



Planning and Retail Statement

Land adjacent to B&Q, Purbrook Way,
Havant, P09 3QJ

April 2024

Ref. SP19-1085

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Documents

Document 1:	Site Location Plan
Document 2:	Original Planning Approval (Ref. APP/20/01221) and Committee Report
Document 3:	Discharge of Condition Notices
Document 4:	Sequential Test Proformas
Document 5:	SPL Rebuttal Letter to LPA

1. Introduction

- 1.1 This Planning and Retail Statement (PRS) has been prepared by Simply Planning Limited (SPL), on behalf of Lidl, and in support of a full planning application to provide a Lidl foodstore on land adjacent to B&Q, Purbrook Way, Havant, PO9 3QJ. A site location plan has been provided at Document 1.
- 1.2 By way of background, planning application (Ref. APP/20/01221) was approved by the Local Planning Authority (Havant Borough Council), following completion of a s106 agreement, on Friday 2nd December 2022. That application allowed for the 'erection of a retail foodstore with associated car parking, access, landscaping and engineering works' upon the application site.
- 1.3 The planning permission is subject to a total of 16no. planning conditions. Planning Condition No. 1 requires the development to be begun no later than three years beginning, with the date of the permission (i.e. by 2nd December 2025). Condition No. 2 prescribes the approved plans by which the development shall be undertaken in accordance with.
- 1.4 Following the approval an application was made to the Local Planning Authority, in April 2023, to discharge the relevant pre-commencement planning conditions (4no) pursuant to planning approval Ref. APP/20/01221. The conditions which were discharged related to Condition No. 3 (Materials), Condition No. 4 (Construction Traffic Management Plan), Condition No. 12 (Contamination) and Condition No. 15 (BREEAM Standard). Notably, this earlier planning permission remains extant. It provides an important material fall-back position.
- 1.5 This proposal is substantially similar to the previous consented development. However, since the time of the original approval, Lidl have unveiled a new larger, and more sustainable store format (known as a Type 15 Store). It is now the intention to bring this store format forward at Havant following the earlier approval. The revised proposals are discussed, in further detail, within Section 2 of this PRS, however, they will take the form of a flagship store and will be the first of their type in the southern region.
- 1.6 This Planning Statement sets out the planning policy and material considerations relevant to the revised proposals. It should be read alongside the original PRS (December 2020) as submitted in support of the original planning application, together with subsequent retail rebuttals, prepared by SPL, and in response to comments received during the determination period from the Local Planning Authority, third-parties and the Councils' retail consultants (Stantec). For ease, these include:

Original Policy Comments (dated 16th February 2021).

Simply Planning Limited's Response to Planning Policy Comments (dated 5th March 2021).

Objection from Planning Potential (dated 9th April 2021).

Letter from Lidl (dated 27th May 2021) regarding operation of nearby stores.

SPL rebuttal to Planning Potential (including Supplementary Sequential Test Analysis) (dated 28th May 2021).

Planning Potential Additional Comments (dated 17th August 2021).

Original Stantec Retail Audit (dated 19th August 2021).

SPL Rebuttal to Stantec Retail Audit (dated 26th October 2021).

Stantec follow up Retail Audit (dated 20th December 2021).

1.7 Copies of the above correspondence can be provided on request. However, they provide compelling justification in relation to the principle of development, from a retail planning policy perspective. This was a position ultimately accepted by the Local Planning Authority. As we go on to explain, there has been no material change in circumstance since the time of the original approval that would warrant an alternative conclusion now being reached.

1.8 The proposed development provides a new Lidl foodstore totalling c. 2,275m² (GEA), together with car parking for 113 vehicles. The full description of development is as follows:

“Erection of retail foodstore with associated car parking, access, landscaping and engineering works.”

1.9 The application proposals will contribute towards improving consumer choice, competition and accessibility to retail services within the identified catchment. The proposals are in accordance with the Government’s agenda for delivering sustainable growth and will deliver significant job creating development on a site which already benefits from planning permission for retail purposes.

1.10 The success of this planning application is, therefore, paramount if the development and its wider economic benefits are to be realised. Such benefits include:

A multi-million pound investment in Havant Borough, following a previous successful planning application.

The creation of up to 40 full and part time new jobs.

The sustainable development of a logical development site.

Increased sustainable food shopping patterns.

