

Planning Application Ref. APP/20/01221

Land to the west of B&Q, Purbrook Way, Havant

Erection of Retail Foodstore

Introduction

This Briefing Note has been prepared in response to comments received from policy officers (dated 16th February 2021) and in respect of the above planning application.

We respond using the same sub-headings as those set out within the consultation response.

Principle of Development

We welcome confirmation that the principle of development is acceptable.

The response notes that policy C11 of the Emerging Plan is a material consideration (we do not disagree) and that there could be a policy objection in that regard. First, it is important to reiterate that the Havant Borough Local Plan has only recently been submitted for Examination (12th February 2021).

Paragraph 48 of the National Planning Policy Framework (NPPF) states:

“Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).***
- (b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and***
- (c) The degree of consistency of the relevant policies in the Emerging Plan to this Framework (the closer the policies in the Emerging Plan to the policies in the Framework, the greater the weight that may be given).”***

Only limited weight can, therefore, be afforded to the Emerging Plan and policy C11. The Plan has only very recently been submitted for Examination. There remain several objections that the whole Plan is ‘unsound’ which, if the Inspector agrees with, will render the Plan obsolete. Clearly, the Plan’s consistency with the NPPF has yet to be assessed. Simply Planning Limited (SPL) have also made representations to the Emerging Plan expressing concern with the wording of Policy C11.

Our position regarding Emerging Policy C11 is articulated, in detail, within our accompanying Supporting Planning Statement. There is little merit repeating those arguments verbatim. However, we would wish to reiterate the following:

- Emerging Policy C11 (Land at Hulbert Road) remains far too prescriptive in terms of future acceptable land uses. A retail use is, in our view, the only realistic form of employment generating development that can occur from this location, owing to abnormal costs associated with bringing the site forward.

- Land at Hulbert Road is not, in any way, a longstanding employment land designation. Nor can it be considered a premier location for growth.
- Land at Hulbert Road originally formed part of a much wider potential employment site promoted for employment purposes (Site Ref. BD79), through previous versions of the Council's ELR (2017). The suitability of the site for employment purposes, at that time, was dismissed.
- In January 2019, the Council produced an update to the earlier Employment Land Review. That document re-appraised Site Ref. BD79 in totality.
- Despite the Employment Update acknowledging that it was likely only development on part of the site was deliverable, there did not appear a corresponding reduction in the respective site area of the emerging allocation. Therefore, it is reasonable to assume that the extent of the site promoted continued to relate to a much wider land holding (the majority of which has since been discounted).
- Regardless, the 2019 ELR recognised the site as being potentially suitable for B2/B8 and/or sui generis purposes.
- In March 2020, Havant Borough Council undertook a further Employment Land Review. The site was recommended as suitable for employment purposes (B2, B8/sui generis). However, this assessment again appears to be based on a much wider potential employment allocation, carried over from the earlier Employment Reviews.

Accordingly, the contribution the future employment site C11: Land at Hulbert Road can theoretically make towards employment objectives appears to have been overstated within the Emerging Local Plan. Regardless, the Borough's Employment Land Supply is more than sufficient to meet identified employment requirements.

A key issue in Havant with regards to employment land is not one of supply but, rather, the quality of existing employment stock. There is no quantitative need for additional employment land within the Borough nor can it be said, in any way, that the application site can be considered best quality employment land. Rather, to the contrary, it has been previously acknowledged that there are several significant constraints associated with the wider site – so much so that a large swathe of the originally considered employment allocation has been discounted for employment purposes.

Taken in isolation, the prospects of the application site coming forward, as a speculative employment development, are extremely low. The Emerging Local Plan affords no regard to the commercial realities of bringing the application site forward for development. The existing site does not benefit from any existing utilities. Delivering such connections (including electricity and foul and surface drainage) is a costly exercise and taken together with the substantial 'cut and fill' exercise necessary to achieve any form of development at this location, the reality is that the site is reliant on a high value land use (such as retail) to deliver any form of job creating development.

There is no tangible evidence for allocating land at Hulbert Road for strict 'traditional' employment purposes. The site is not, nor has it been historically, a key employment allocation. Furthermore, there is a significant oversupply of employment floorspace within Havant with better prospects for speculative employment development.

The application proposals respond fully to the key retail planning tests namely matters of retail impact and sequential (considered below). The application site falls within the defined urban area of Havant and in a location where development is to be focused through Policy CS17 and AL2. The site is not subject to any site-specific policy

designations (including those relating to employment) within the adopted Local Plan. Rather, development plan policies actively encourage the efficient use of land within the urban area. The application site is a logical site for additional food retail provision, having regard to existing representation and planned population growth. Planning consent should be granted unless there are significant and demonstrable disbenefits of granting consent, or specific policies dictate refusal. The disbenefits, to justify a refusal on planning policy grounds, must be significant and demonstrably outweigh the benefits. There are no such disbenefits of that order. Rather, the planning balance falls firmly in favour of the proposed development.

Retail Impact and Sequential Test

First, we agree with planning policy that there is no requirement to produce a Retail Impact Assessment in support of the application proposals.

With regards to the Sequential Test, Limited Assortment Discounters (LADs) stores, such as those operated by Lidl, are intended to function as neighbourhood stores serving a compact and localised catchment. They must be located at a convenient, highly accessible and visible location with a main road frontage.

