



Kayleigh Taylor
Principal Planning Officer
Planning Services
Havant Borough Council
Public Services Plaza
Civic Centre Road
Havant
P09 2AX

4th October 2024

Ref. SP19-1085

Dear Kayleigh,

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

I write in relation to the above planning application and in response to the objection prepared by Martin Robeson Planning Practice (MRPP) on behalf of Tesco Stores Limited (26th September 2024).

The objection raises 3 matters:

- Failure of the retail sequential test arising from the suitability and availability of a former Wilko store (The Meridian Centre, Havant Town Centre);
- The appropriateness for an effective retail impact assessment; and
- Substantial ecological harm borne by the application proposals.

We respond to each of the points below.

Failure of the Sequential Test

With regards to the matter of the sequential test, the consented planning application (Ref. APP/20/01221) was subject to a third-party retail audit prepared by Stantec.

Commenting on this work, the consultee comment from Planning Policy (July 2024), noted the following:

“Paragraphs 86 and 87 of the NPPF are relevant given the application proposals are for a main town centre use in an out of centre location, and a sequential test should therefore be applied. In this case the principle of development was established through the earlier planning permission for the smaller foodstore. At this time, it was concluded that there were no sequentially preferable locations to the application site. It is noted that this established the principle of development in this out of centre location and will be a material consideration in the determination of this application. It is, however, relevant to consider whether there are any ‘new’ sequentially preferable sites which are available since the grant of the original planning permission.”

It continues:

“By way of background to the original scheme, the Council undertook a comprehensive assessment of the applicant’s Planning and Retail Statement during the previous application reference APP/20/01221. This was informed by an

independent review from Stantec (on the Council's behalf with the costs borne by the applicant). This included a review of the vacant Waitrose store in Waterlooville, and its potential redevelopment. The outcome of this assessment, having regard to Stantec's advice was that an objection could not be sustained on sequential test grounds".

Planning Policy go on to acknowledge the following:

"In terms of whether there has been a material change to this position since planning permission was granted, the revised application is supported by an updated Planning and Retail Statement, including updated Sequential Test Appraisal. Having undertaken a review of this document, an additional site of the former Tesco unit in Greywell Road has been identified. This site actually became available during the lifetime of the earlier application and was considered by officers at the time but was concluded to be unsuitable being of insufficient footprint to accommodate the scale and footprint of the earlier scheme. It is also noted that the previous vacant units on Solent Retail Park which were previously included, have been omitted from the latest assessment on the basis that these units have been re-let."

Accordingly, our sequential assessment revisited the original sequential assessment (including supplementary addendums) to fully understand whether there were any additional sequentially preferable sites which warranted consideration. Following this assessment, Officers concluded that "there is no need to seek independent retail advice to inform the sequential assessment on this occasion. Furthermore, there are no sequentially preferable sites to accommodate the application proposals."

We have now been made aware of an additional sequentially preferable site which has recently become available. This is known as the former Wilko unit (Unit SU6-8 Meridian Shopping Centre, Havant, Hampshire, PO9 1UN).

By way of background, The Meridian Centre is a purpose-built enclosed shopping centre (opened 1991) which includes decked parking above, first floor and an adjacent multi-storey car park in Bulbeck Road. The centre houses multiple and independent (mainly comparison) retailers, as well as a café. Havant library is located on the first floor.

The Havant and Waterlooville Retail and Town Centres Study (2016) notes the following with regards to the Meridian Shopping Centre 'The Meridian Centre's occupancy has increased significantly in the last few years to the extent that the centre is now fully occupied at ground floor level, primarily by A1 uses (18 out of 20 units). Some of the businesses represented (at that time) include WH Smith, Store Twenty-One, Holland & Barratt, Wilkinsons, Argos, O2 and Costa Coffee. Four out of the 11 units on the first floor were, however, vacant at the time of the last survey in March 2015, two of which had been last occupied by comparison retail businesses (Sleepwell and Simpsons)'.

The Meridian Centre was taken over by Fairacre Asset Management in 2014. It is understood that there is an intention to undertake some physical improvements to the building and to seek a new mix of tenants. That said, first floor occupancy remains a challenge.

Following Wilko entering administration and the subsequent closure of the Meridian Centre store, representatives of the Centre confirmed that they "had been approached by a number of prospective new tenants who they are currently in negotiation with."

It is our understanding that an agreement was reached to dispose of several closed former Wilko stores across the country to Pepco, who own and operate the Poundland brand. The former store within the Meridian Centre was anticipated to become a Poundland. However, this agreement appears to have collapsed with the vacant unit now being bought to the market.