A reduction in the travel costs of residents accessing comparable discounted food retailing.

Choice, competition and price competitiveness in food shopping for local residents.

Realisation of retail development at this location of a form that meets with changing operator requirements.

1.11 Finally, in the context of this initial overview, it is relevant that:

Lidl remain contractually committed to the scheme and are now the freeholders of the site.

The application proposals merely seek a number of detailed design amendments to the consented scheme ensuring the planned development can meet with the changing operator requirements of Lidl.

Lidl have every intention of delivering the proposal subject to securing the amendments now proposed.

Prior to obtaining planning permission in December 2022, Lidl had been seeking additional representation within Havant, to complement their existing portfolio for many years. This is the only site that they identified, that is genuinely available and which is capable of providing a store that can meet their operational needs.

The application proposals remain fully funded with Havant continuing to be a key planned new store location for Lidl. This is evidenced in the new flagship store format now proposed.

Subject to achieving a successful planning application, it is the intention that works will commence on site before the end of 2024.

- 1.12 This Planning Statement explains the background to the resubmission. It concludes that there has been no material change in circumstance since the original planning approval. There is, therefore, no reason why planning permission cannot, once again, be forthcoming.
- 1.13 Alongside this PRS and for completeness, the planning resubmission is supported by the following suite of updated supporting documents:

Document Title	Author
Design and Access Statement	Space Architects
FRA/Drainage Strategy	Mayer Brown
Noise Assessment	Acoustic Consultants
Air Quality Technical Note	RPS
Ecological Appraisal	RPS
Tree Survey and Arboricultural Impact Assessment	RPS
Transport Assessment and Travel Plan	Mayer Brown
Energy and Sustainability Statement (including BREEAM Pre-Assessment)	DDA Consulting Engineers
Archaeological DBA	Groundworks Archaeology Limited
Phase 1 Contaminated Land Study, Phase 2 Intrusive Investigation and Remediation Strategy	Remada
BNG Assessment and Metric	RPS
Construction Traffic Impact Assessment	Mayer Brown
Construction Management Plan	Lidl
Supporting Planning Statement (including Sequential Assessment and S106 Draft Heads of Terms)	Simply Planning Limited
Lighting/Luminance Schedule	Signify
Biodiversity Net Gain Report/Condition Assessment	RPS
Technical Note regarding Baseline Habitat	RPS

- 1.14 The scope of the planning application submission, largely, remains unchanged from the earlier application other than the inclusion of a Biodiversity Net Gain Assessment (BNG). Further, additional documents notably in the form of a Construction Traffic Management Plan have been provided, to avoid the need for unnecessary pre-commencement planning conditions. These are wholly consistent with details previously approved by the LPA.
- 1.15 In addition to the above, a full comprehensive architectural drawing package also forms part of the submission. This includes the following drawings:

Drawing Number	Title
XX-00-DR-A-01001	Ground Floor – Setting Out Plan
XX-02-DR-A-01001	GA Roof Plan
XX-XX-DR-A-02001	Elevations

Drawing Number	Title
XX-XX-DR-A-90001	Site Location Plan
XX-XX-DR-A-90002	Site As Existing
XX-XX-DR-A-91001	Site Layout Plan – Proposed
XX-XX-DR-A-91002	Boundary Treatment
XX-XX-DR-A-91010	Proposed CGI
XX-XX-DR-A-91011	Proposed Aerial View
XX-ER-L-9001 P04	Landscape Plan
XX-ER-L-9003 P01	Illustrative Sections
XX-ER-L-9004 P01	Tree Pit Details
XX-ER-L-9002 P01	Landscape Management Plan

