



Principal Planning Officer
Planning Services
Havant Borough Council
Public Service Plaza, Civic Centre Road
Havant
PO9 2AX
FAO: Kayleigh Taylor

18th July 2024

Ref. SP19-1085

Dear Sirs,

Planning Application Ref. APP/24/00330
Erection of Retail Foodstore with associated Car Parking, Access, Landscaping & Engineering Works
Land to the west of B&Q, Purbrook Way, Havant

I write in relation to the above planning application (Ref APP/24/00330) which was submitted to your Authority in April 2024. The application is currently within the determination period with a decision expected by the end of August 2024.

By way of background, this is a site that I have been involved with for over 4 years. Planning permission (Ref. APP/20/01221) was originally approved for a foodstore upon the site in December 2022, following completion of a s106 Agreement. The approval followed extensive and pro-active dialogue with both the Local Planning Authority and their respective statutory consultees. Accordingly, the consented layout evolved through a beneficial and collaborative process between the applicant and design, landscape, highways and planning policy officers. Importantly, this original planning permission remains extant, and all pre-commencement conditions have been discharged. It provides an important fall-back in the context of planning application (Ref APP/24/00330).

Lidl remain firmly committed to delivering a foodstore at Purbrook Way. The scheme is fully funded and costed with the site forming an important part of the retailers planned construction programme for this particular region. Prior to obtaining planning permission, Lidl had been seeking additional representation within Havant, to complement their existing portfolio, for many years. The application site is the only site that they have identified, that is genuinely available, and which can meet with the changing operator requirements of Lidl. Havant continues to be a key planned new store location for Lidl. This is evidenced in the new flagship store format now proposed. It is the expectation that works will commence on site before the end of the calendar year (2024).

The revised application proposals represent the culmination of a detailed design and feasibility stage as Lidl work towards a meaningful start on site (site clearance works have been undertaken). The detailed design process has, obviously, drawn heavily upon Lidl's revised core building specification. The process has necessitated several design amendments to the originally consented proposals. However, the scheme largely remains consistent to both the design ethos and layout only recently approved at this location (Ref. APP/20/01221). Accordingly, we do not anticipate any fundamental concerns with the revised application. It merely seeks a number of detailed design alterations to the consented scheme allowing it to meet with the changing operator requirements of Lidl. There is no planning reason as to why a favourable decision cannot be forthcoming.

Following submission we have, of course, continued to monitor the planning application, as it moves through the determination period. In addition to comments provided by email (18th June 2024) and concerning the matter of ecology/BNG, we are also aware of individual consultee comments from the Council's Landscape Architect amongst

others. Upon review, none of the consultee comments raise any particular concern with the application – a position largely expected owing to the original and successful application proposals for the site.

However, concerning, in particular, landscaping and ecology, it would appear an opportune time to write to you to formally request the substitution of several planning drawings/documents. These are summarised in the table below:

Drawing/Document	Drawing Ref.	Replacing
Proposed Aerial View	XX-XX-DR-A-91011 P04	XX-XX-DR-A-91010 Rev P01
Proposed Boundary Treatment Plan	XX-XX-DR-A-91002 Rev P03	XX-XX-DR-A-91002 Rev P01
Proposed Site Layout	XX-XX-DR-A-91001 Rev P11	XX-XX-DR-A-91001 Rev P08
Design and Access Statement	July 2024	Version Dated April 2024
Transport Technical Note – Revised Pedestrian Route (Mayer Brown)	June 2024	N/A – Additional Technical Document
Tree Survey and Arboricultural Impact Assessment	Version July 2024	Version March 2024
Tree Removal and Protection Plan	JSL5098 701 C	JSL5098 701 A
BNG Report and Metric Calculation	Version July 2024.	Version Dated April 2024
Detailed Soft Landscape Proposals	5098-RPS-XX-EX-DR-L-9001 REV P08	5098-RPS-XX-EX-DR-L-9001 REV P03

The updated drawings incorporate a revised pedestrian access arrangement to the proposed store. They remove the previous footpath, as originally proposed from Purbrook Way, and provide an alternative pedestrian/cycle route consisting of a shared link between the store entrance and the B&Q roundabout arm to the west, with the route running along the southern perimeter of the site car park.