The agent details (Flude Property Consultants) describe the available unit as a large self-contained fully fitted retail unit with open plan ground floor sales area, together with first floor storage space. They go on to note that the unit

benefits from direct access to the loading bay, together with a goods lift to the first floor. The available accommodation (NIA) is given as follows:

Accommodation (Former Wilko Unit)	Area (ft ²)	Area (m ²)
Ground Floor	15,039	1,397
First Floor	6,464	600
Total	21,503	1,998

In comparison, the respective floor areas of the revised application proposals are:

Accommodation (Application Proposals)	Area (ft ²)	Area (m ²)
Ground Floor (including sale and warehouse space)	23,519	2,185
First Floor	N/A	N/A
Total	23,519	2,185

Therefore, in the first instance, the former Wilko unit is too small to accommodate the application proposals, or a flexible form of them. Contrary to commentary made with the MRPP objection, should the applicant take occupation of this unit it would not “represent a minor reduction of only a little over 10% in the gross floorspace sought by Lidl.” This is a misleading statement. It fails to have any consideration as to how the available floorspace is laid out. Rather, taking the ground floor area of the former Wilko (1,397m²) would represent a total reduction of c.34% when compared to the gross floorspace sought by the applicant and required at ground floor level. The requirement for ample and operationally efficient warehouse space at ground floor level is a fundamental operating requirement of the applicant. This assumes further importance when considering the rationale for the revised planning application. Namely, following the original planning approval (Ref. APP/20/01221), the trading format of the applicant has continued to evolve. The Type 15 store now proposed provides a larger sales floor area (c.1,516m²) than the consented proposition (c. 1,256m²). The marginally larger sales floor area complements the latest Lidl remerchandising strategy to provide an improved customer experience. Further, the required warehousing space has also increased allowing for improved availability of products. Any application of flexibility needs to be viewed in this context and the ability of Lidl to “switch-horses”, should they so wish to the consented position rather than occupying an available unit that represents a significant compromise against their fundamental operating requirements.

On this basis, even when allowing for appropriate flexibility, in respect of format and scale, there can be no credible assertion that a reduction in over 30% useable floorspace at ground floor level represents a suitable sequentially preferable alternative.

Further, the Meridian Centre does not have dedicated car parking specific to any individual retailer. Accordingly, there is no opportunity to provide a dedicated car park for the sole use of Lidl customers. At the current time, customers of the Meridian Centre are reliant on a multi-level pay and display car park. Without dedicated spaces within the control of the applicant, there is a high probability that shoppers would be deterred from using the store whilst others wishing to use the car park might also be deterred at times of full occupancy. The car park also has extremely restrictive opening hours for food retail operators (9.00am – 5.30pm). In no way do these hours correlate

with the trading hours of the applicant and are, clearly, unacceptable.

Even allowing for an element of flexibility, it is not feasible to provide dedicated car parking spaces during trading hours whilst maintaining the requisite car parking spaces required to serve other retailers. Available and sufficient customer car parking is a prerequisite for LAD retailing. This was a key reason in the discounting of other sequentially preferable sites. The same arguments apply equally regarding the Meridian Centre.

The provision of an adequate amount of car parking spaces which have a functional and relative unimpeded relationship between the car park and the trading floorspace is a fundamental component of a LAD business model. Given the high proportion of shopping trips undertaken using trolleys, if insufficient dedicated accessible car parking is provided then the commercial realities of the LAD business model cannot be achieved. The customer journey from the car park to the former Wilko unit is extremely poor. There is limited lift capacity with the centre, and it has, evidently, not been designed for customer journeys with trolleys. For a LAD store to be commercially successful, relative to their competitors, there needs to be certainty for shoppers that car parking spaces with trolley access to the trading floorspace will be readily available when they undertake a shopping trip. There is no possibility of maintaining such level of control for the retailer at the Meridian Centre.



1. Entrance to former Wilko Unit



2. Photograph showing the proliferation of columns on the sales floor of the former Wilko unit



3. Evidence of Restricted Opening Hours unacceptable to the retailer.



4. Limited Capacity of Lifts and poor customer journey also unacceptable to retailer.

If there is uncertainty about the availability and, indeed suitability, of car parking spaces, then shoppers are likely to undertake a shopping trip elsewhere. This is not acceptable to the retailer. It represents a far too significant level of compromise when compared to the application proposals.

Having regard to the requirements of the NPPF to demonstrate flexibility on issues such as format and scale, we conclude that the former Wilko unit is, clearly, unsuitable for the broad type of retailing proposed having regard to commercial realities and the operating format of Lidl. The unit displays several similarities with the former Waitrose unit (Dukes Walk, Waterloo) with many of the sequential test conclusions drawn in that regard seen to apply equally in the context of the former Wilko unit.