- 1.16 The above drawings reflect the amended design approach that has been developed by Lidl for the flagship proposals. In short, the proposals represent a unique opportunity for Havant. They deliver tangible investment and job creating development on a logical development site, located within the confines of the defined urban area upon and for which planning permission has previously been forthcoming. As established through the determination of the original proposals, the application site is the only realistic site capable of accommodating such investment by Lidl. There has been no change in this position since the original approval.
- 1.17 It is also notable that the proposals had overwhelming public support as was apparent during the previous application. On this point, we do not consider it necessary to have undertaken a further period of public consultation and, therein, produce an updated Statement of Community Involvement (SCI), in support of the application proposals. The original application was supported by a detailed SCI that outlined the applicant's previous approach to pre-consultation. It identified those parties that had been consulted, a summary of the feedback received, whilst explaining how the proposals had responded to such feedback. The design philosophy underpinning the amended proposals is comparable to the earlier scheme. Further, during the determination period, the proposals were subject of extensive dialogue with various consultees of the Local Planning Authority, notably in the form of landscape, arboricultural and design colleagues, prior to receiving a favourable planning permission. The application proposals have, therefore, had full regard to the design principles established during the original determination period.
- 1.18 Given there remain no technical, or amenity issues, raised by the revised application proposals, the amended scheme remains wholly deserving of a favourable planning permission.
- 1.19 In terms of the remaining structure of this report:
- Section 2: explains the factual background to the proposals, focusing, in particular, on the most recent planning history associated with the application site.
- Section 3: revisits the applicable planning policy context.
- Section 4: addresses matters at issues (including sequential test, retail impact, application of relevant planning policy).
- Section 5: outlines the main planning considerations.

Section 6: sets out the draft Heads of Terms.

Section 7: provides a summary regarding the wider planning balance.

2. Factual Background

Site and Surrounding Area

- 2.1 The application site is located to the north of Purbrook Way, close to the junction with the A3(M), on the western edge of Havant.
- 2.2 The site sits to the west of the existing B&Q. It benefits from direct access from Purbrook Way. In retail terms the application site is considered out-of-centre. The nearest defined centre to the site is Middle Park Way Local Centre.
- 2.3 The application site totals c.3.2 acres (c.1.27 hectares). Consistent with the previous application, the application site includes land within the ownership of Highways (Hampshire County Council) and part of the private access road that currently serves B&Q.
- 2.4 The site has been cleared, in anticipation of development, and is also hoarded. Previous clearance works allowed for the site to be walked and for follow-up pre-construction surveys to be undertaken. The site is devoid of any meaningful ecological or, arboriculture value, however, it does benefit from an existing TPO'd tree.
- 2.5 Since the original planning approval, an additional section of tree/vegetation clearance works have been completed in the highways area outside of the redline boundary and adjacent to Purbrook Way. It is our understanding that these works were undertaken by SGN and in relation to the diversion of a medium pressure gas main. Further, a high-pressure gas main remains in situ. This has, invariably, influenced the revised footpath design and subsequent engineering strategy.
- 2.6 The site is bound by Purbrook Way to the south, whilst the access road and car park for the adjacent B&Q surrounds the site to the northwest and east respectively.



- 2.7 In terms of topography, the levels of the site fall from north-west to south-east with ground levels ranging between 42.90m AOD and 36.20m AOD. The site is within Flood Zone 1 and, therein, is at a low risk of flooding.
- 2.8 The application site is not subject to any site-specific policy designations.
- 2.9 The main site constraint relates to the presence of a single tree, protected by a Tree Preservation Order (TPO). This tree is centrally located within the site, albeit the original permission allowed for its removal.

- 2.10 There are no statutory designated sites within 2km of the application site.
- 2.11 In terms of the wider surrounding area alongside the B&Q, an Asda Supercentre (out-of-centre) is situated to the south of the site, together with other roadside retail occupiers and a range of commercial/quasi-retail uses occupying Larchwood Business Park. The surrounding area is urban in character, although north of the site is Neville's Park Wood.

Planning History

- 2.12 Full planning permission (Ref. APP/20/01221) was granted on 2nd December 2022 for the following:
- “Erection of retail foodstore with associated car parking, access, landscaping and engineering works.”
- 2.13 The planning permission is subject to a total of 16 no. planning conditions. A copy of the Decision Notice and Committee Report has been provided at Document 2.
- 2.14 Commenting on the principle of development, the Committee Report, associated with planning approval ref. APP/20/01221, noted the following:
- “The site lies within the urban area as currently defined by ALP Policies CS17 and AL2, and as proposed to be defined by HBLP emerging Policy E3. As such, the principle of the development is acceptable subject to other material considerations. The application site forms part of a proposed employment allocation under HBLP Policy C11, which identifies the site delivery of about 6,250 square metres of employment floorspace. Appendix 1 of the HBLP defines employment development in the context of the Use Classes Amendment Order 2020 which includes General Industrial (B2), Storage and Distribution, and part g of Class E which includes offices, research and industrial processes. Significantly, however, the application proposals for a retail store would fall under part e of Class E which refers to the retail sale of goods. As such, a policy objection would arise in the context of the allocation in the emerging Local Plan. This must be afforded limited weight.”
- 2.15 The following planning conditions have previously been discharged pursuant to the original approval:
- Condition No. 3 (Materials)
- Condition No. 4 (Construction Traffic Management Plan)
- Condition No. 12 (Contamination)
- Condition No. 15 (BREEAM)
- 2.16 Copies of the respective discharge of condition approval notices have been provided at Document 3.
- 2.17 There is limited other planning history (available within the public domain). An earlier outline application (Ref. 96/57759/001) proposed the erection of a new retail warehouse (1,150m²) on land referred to as ‘adjacent to the existing B&Q’ and was withdrawn in 1996. It is assumed that this application related to the application site.

