

Planning Application Response of Planning Policy

Application No:	APP/21/00399
Address:	Land at Waterloo Park, Elettra Avenue, Waterloooville
Development:	Full application for erection of discount foodstore, drive through coffee shop and drive-through restaurant with associated car parking, service yard, landscaping, means of access and associated infrastructure
Case Officer:	Lewis Oliver
Comments by:	Jade Ellis
Date of Comments:	1 st April 2022

Policy Status: The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan provide the development plan for the Borough.

The following Adopted Local Plan policies are of particular relevance.

- CS4 Town, District and Local Centres
- CS6 Regeneration of the Borough
- CS14 Efficient Use of Resources
- CS16 High Quality Design
- CS21 Developer Requirements
- DM3 Protection of Existing Employment and Tourism Sites
- DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- DM6 Coordination of Development
- DM10 Pollution
- DM11 Planning for More Sustainable Travel
- DM12 Mitigating the Impacts of Travel
- AL3 Town, District and Local Centres
- WA2 Waterloooville Mixed Use Allocations
 - BD54 Land at BAE Systems Technology Park

Principle of Development

The planning application site area relates to the northwestern corner of the site allocation included in the Adopted Local Plan (BD54). The former is more flexible in that it provides for mixed use development including economic development, hotel and leisure uses in the Adopted Local Plan (BD54). The glossary of the Allocations Plan defines 'Economic Development' as including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development). In the context of the NPPF, drive-through restaurants and retail development are defined as main town centre uses. As such, the principle of development is acceptable in policy terms subject to other material considerations.

Discount foodstore

As defined by Policies CS4 and AL3, Waterloooville Town Centre is the nearest designated town centre to the proposal. The site falls within 300m of the primary shopping area and would therefore fall within an edge of centre location for retail and other main town centre uses in the context of the NPPF.

The principle of leisure (Class D2) and/or non-food retail (Class A1) uses on the southern part of the site has already been established through the grant of planning permission

reference APP/15/00770. Significantly condition 8 of that permission limited to Class A1 floorspace to 'bulky goods' as follows:

"8 Use Class A1 floorspace within this development shall only be used for the sale of DIY products (including materials and accessories), home improvement products, carpets and floor coverings, fabric, furniture, soft and hard furnishings, floor coverings, household goods, homewares, decorative products, glassware, cookware, kitchen utensils, white and electrical goods, automotive and cycle parts, pet food, garden tools, arts and crafts materials, variety retailing, tents, camping, caravanning, leisure and outdoor activity equipment, or related accessories for all of the aforementioned or the provision of ancillary café facilities, unless otherwise agreed with the Local Planning Authority."

In resolving to grant planning permission for the previous scheme reference APP/13/00893, the Council also carefully assessed the market impact on the main supermarkets in Waterloooville. The Waitrose store in the town centre has since closed. It is noted that the applicant has therefore provided a sequential assessment in order to assess the likely impact on the town centre and its vitality and viability.

Sequential test

The purpose of the sequential retail test is to ensure that new retail development is located as closely as possible to town centres, and to ensure as far as possible that new retail development would not have an untoward negative impact on the vitality of town centres. Paragraphs 87 and 88 of the NPPF set out the requirements for the sequential test. There are two main parameters set out in the NPPF which govern the search for alternative sites under the sequential test. Sites must be:

- Available – alternative sites should be available for development now or within a reasonable period of time (determined on the merits of a particular case, having regard to, amongst other matters, the applicant's suitability criteria and timescales), and;
- Suitable – with due regard to the requirement to demonstrate flexibility, alternative sites should be suitable to accommodate the proposal.

In short however, the National Planning Practice Guidance confirms that if there are no suitable and sequentially preferable locations, the sequential test is passed. Paragraph 88 of the NPPF specifically indicates that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Wherever possible, the local planning authority is also expected to support the applicant in undertaking the sequential test, including sharing any relevant information.

The applicant submitted a Sequential Test Report which includes an assessment of 27 available units and sites which focused on available sites within and on the edge of Waterloooville town centre (which would be sequentially preferable to the application site) and which could have potentially accommodated the proposals being considered. It is noted that this initial exercise concluded that there are no sequentially preferable locations to the application site.