The nature of the amendment is considered, in further detail, below.

Approved/Submitted Proposals

The original application proposals and the follow up submission provided a 3m wide pedestrian/cycle access link to the site/store from Purbrook Way. It was the intention that this was to be provided via a raised structure, in order to accommodate changing levels between the application site and Purbrook Way. Further and, by raising the access link, impact upon existing statutory undertakers and utilities in this location could be minimised. This was a solution accepted through the original application proposals and, therein, carried through to planning application Ref APP/24/00330.

Amended Proposals

The principle amended now sought and, as shown on the revised drawing pack above, relates to an alternative pedestrian/cycle route. The direct raised link from Purbrook Way has now been omitted. Rather, it is the intention that the pedestrian/cycle link should now consist of a shared link between the store entrance and the B&Q roundabout arm to the west, with the route running along the southern perimeter of the site car park.

A detailed plan that focuses on the amended pedestrian/cycle link between the proposed foodstore entrance and Purbrook Way is provided within the Appendix of the Mayer Brown Technical Note (TN). This note provides further justification from a highways perspective for the revised access strategy.

As the TN demonstrates the amended route is compliant with guidance set out within Department for Transport and Local Transport Notes 1/20 'Cycle Infrastructure Design' (LTN 1/20), adopted July 2020. Namely:

- The shared route is 3m in width, except for a short section of narrowing to a minimum of 2m where the route passes in the vicinity of the existing crash barrier and third-party land constraints (B&Q Totem signage).

This is consistent with LTN 1/20 Table 6-3 which indicates that for shared use routes and up to 300 cyclists per hour a minimum width of 3m be provided and Table 5-2 which indicates that for 2-way cycle routes with less than 300 peak hour cycle movements an absolute minimum width of 2m, should be provided at constraints.

- The route along the boundary of the car park would consist of two sections at a gradient of 5% (each 30m or less in length), with a level section of 5m minimum length provided between these gradient runs.

This is consistent with LTN 1/20 Tables 5-8 and LTN 1/20 para 5.9.10 in relation to provision of level landings on longer length gradient runs.

Within the application site itself and consistent with the previously proposed arrangements, crossing points are to be provided to facilitate pedestrian movements to/from the store entrance. Overall, from a transportation perspective, the proposed amendment to the cycle/pedestrian link will result in minimum alterations when compared to the consented and originally proposed position. The changes result in the loss of just 3no. car parking spaces bringing the total provision to 110. However, this continues to be appropriate to meet with the operational requirements of the store. Further, the alteration has the added benefit of responding to earlier concerns by the respective Highways Authority concerning the potential for drivers to stop/park on Purbrook Way, accessing the store via the consented pedestrian route, rather than the main vehicle entrance. The TN concludes that the amendments have been developed in line with appropriate guidance documents and will have an imperceptible impact upon the suitability of the development proposals or operation of the local highway network.

Justification for Amendment

The justification for the alternative pedestrian/cycle link is not purely an aesthetic design preference by Lidl. It is a fundamental design requirement borne from the detailed design and feasibility stage of progressing a foodstore at this site.

The originally approved scheme included a mass fill solution to facilitate the original pedestrian/cycle access from Purbrook Way. This would have required up to 3m of fill material in places and upon the existing ground level in the area surrounding the pedestrian/cycle access. Unavoidably, this would have included siting extensive fill material over both the existing high pressure gas main and trunk water main that run along Purbrook Way. It is notable that consultee comments on the current application from both Southern Gas Network (SGN) and Portsmouth Water reiterated the presence of utilities within this location.

On this basis and, since planning approval Ref. APP/20/01221, SGN have confirmed that the above design solutions are unacceptable. Emails to this effect are appended to letter provided by Lidl and which also accompanies this submission. In short, SGN's concerns were primarily based upon excessive loadings on gas mains and increased

implications due to deep excavation costs and added complexity to excavate upon excessively deep gas mains. Regrettably, such fundamental design concerns were not raised during the original determination period.