The Application Proposals

- 2.18 The application proposals seek full planning permission for a c.1,516m² (net sales) Lidl foodstore (plus warehouse and ancillary floorspace including staff welfare facilities, offices and back of house accommodation etc), alongside a new vehicle access provided via a priority junction and via the existing unclassified road to the west of the site. The application proposals will deliver of total of 113 car parking spaces. The proposals are substantially consistent with the store design previously approved at this location.

- 2.19 The proposed store is to be positioned on the eastern part of the site which, owing to the shape of the application site, remains the most logical and efficient orientation. The positioning of the store in this location also allows for the store to be set back from the highway. The main customer entrance lobby is to be located on the south western corner of the building, close to a dedicated pedestrian access proposed from Purbrook Way. The southern and western areas of the site are to be customer car parking, with vehicle access proposed from the existing B&Q service access road. Servicing and deliveries will continue to take place on the northern boundary.
- 2.20 The development proposals will provide a new priority junction arrangement from the existing private access road that runs along the western edge of the site for use by customers, staff and delivery vehicles. The proposed access arrangement is considered within the accompanying Transport Statement, prepared by Mayer Brown.
- 2.21 In short, the application proposals retain the vehicular access arrangement as consented through the original application.
- 2.22 The proposed access arrangement location, geometry and visibility splay were all deemed appropriate as part of the consented scheme, and with no material changes proposed to the consented access arrangement, it follows that the access remains appropriate to service the revised application proposals.
- 2.23 Pedestrian access to the site is to be provided directly from Purbrook Way with a pedestrian walkway/crossing facility provided within the site. The pedestrian access has been separated from the main vehicle access to the site in order to avoid unnecessary conflicts. A pedestrian access from Purbrook Way (through land within the control of highways) remains the most appropriate pedestrian access solution, having regard to natural desire lines alongside existing public transport connections located on Purbrook Way. Arguably, the pedestrian access represents the most fundamental design change when compared to the original proposals. The pedestrian footpath has been redesigned in response to SGN and existing utilities within the Highways land. This follows the detailed design and feasibility stage, post approval of the original proposals. It has now been determined that the most suitable design approach is to utilise a GRP footbridge. Accommodating the revised design has, invariably, had an implication upon the retention of trees and landscaping within Highways land due to the need for appropriate retaining structures.
- 2.24 The revised design philosophy underpinning the updated design is explained, in further detail, within the accompanying Design and Access Statement, as prepared by Space Architects.
- 2.25 The development will result in the loss of 1no. TPO'd tree which is located in a central position on site. The loss of this TPO'd tree has previously been accepted by Officers. The site affords ample opportunities for landscape enhancement. Following proactive dialogue with Landscape Officers during the course of the original planning application, a detailed landscape strategy has been prepared and is submitted in support of the revised application proposals. This follows the general approach to landscaping across the site as previously accepted by the LPA. The proposed landscape strategy not only replaces but increases significantly both the amenity and arboricultural value of the site.
- 2.26 Owing to the topography of the application site, together with evidence obtained from the geo-technical investigation, the application proposals will necessitate a significant and costly regrading of the site.
- 2.27 The removal of such made ground will enable at grade access with Purbrook Way to be achieved. Accordingly, regrading of the site will require a co-ordinated approach to engineering in the form of structural/retaining walls etc. Following the detailed design and feasibility stage (post-approval), a number of alterations have been proposed to the location of structural walls across the site. Most notably, compared to the original application, there is no longer an embankment located along Purbrook Road. This is due to

both existing utility easements being unable to accommodate additional fill material. The design of both the footprint and boundary treatments is in direct response to such constraints.