Given the vacant Waitrose store in the town centre, the Planning Policy Team sought clarification on its availability given that it was not included within the applicant's Co-star search of available properties. In a letter dated 7th July 2021, the freeholder (Threadneedle Pensions Limited) of the site subsequently confirmed that they are working with the leaseholder to identify a new tenant for the premises and would be willing to surrender the

existing lease and grant a new lease on market terms (given a commercially viable option). In light of this information, the Council invited the applicant to submit a revised sequential assessment to draw in the vacant Waitrose site, including an assessment of its availability and suitability.

In December 2021, the applicant submitted a Sequential Test Addendum to be read alongside the Sequential Test Report which contends the Waitrose store would not be suitable for the intended occupier. In short, the reasons include the very specific model of the discount or limited goods retailer, and the range of goods they stock and the store format they operate from. In particular, it was highlighted that the Waitrose store is far larger than would be required and that the configuration of the store would not fit with the operator model. The Addendum also considers the subdivision of the existing Waitrose unit and the related issues with rear servicing and ability to provide frontage with another occupier.

In order further understand whether the former Waitrose store is not available and suitable for the development proposed, the Council subsequently sought more compelling evidence from the applicant to justify their position. The issues raised in their letter dated 10th February 2021 are dealt with in turn as follows:

1. Site Suitability for a Specific Operator: The former Waitrose unit is clearly not an ideal fit from Aldi's perspective, bearing in mind Aldi prefers to build new foodstores that meet the company's ideal requirements. That said, it is considered that the applicant would need to demonstrate too much flexibility in its requirements for the former Waitrose unit to be suitable for the application proposals.
2. Adaptability of Waitrose to Suit the Occupier: Whilst the letter from Threadneedle indicates that the landlord would be open to discussing works to the existing store to meet the intended occupier's requirements, it is noted that a 'contractual position' would need to be reached, and that there is no certainty of this. It is also noted that Waitrose's lease runs until January 2026, and no new tenant is actively being sought. As such, it cannot be concluded that the unit would be available within a reasonable timeframe.
3. Suitability of Servicing/Potential for Redevelopment: The applicant has not provided any feasibility drawings to demonstrate whether shared servicing arrangements or how a frontage arrangement would or would not work. Nevertheless, it is accepted that in order for the existing Waitrose store to be suitable, the occupier would need their own servicing arrangements. It is also noted that the applicant has provided trading data which suggests that the foodstore was unviable in this location. The applicant does not consider that the site could be reasonably be redeveloped having regard to the current lease, and the cost of the redevelopment of the site (and loss of rental income during its construction).
4. Flexibility/Disaggregation: The applicant specifically addressed this in their addendum. It is agreed that there would be no requirement to disaggregate the scheme.

The evidence presented by the applicant does not present overwhelmingly compelling evidence that the site is not suitable. However, it is evident that the applicant would need to demonstrate an unreasonable degree of flexibility on format and scale in order to make the development 'fit' within the existing store. Furthermore, it is questionable whether the existing Waitrose store could be made available within a reasonable timeframe. Notwithstanding the allocation of the site for town centre uses, it is not considered that a policy objection could be sustained on sequential test grounds.

The Drive Through Elements

Policy DM5 of the Core Strategy is of relevance with the proposed drive through coffee shop and restaurant. Paragraph 10.17 of the supporting text indicates town centre locations may be more acceptable for such uses but makes clear proposals for such outlets can create environmental problems such as noise, fumes and odour, traffic generation and indiscriminate parking. This is of particular relevance given the proposals would be sited adjacent to an existing McDonalds drive through.

Contaminated Land

The developer requirements for allocation BD54 states that there may be “*potential ground quality issues associated with previous and/or current use of site*”. It is noted that a Phase 1 Environmental Assessment Report has been submitted with the application and the Council’s Environmental Health Team have recommended appropriate conditions accordingly.

Parking Provision

Policy DM14 and the Havant Borough Parking SPD (July 2016) set out the parking standards for new non-residential development in the borough.

Summary:

The principle of the development is acceptable in the context of the adopted local plan, subject to other material considerations. On balance, it is considered that the development proposals have demonstrated compliance with the sequential test, and as such, it would be unlikely that an objection could be sustained on that basis.