It cannot be said, in any way, that the former Wilko represents a sequentially preferable opportunity to accommodate the proposed development. The parameters of the sequential test should be established having regard to the broad type and format of the proposed land use which is for a Limited Assortment Discounter (LAD).

The sequential test undertaken allows for appropriate flexibility in respect of format and scale, whilst paying appropriate regard to the commercial realities of the LAD business model.

'Operator specifics' remain relevant in applying the sequential test. The fact that the proposals are for a LAD form of retail cannot be ignored. Clearly, whilst flexibility may be applied against some of the criteria, there are numerous cumulative constraints which are apparent in delivering a LAD operator within the former Wilko unit. This goes above and beyond what can be considered reasonableness in terms of flexibility.

In conclusion and following observations made during a recent site visit (accompanying photographs refer), there are multiple reasons as to why the former Wilko is unsuitable for the broad type of retailing proposed. These include:

- The ground floor floorspace is too small to accommodate the required sales and warehousing space at ground floor level – even when allowing for appropriate flexibility.

- There remains concern that a LAD store would not have adequate commercial profile and main road frontage.

- Overreliance on shared goods lift and servicing areas.

- Parking tariffs managed by a third party.

- Parking not available during core retail trading hours.

- Proliferation of structural columns within any ground floor sales floorspace (agent floor plans refer) – a known significant and prohibitive constraint for discount retailers.

- Inefficient warehousing/servicing space arranged over several floors (no ability to provide required warehousing space at ground floor level).

- No opportunity to provide a dedicated car park for the sole use of Lidl customers.

- Customer journey throughout car park highly prohibitive for customers with trolleys (owing to ramp and level changes and passenger lift capacity).

- Visibility of a store in this location does not, in any way, have a comparable profile as a standalone store on a prominent road frontage (such as the application site and which benefits from an extant planning permission for a discount foodstore).

Therefore, it is not considered commercially realistic that any LAD operator would trade from this location for the reasons outlined. A sub-standard store would ensue which in no way meets the applicants' minimum operational requirements for their new format proposition. It is important to ensure that any store will be viable and operationally efficient given the vagaries of the retail market and the need to remain competitive, efficient, and constantly evolve the business model to meet with changing customer expectations. This would not be possible at this location.

As such, it is not considered that the former Wilko unit is a sequentially preferable site. Accordingly, it should be discounted on this basis. It has no bearing on the previous conclusions of the original sequential test assessment.

Should the Council opt to refuse the application on retail policy grounds this will not have the presumably intended consequence of redirecting any investment towards Havant Town Centre. They will simply revert to the consented position. Regardless, our client cannot countenance the occupation of the unit for the myriad of reasons outlined.

The Appropriateness for an Effective Retail Impact Assessment

For town centre uses, located outside of defined centres the NPPF (Paragraph 94) states that:

"When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace.)"

With regards to Retail Impact, supporting paragraph (3.39) of Policy CS4 of the Havant Core Strategy notes that '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 relevant tests as prescribed in current government policies'.

Policy CS4 sets out the requirement for Retail Impact Assessments in accordance with the NPPF.

Whilst the Emerging Havant Borough Local Plan was withdrawn from examination in March 2022, this maintained the requirement for retail impact assessments to be provided for proposals outside designated town, district and local centres extending to 2,500m² or more (Policy C6 'Local Centres, Local Shops and Services) (our underlining).

The revised application proposals involve a discount foodstore of c. 2,185²/1,516m²(net). This remains less floorspace than the threshold contained within the NPPF. Accordingly, there is no requirement to undertake a retail impact assessment in support of the proposal.

The implication of paragraph 94 is that an impact which is merely 'adverse' is not a direct reason for refusal and is capable of being weighed against positive social, economic and environmental impacts in the overall planning balance exercise.

The key consideration is not, therefore, whether there is an impact but whether that impact is 'significantly adverse'. Impacts will arise with all retail developments. However, it does not stand to reason that such impacts will always be unacceptable, not least because development often enhances choice, competition and innovation in the retail sector. It is, therefore, necessary to differentiate between those developments that will have an impact and those that will undermine the future vitality and viability of established centres (i.e., have a significant adverse impact). If a proposal is likely to have a significant adverse impact it should be refused. This is a high threshold.