2.28 A full description of the Lidl Business Model, is provided within the original Planning and Retail Statement. There is no merit in replicating that narrative verbatim in this instance.

2.29 However, in summary, the key trading characteristics which distinguish Lidl from its mainstream convenience competitors and smaller independent retailers can be summarised as follows:

A restricted number of product lines – Lidl is not a one stop shop. It sells a limited range of predominately own branded goods, with customers seen to visit other stores (including town centres and independents) for a wider choice of branded goods and products.

A complementary retail offer – Lidl provides a complementary retail offer. A limited range of comparison goods are also sold. The constantly changing nature of ‘non-food specials’ ensures that any impact on other retailers is not constant and is, indeed, limited. Nor do Lidl offer the range of services as often provided by the mainstream retailers.

Small store size and localised catchment – Lidl stores do not draw customers from a wide area. Their stores are intended to serve a localised catchment.

Uniform Layouts – Lidl require standard internal layouts to ensure compatibility with Lidl’s efficient delivery and stock handling procedures and ability to stock the standard product lines to meet customer needs and minimise costs.

2.30 In terms of store format, Lidl has an established store format which remains integral to the success of its established business model. For example, the preferred store size that is now required by Lidl for its operational purposes is c. 2,185m² gross internal area (GIA) – the size of store now proposed for Havant. This equates to a nominal increase of c. 286m² when compared to the consented store (1,899m²) (GIA). The revised layout delivers a number of operational benefits including, for example, a wider sales floor providing for better end user experience and catering for the latest Lidl remerchandising strategy, optimisation of the ancillary/welfare areas, larger parking bays. The revised proposals for Havant will be a first of its kind in the south and will be a flagship store for future Lidl specification store roll-outs.

2.31 A single level store remains fundamental to the retailer. It allows for pallets to be easily moved directly from the delivery bay into the sales area. Such operational efficiencies cannot be achieved in the same way in smaller or multi-level stores, resulting in the need to break pallets down and stack products directly onto the shelves. This serves to increase staff costs and ultimately product prices. Put simply, any compromise on the operational efficiencies of a Lidl store means it becomes more difficult for Lidl to pass resultant cost savings on to their customers.

2.32 In addition, Lidl’s store format has been purposefully designed to provide mobility impaired customers, the elderly and those with small children, sufficient circulation space to move around the store. Also, by placing bulky products on the sales floor, Lidl ensure easy access to these items for all customers.

2.33 With regard to store format, it has previously been recognised by the Secretary of State and Planning Inspectors that a single level retail operation is essential to the Lidl business model and that, consequently, ‘disaggregation’ (breaking stores down into convenience and comparison elements) cannot be achieved without the benefits of the discount format being lost.

2.34 Such matters are an important consideration in the context of the application proposals and application of the sequential test. They are explained, in further detail, within our original Planning and Retail Statement.

3. Planning Policy Context

- 3.1 This section of the Planning Statement outlines the principle national and development plan policies, relevant to the determination of the planning application.
- 3.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the Development Plan and that determination shall be made in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for the application site, comprises the following:
- Havant Borough Core Strategy (2011).
- Havant Borough Local Plan (Allocations) (July 2014).
- 3.3 The National Planning Policy Framework (NPPF) and practice guidance is also an important material consideration.
- 3.4 In terms of adopted planning policy, it is important to note that planning permission has relatively recently been approved for a retail foodstore upon the application site. Consequently, that proposal was considered against the adopted development plan policies and considered acceptable by Officers alongside their respective advisors.
- 3.5 However, in the context of this revised submission, it is right and proper that the relevant retail and site-specific policies are revisited. These are addressed, in turn, below.