The Area of Search for sequential test purposes is set out within our Supporting Planning Statement. For clarity, sequential sites were identified through a variety of sources including, yet not exclusively, the following:

- Relevant GOAD plans and Promap data;
- Havant and Waterlooville Town Centres Study (October 2017);
- Town Centres Retail and Leisure Study (March 2009);
- Portsmouth Retail Study (2015);
- Portsmouth Retail and Town Centres (Background Paper 2019);
- Havant Borough Council Proposals Map (including Town and District Centre Inset Maps);
- Recent planning decisions;
- Aerial imagery/google earth.

Following a desk-top review all identified centres within and, indeed, adjoining the catchment were visited (on several occasions) and assessed for sequential test purposes. No sequentially preferable sites were identified in the centres of Drayton or Farlington. In addition, all 'typical' high street units in all the identified centres and which were vacant at the time of our assessment were immediately discounted, owing to their clearly insufficient footprint.

The reasoning for our dismissed sequential test sites is set out clearly within our Supporting Planning Statement – most notably the detailed appraisal sheets at Appendix 3. The sequential test is robust and proportionate. Our conclusion being that no alternative sites are genuinely sequentially preferable.

For clarity, the respective site areas are outlined in the table below:

Sequential Test Site/Status	Site Area (Ha)	% difference to application site
Bedhampton Local Centre		
Nos. 23, 26 and 27 Bedhampton Road, PO9 3ES	0.60	-45%
Imperial Palace, Belmont Grove	0.17	-84%
Crookhorn Local Centre		
Centurion Public House	0.20	-81%
Community Centre and Church of the Good Shepherd (CoGS)	0.50	-54%
Purbrook Local Centre		
Purbrook Masonic Centre, Stakes Road	0.22	-80%
Purbrook Motor Company and Ladybridge Road Car Park	c.0.20 (combined)	-80%
Middle Park Way Local Centre		
No. 138 Purbrook Way	0.30	-72%
Leigh Park District Centre		
Crown Bingo Hall, Somborne Drive	0.60	-45%

Even allowing for flexibility, there can be no credible assertion that any of the above sequential test sites are suitable for the development proposals, or a flexible form of them.

Sustainable Construction and Design

We note that Officers consider the proposal to comply with the adopted Local Plan from a sustainability perspective.

The application proposals demonstrate a commitment to sustainable design and construction with BREEAM 'Very-Good' to be targeted. This is wholly in accordance with the adopted Development Plan. The assertion that the proposals would be contrary to the emerging Local Plan takes a narrow view of the matter particularly as the supporting paragraph to the Emerging Local Plan (5.123) notes that *"if the required rating is financially unviable or technically unfeasible, then this will need to be demonstrated with appropriate evidence in support of a planning application. In this instance, the applicant will be expected to meet the highest percentage BREEAM score that is viable"*. A case would be put forward, at the appropriate time, if a proposal fell short of the Emerging Local Plan

expectation – not requirement as inferred by policy officers. Regardless, the proposal fully meets with the adopted Local Plan with regards to energy and sustainability. There can be no objection raised on this basis.

Parking

The parking case for the proposals is outlined within the accompanying Transport Assessment, prepared by Mayer Brown. This categorically concludes that the level of parking provision provided is entirely appropriate to meet the operational requirements of the proposed Lidl store and mitigate against parking overspill. A justification for the level of EV Charging Point provision is also provided within the Transport Assessment.

There are no specific standards for the provision of EV spaces within local guidance. Therefore, in line with Lidl's corporate social responsibility, Lidl's standard specification for new foodstore developments is to install a 50KW DC rapid rate EV Charging Point on site, providing capacity to charge 2no. EVs simultaneously. This is considered appropriate.

Conclusions

National planning policy confirms that the Government is committed to securing economic growth and to ensuring that the planning system does everything it can to support and encourage sustainable economic growth. The proposals involve the development of land within the defined built-up area (acknowledged as being suitable for development) in an established settlement and in a location, which is recognised as having excellent road links and good public transport services. The proposals would help facilitate investment, development and potential associated job opportunities in the area (for which there is recognised need). The proposals for a new foodstore in this sustainable location, clearly, contributes to the economic needs of planning policy.

The application site is located within the defined urban area of Havant. It is wholly in accordance with policies which seek to concentrate development within the urban area. There are no site-specific policies that would preclude retail development upon the application site, subject to complying with the established retail tests (i.e., sequential and retail impact). Whilst emerging policies promote more traditional employment purposes, the prospects of realising speculative employment development are extremely low. Furthermore, the Emerging Local Plan is afforded minimal weight (a point accepted by policy officers).

Lidl has undertaken an extensive search for suitable and available locations for a new discount foodstore. As demonstrated in the sequential site assessment, there are no other suitable, or available sites, closer to existing retail centres within the expected catchment of the store. The application site relates well to the urban area, is within an accessible location and a logical location having regard to the catchment the store will serve.

Planning consent should be granted unless there are significant and demonstrable disbenefits of granting consent, or specific policies in the NPPF dictate refusal.

The obvious policy restrictions of the NPPF which could dictate refusal are the retail policies encompassed at paragraphs 86 to 89. These include both the sequential approach and retail impact tests. The proposal satisfies both tests. As such, the NPPF does not dictate refusal of consent on retail policy grounds.

The disbenefits, to justify a refusal, must be significant and demonstrably outweigh the benefits. There are no such disbenefits of that order. Accordingly, the planning balance falls firmly in favour of the proposed development. There can be no issue with the principle of development a point acknowledged by planning policy.