceptability of the proposal against the relevant policies contained in the NPPF and in local Development Plan policy, and concludes the following:
- The Site currently accommodates roadside facility in the form of a petrol filling station, linked store and Greggs unit. Its prevailing use for such purposes will not be altered as a result of the proposed development;
  - EG Group, the owners and operators of the Site comprise vastly experience operators of roadside facilities. They have identified a need to modernise the operation at the Site;
  - A replacement kiosk store is proposed in addition to a drive thru unit providing a food and beverage offer as part of a more comprehensive facility. A car wash facility is also proposed as an optimisation of the operation;
  - The proposed development will deliver significant investment into the local economy by way of new employment opportunities;
  - The sequential assessment concludes that there are no sequentially preferable sites within relevant centres capable of accommodating the development;
  - The proposal is not of a scale where they could lead to a significantly adverse impact on the performance and vitality and viability of the surrounding centres;
  - The development presents will result in significant environmental and social benefits by way of the enhancement of the appearance of the Site; and
  - The proposed development is acceptable in all material considerations linked to the determination of the application.
- 7.4 Accordingly, we conclude that the application fully accords with both national and local planning policy and should therefore be considered favourably by the Council.

# APPENDIX 1.0

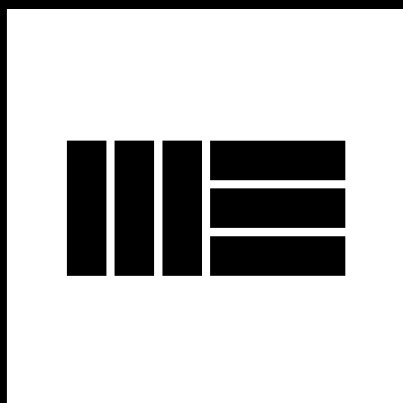
## VACANT LIST



50 metres

Experian Goad Plan Created: 10/01/2023  
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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.  
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.