National Planning Policy Framework (NPPF)

- 3.6 At the national level, planning guidance is contained in the NPPF which was updated in December 2023. The NPPF is an important material consideration and seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It sets out the Government's planning policies for England and how these are expected to be applied. The document carries significant weight in the decision-making process.
- 3.7 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which is seen as the golden thread running through both plan making and decision taking. Indeed, paragraph 11 states:
- “Plans and decisions should apply a presumption in favour of sustainable development.
- For decision-taking this means:
- c) approving development proposals that accord with an up-to-date Development Plan without delay; or
 - d) where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 3.8 In this respect, paragraph 8 explains that there are three overarching objectives to achieving sustainable development:
- a) “an economic objective – to help build a strong, responsive and competitive economy, by ensuring that

sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

- 3.9 The application proposals perform an important social and economic role. They will result in economic and job creating development on a logical development site within the defined built up area of Havant. They will also deliver an enhanced and additional discount food retail offer. This, in turn, will enable more sustainable and efficient shopping trips and deliver net additional employment benefits to the Borough. The proposals represent an initial investment of c.£10M in the locality on a site which has not, nor ever looked like, coming forward for any other form of economic or employment generating use. Such key benefits cannot be underestimated. They duly receive strong support within the NPPF.
- 3.10 In accordance with the NPPF planning consent should only be refused if the impacts of the development significantly and demonstrably outweigh its benefits (our emphasis). There are no impacts of such weight that would warrant refusing consent to the application. It is a scheme which accords with the relevant policies of the Development Plan.
- 3.11 Paragraph 81 of the NPPF acknowledges 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. Paragraph 83 of the NPPF comments that planning policies and decisions should recognise and address the specific locational requirements of different sectors. The application sites’ suitability for a foodstore proposal has been established through its recent planning history.
- 3.12 The retail policies of the NPPF are included at Chapter 7. These include the requirements to undertake a sequential test and, above a certain trigger threshold, a Retail Impact Assessment (RIA).
- 3.13 Paragraph 87 of the NPPF confirms that Local Authorities 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. Such proposals are required to be located in town centres, then edge-of-centre locations, and only if suitable sites are not available should out-of-centre sites be considered. The NPPF advises that in considering edge and out-of-centre sites, preference should be given to sites that are accessible and well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 3.14 Paragraph 90 of the NPPF confirms that when assessing retail proposals outside town centres, local planning authorities should require an impact assessment, if the development is over a proportionate, locally set floorspace threshold. If there is no threshold, the NPPF confirms the default threshold is 2,500m² (gross). The adopted Development Plan does not prescribe a floorspace threshold and, therefore, the de-fault threshold within the NPPF applies.
- 3.15 Paragraph 90 goes on to outline that an assessment, when required, should include a consideration of:

The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

- 3.16 Paragraph 91 of the NPPF is clear that, in instances where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one, or more, of the considerations in paragraph 90, it should be refused. An assessment of the proposals against these two key retail tests appears in the following sections of this report.
- 3.17 The transportation policies are set out within Chapter 9 of the NPPF. Paragraph 105 advocates that the planning system should actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 3.18 Paragraph 111 states 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.
- 3.19 Chapter 12 (Achieving Well-Designed Places) (paragraph 130) reiterates that planning policies and decisions should ensure that developments are well functioning, visually attractive, sympathetic to the local character and provide a strong sense of place. Paragraph 126 acknowledges that good design is fundamental to what the planning and development process should achieve.
- 3.20 The NPPF also sets out guidance relating to flood risk, drainage and biodiversity.
- 3.21 The application proposals are in accordance with the broad objectives of the NPPF. We say this for the following reasons:

The proposal delivers sustainable economic development on an existing site, of direct benefit to local residents and for which planning permission has previously been forthcoming.

The proposal provides sustainable economic development in a location which is to benefit from significant population growth.

The proposals provide a complementary retail use which is fully consistent with the quasi retail/commercial 'offer' of the immediate locality.

The proposals bring forward sustainable economic development, on a site which has no ecological or economic value.

The proposals will create in the region of 40 full and part time net additional jobs for Havant – the majority of which will be taken by the local population.

The proposals may act as a catalyst for further investment at this location delivering a flagship new store format.

The proposals are accessible by both public and private transport (as evidenced within the submitted Transport Assessment, prepared by Mayer Brown).

The proposals will result in efficiency and sustainability gains by delivering a form of discounted food retail in a manner which complements existing provision.

The application site is not subject to any site-specific policy designations within the adopted Development Plan. Subject to satisfying the key retail policy tests (i.e. sequential and impact) there is no reason why planning permission cannot be forthcoming.

National Planning Practice Guidance

3.22 The Government's Practice Guidance (2016: Updated June 2021) accompanies the NPPF. It includes specific guidance relating to town centres and retail proposals.