Owing, therefore, to the significant resistance faced from the Statutory Undertakers an alternative design solution/approach was necessitated. This included the option of bridging over the gas main that would have retained the fill within the highways section of land allowing the bridge to span the retaining structures either side of the main gas main. This design solution would have provided adequate headroom for SGN to continue to access the gas main (in an emergency) whilst any retaining structures were positioned an acceptable distance from the gas main yet still remaining within the easement. Following discussions, trial holes and option proposals, SGN confirmed preference of this bridge option (March 2024). On this basis, this design solution formed part of the amended proposals for the site, as originally proposed through planning application Ref APP/24/00330.

Alongside the engagement of SGN, Portsmouth Water were also actively engaged in the detailed design process. In particular, their involvement focused on the implications of the development upon an existing trunk water main. Portsmouth Water also do not allow any fill mater to be placed over their water main. Further, it has since transpired that any retaining structures are also prohibited by Portsmouth Water in the proximity of their existing water main. The result of this is a significant diversion of the water main alongside further tree removal.

Accordingly, since submission of the follow up planning application Ref APP/24/00330 and, following feedback from both SGN and Portsmouth Water, Lidl have investigated the feasibility of alternative design options to deliver the pedestrian/cycle link directly from Purbrook Way. There are significant structural complications in accommodating a retaining structure that holds the required levels of fill on adjoining Highways Land, further extending s278 approvals. Additionally, the bridge and fill option will result in substantial additional tree removal from the woodland habitat.

Following the conclusion of the detailed design and feasibility testing stage, the only feasible option is to remove the pedestrian/cycle link in a manner as now proposed and which reaccommodates the link within the main access road. This enables the required access works to be undertaken fully outside the respective gas and water easements. Further, it reduced the number of trees that are to be lost within the woodland habitat and, at the same time, improves the biodiversity value of the site. The trunk water main can also now be diverted via a shorter and less impactful route.

The consequence of the design amendments, in the context of the wider proposals, is shown in further detail within the revised Design and Access Statement and CGI imagery, prepared by Space Architects.

These alternative proposals also result in a number of significant benefits as discussed, in turn, below.

Landscape Enhancements

In their consultee response (dated 11th June 2024), the Council's Landscape Architect commented as follows:

- The proposed site layout is very similar to the previous application APP/20/01221.
- Our main concerns are with the visual prominence of the store and the detrimental impact it will have on the verdant character of Purbrook Way, as such we require a robust landscape scheme which retains and introduces trees to screen the development from the highway.
- This landscape buffer will also help retain the green corridor which is in line with planning Policy CS13 which

states development will be permitted that: does not undermine the functional integrity of the green infrastructure.

- There must not be a net loss of trees as a result of this development. The Arb report suggests a loss of over 45no. trees and only 27 being planted.

First, no objection on landscape matters could credibly be substantiated in relation to the revised proposals. As the landscape architect consultee response acknowledges the landscaping strategy is consistent to that previously approved. Secondly, it is also unclear as to where the loss of 45no. trees has originated from. The submitted Arboricultural Impact Assessment shows (paragraphs 5.11 and 5.12) the correct tree removal figure to be 30no.

As the Arboricultural Report demonstrates, most of the individual trees on site are to be retained, with 42% of the individual trees surveyed on site to be retained. Further, it should also be noted that the majority of the trees that are to be removed are of lower quality with 61% of the removals being Category C, or lower.

As the updated Landscape Plan shows (Drawing Ref 5098-RPS-XX-EX-DR-L-9001P08) removing the pedestrian/cycle link goes some way to addressing further the landscape consultee comments. A comprehensive landscape scheme can be delivered to Purbrook Way that is no longer “punctured” with a pedestrian/cycle link strengthening further the existing Green Corridor. In short, there is a significant betterment to the landscaping plan as previously approved at this location. Further, a total of 37no. new trees are to be re-provided for across and within the site.

Biodiversity Net Gain

An important point of differentiation when compared to the consented position is the concept of Biodiversity Net Gain (BNG). Put simply, this is development that leaves biodiversity in a better state than before. The National Planning Policy Framework (2023) states that Local Planning Authorities (LPAs) in England should identify and pursue opportunities for securing measurable net gains for biodiversity. The Environment Bill has seen the introduction of a mandatory requirement for 10% BNG on most new developments.