Nowhere in policy does it say that it is good practice to provide an impact assessment to assist Local Planning Authorities in their decision making. Indeed, in setting the default threshold at 2,500m² gross in paragraph 94 of the NPPF, that suggests that the Secretary of State does not believe that stores smaller than 2,500m² are likely to have a significant adverse impact, otherwise it would be illogical for him to have said that this scale of development should not require an impact assessment. In the context of retail impact, the application proposals equate to a nominal increase of c.286m² when compared to the consented scheme. It is on this context that any retail impact considerations need to be considered.

The assertion by MRPP that a proportionate assessment of retail impact needs to be undertaken regardless is without foundation. There is no mandatory requirement set out in either the NPPF or Development Plan for the application to be refused on impact grounds, quite the contrary. The likelihood, or not, of any adverse impact on existing centres is a material consideration that should be weighed in the planning balance against:

- i. The benefits of developing a site which already benefits from an extant planning application for a discount foodstore. The proposals are substantially similar to a recent and previously consented development.
- ii. The Secretary of State's guidance suggesting that developments of less than 2,500m² gross are unlikely to result in significant adverse impact; and
- iii. The fact that the NPPF is clear that developments of less than 2,500m² do not require an impact assessment, our approach set out within the PRS is entirely correct.

MRPP also refer to the Town Centres Study (July 2020) and that there is no stated requirement for additional convenience goods floorspace. It is not clear why MRPP are querying the 'need' for the proposal. There is no requirement to demonstrate retail need. This forms no part of the key retail tests prescribed at the national level.

Substantial Ecological Harm arising from the Proposals

We disagree in the strongest possible terms that the application proposals will result in substantial ecological harm.

Whilst there would be a loss of trees on site, when considering the landscape character area, the proposed development would not result in an overall significant adverse impact upon the local landscape character type. Every opportunity has been taken to maximise landscaping borne from previous and extensive discussions with officers. The landscaping strategy is wholly consistent to that previously consented.

In terms of tree removal/replacement, the submitted Arboricultural Impact Assessment (paragraphs 5.11 and 5.12) concludes that 30no. trees will require removal to facilitate the revised development.

Most of the trees are of lower quality with 61% of the removals being Category C, or lower. A total of 37no. new trees are to be re-provided. Again, this is consistent with the original approval.

All available opportunities for landscape enhancement and tree re-provision have been taken. There are significant constraints associated with the Purbrook Way boundary that preclude additional tree planting. This has been investigated comprehensively. Such constraints include the presence of a high-pressure gas main and subsequent easements, together with the requirement to maintain highway visibility splays. Statutory consultees including SGN have undertaken their own tree clearance within highway land and have objected to additional tree planting within the Purbrook Way frontage. Accordingly, it is no longer viable to plant additional trees adjacent to Purbrook Way (due to below ground services). Therefore, landscaping opportunities have been maximised within the site itself. All new trees will be native tree species and will be planted in accordance with recognised standards. These trees,

once they start to become established, will provide a wider amenity value than those trees which currently occupy the site. Their planting locations are publicly viable and will include a mix of species, which will offer greater species diversity. Therefore, whilst regrettable, any additional tree loss is unavoidable.

As such there is a clear need here to weigh up any harmful loss of trees across the site, against the compensatory planting proposals and the benefits the scheme would bring in terms of the provision of economic development, including additional employment opportunities. Such matters suggest the revised proposals are wholly deserving of planning consent.

Overall, in our view, this objection by MRPP is a simple attempt to stifle commercial competition. It should be viewed as that. The planning application before you only marginally differs from the consented position. The proposals have previously been shown to be acceptable from a development management perspective and have been assessed to comply with the key retail planning tests; namely sequential and retail impact. The availability of the former Wilko store does not alter these conclusions. It is, in no way, a realistic sequentially preferable alternative.

Further, the proposals give rise to no residential amenity or highway concerns. The design of the proposal has evolved through a collaborative process with design, landscape and policy officers. The design has since further progressed through the detailed design and feasibility stage. Whilst this has necessitated several design amendments to the consented scheme, the proposals continue to remain consistent to that previously approved.

It has already been shown that there are no planning reasons which would warrant refusing consent to this application and, accordingly, consistent with the NPPF the benefits of the proposal are such that planning consent should properly be granted.

It is perhaps telling that Tesco have chosen to respond at such an advanced stage as we now move towards determination. Interestingly, no objection was forthcoming from Tesco in relation to the earlier and original planning application now approved. The application has been appropriately and robustly considered with the input of statutory consultees and there is no planning reason as to why consent cannot be forthcoming.

Yours sincerely,

A solid black rectangular box used to redact the signature of Alastair Thornton.

Alastair Thornton

Director