3.23 Paragraph 009 defines the purpose of the sequential test as follows:

"The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out-of-centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision taking."

3.24 Paragraph 011 notes that it is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could, in itself, constitute a reason for refusing permission). Further and, wherever possible, the local planning authority is expected to support the applicant in undertaking the sequential test, including the sharing of any relevant information. The application of the sequential test needs to be proportionate and appropriate for an individual proposal.

3.25 Paragraph 014 of the Practice Guidance concerns retail impact. It states that:

"The purpose of the test is to consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality/viability and investment. The test relates to retail and leisure developments (not all main town centre uses) which are not in accordance with up-to-date plan policies and which would be located outside existing town centres. It is important that the impact is assessed in relation to all town centres that may be affected, which are not necessarily just those closest to the proposal and may be in neighbouring authority areas."

3.26 Paragraph 017 of the Practice Guidance notes that:

"The impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible."

3.27 Paragraph 018 acknowledges that the following steps should be taken in applying the impact test:

Establish the state of existing centres and the nature of current shopping patterns (base year).

Determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur.

Examine the 'no development' scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure).

Assess the proposal's turnover and trade draw (drawing on information from comparable schemes, the operators benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw).

Consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact).

Set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues.

Any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences for the vitality and viability of existing town centres.

3.28 The guidance is clear that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances and “where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development”.

3.29 The advice of the Practice Guidance is important with regards to the application proposals. Namely:

Planning permission has already been granted for a foodstore at this location. the condition remains extant with relevant pre-commencement conditions.

The proposals provide a marginal uplift (c.260m²) in retail floorspace when compared to the consented position.

There are no site-specific policy designations applicable to the application site. Indeed, the planning policy position remains identical from that when the original application proposals were considered.

The location of the application site is critical to the operational and market requirements of the proposal. It is a proposal which needs to be located at this site, to serve its intended catchment, following the earlier approval.

The site provides direct access to and visual prominence from the strategic highway network including both Purbrook Way and the A3(M).

There are synergy and co-locating benefits between the proposal and adjoining retail occupiers (including, for example, the adjacent B&Q warehouse and Asda foodstore).

In terms of application of the sequential test, locating the development at another location (i.e. within Havant or Waterlooville Town Centre) would not meet the operational needs of the end user (falling outside the intended catchment) and, in commercial terms, would prove unviable. This assumes further importance given the application site benefits from planning permission for a food store and is within the full ownership of the applicant.

Development Plan

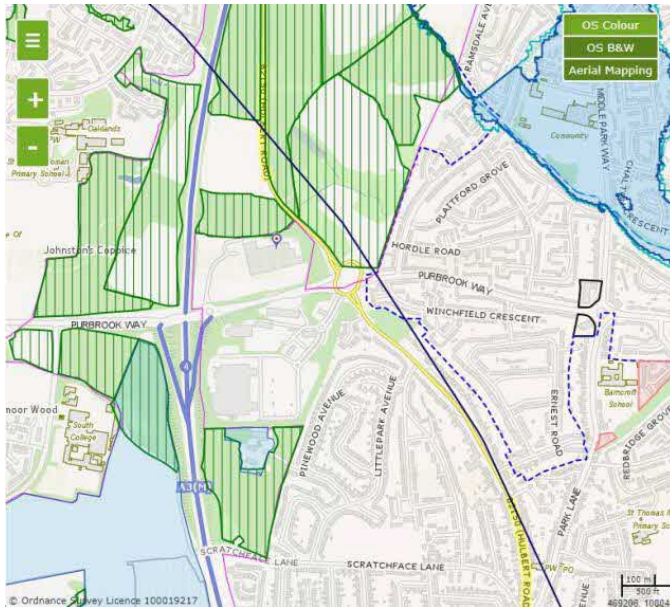
3.30 The Statutory Development Plan for the application site comprises the Havant Borough Core Strategy (2011), alongside the Havant Borough Local Plan (Allocations) (July 2014). Notably, there has been no change in the Development Plan context since the original approval.

3.31 In terms of site-specific designations, the adopted Proposals Map indicates that the application site is:

Within the Urban Area (indicated by the pink line) as defined by Policies CS17 and AL2 of the Local Plan.