On this basis, accompanying the follow-up planning application was a BNG Assessment, prepared by RPS. The report noted that the baseline site largely comprises artificial unvegetated, unsealed surface which will be lost, and broadleaved woodland and mixed scrub of which some will be removed to facilitate the development.

The post-development plans for the site included the planting of areas of introduced shrubs, scattered trees and buffer planting. Areas of grassland were also to be created using two different grassland mixtures selected to suit the conditions of each area.

Originally, the development required the loss of woodland to accommodate the aforementioned footpath/cycleway.

Given the required footprint for the built infrastructure and the requirement for retaining walls along the perimeter of the site, it was not possible to create new areas of woodland within the site. As such, the Statutory Metric Trading Rules were not met and there was a Habitat Unit shortfall of 0.40 A2 units.

However, the previous assessment indicated that the development proposals would deliver a net gain of 54.58% for habitats. The total habitat units post-development delivered by the proposals was 1.79 units which is 0.63 units more than the baseline of 1.16 units.

The Council's Ecologist provided comments on the application on 18th June 2024 and in doing so raised a number of minor observations:

- The ecological mitigation, compensation and enhancement measures agreed for the previous application remain valid and should also be included within this application.
- The BNG assessment was based upon a modified site habitat baseline from the permitted scheme.
- The bulk of vegetation was cleared in 2023 in accordance with the permitted scheme, and the new baseline is calculated based on the part-cleared site. This is in accordance with BNG legislation and guidance.
- There is no fundamental issue with the submitted BNG calculations, with an estimated 54% gain in habitats. However, the Metric trading rules are not currently satisfied.
- The loss of woodland to create the new pedestrian/cycle link to the east will require woodland habitat to be found. The BNG report states that off-site units/credits will be used. This is an acceptable outcome in respect to BNG and the applicant will need to provide full details of any off-site BNG provision within a Biodiversity Gain Plan and Habitat Management and Monitoring Plan prior to commencement.
- The LPA is obliged to secure any 'significant' on-site BNG provision through legal agreement rather than planning condition.
- Clarification from the applicant was sought on the extent of on-site habitat considered to be 'significant' in the context of BNG.
- There is in my view a missed opportunity in respect to BNG. For example, the proposed ornamental ground cover and shrub mixes could very easily be incorporated into the BNG offering and include native species: this seems to be a straightforward option to provide a more biodiverse site rather than standard ornamental species landscaping. It is unclear whether a change from standard ornamental plantings to a native shrub/woodland mix would allow a betterment in terms of BNG trading rules for habitats.

Through removal of the pedestrian/cycle link, the amended proposals now result in a further improvement in terms of BNG. Notably, this includes a net gain of 94.23% for habitats. Further, the total habitat units post-development delivered by the proposals now stands at 2.25 units which is 1.09 units more than the baseline of 1.16 units. This is a significant betterment in terms of BNG.

Further and in response to the comments above we would add:

- Two dormouse boxes and two bat boxes have now been incorporated into the landscape proposals, as per the consented scheme.
- The Biodiversity Gain Plan and Habitat Management and Monitoring Plan can be conditioned.
- All habitat on site is significant and will be secured for thirty years.
- Other than within the carpark all shrub is now native including the area in the west, away from public facing areas.

Conclusions

Overall, planning consent has already been granted for a discount foodstore at this location. There is no material change in circumstance which warrants an alternative decision now being taken. Indeed, having reviewed the relevant consultee comments received, no significant concerns have been raised with the proposal. This is not unexpected given the favourable planning history.

However, following a detailed design and feasibility stage including input from several statutory undertakers, an alternative design solution is required to accommodate the pedestrian and cycle link into the site. Accordingly, it is requested that these amendments be considered as part of this application. The amendments gives rise to no highway or technical objections but rather result in a significant betterment in both landscaping and ecology terms.

We look forward to discussing the above with you. Should you have any queries, or concerns, with the nature of the resubmitted information, please do not hesitate to contact me at your earliest convenience.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'A Thornton'.

Alastair Thornton

Director

Encs.