Located to the south of a Site of Importance for Nature Conservation (SINC), Hulbert Road Meadow.

3.32 An extract of the site Proposals Map is provided below:



Havant Borough Core Strategy (2011)

3.33 Havant Borough Core Strategy was adopted in March 2011. It establishes the strategic policies for the Borough and covers a plan period to 2026.

3.34 In contextualising the Borough, in the introductory paragraphs, the plan notes:

Unemployment levels have, historically, been higher than the rest of Hampshire.

There are high levels of commuting in and out of the Borough with lower skilled residents commuting out and higher skilled people commuting in; and

With specific reference to Leigh Park (which includes the electoral wards of Barncroft, Battins, Bond Fields and Warren Park) it notes that:

- The population of Leigh Park has a relatively young age structure.
- Leigh Park District Centre has a particularly high vacancy rate and rent values are low (in comparison with the rest of the Borough).
- Other shopping needs are met through smaller local centres and shops elsewhere in Leigh Park.
- Asda (Bedhampton) is acknowledged to attract a significant proportion of local retail spend.
- There remains a significant skills gap between the skills of the local population and the jobs available in the sub region.
- Leigh Park has some of the most deprived wards in England.
- The key opportunity for Leigh Park is to deliver regeneration.
- The provision of new employment opportunities to the area will be critical.

With regards to Waterloo (west of A3(M)) the following is noted:

- The age structure of this area is relatively mixed.
- Waterloo Town Centre is performing well.

- A major development area is planned directly to the West of Waterlooville.
- The A3(M) provides a physical separation between the Waterlooville area and the rest of the Borough.

- 3.35 Policy CS1 (Health and Wellbeing) supports development which improves the education and life chances for young adults especially by facilitating access into employment; and those which address barriers to employment for economically inactive people.
- 3.36 Policy CS3 (Skills and Employability) states that planning permission will be granted for development proposals that raise skill levels and increase employability. The supporting text (paragraph 3.28) notes that raising the skills levels of the existing and potential workforce of the Borough is a key economic driver for promoting Havant Borough's economy. The supporting text also notes that there are intense pockets of skills deprivation with the Borough with over 40% of the working age population of Leigh Park wards not having any qualifications. Accordingly, support is to be actively given to proposals that raise the skill levels and employability of young people helping them into work, education, or training.
- 3.37 Policy CS4 (Town, District and Local Centres) identifies the Boroughs main town centres as being Havant and Waterlooville. Leigh Park is identified as a District Centre whilst Purbrook is classed as a Local Centre. Policy CS4 seeks to promote the vitality and viability of the identified centres consistent with Government Guidance. The supporting text to the policy (Paragraph 3.39) 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 other relevant tests as set out in current government policies'.
- 3.38 Paragraph 3.40 continues by acknowledging that the boundaries for all the designated centres named in Policy CS4 (as shown on the Proposals Map) will be identified in the Development Delivery (Allocations) Plan, together with primary shopping areas and primary and secondary frontages.
- 3.39 Policy CS8 (Community Safety) supports development that engrains community safety into the development process; provides well-lit footpaths, cycleways and roads (provided it does not adversely affect designated habitats or the landscape); and maximises opportunities for natural surveillance through good design.
- 3.40 Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of the Havant Borough) seeks to protect and, where possible, enhance statutory and non-statutory designated landscape, habitats, and features of biological, hydrological or geological interest. Protection is given to wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species to respond to the impacts of climate change by making appropriate provision for habitat adaptation.
- 3.41 Policy CS14 (Efficient Use of Resources) requires non-residential development over (500m²) to meet BREEAM 'very-good', unless proven to be financially, or technically, unviable.
- 3.42 Policy CS15 (Flood and Coastal Erosion Risk) states that development in areas at risk of flooding will only be permitted where:
1. It meets the sequential and exception test (where required).
 2. The site is located in a low hazard area as defined in the Strategic Flood Risk Assessment.
 3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere and the specific requirements of the site.
 4. Appropriate flood warning and evacuation plans are in place.

5. New site drainage systems are designed taking into account events which exceed the normal design standard.
- 3.43 All new development is required to ensure that there is no net increase in surface water runoff with a priority given to SuDs. The application proposals are supported by an up dated detailed Flood Risk Assessment and Drainage Strategy, as prepared by Mayer Brown. This concludes that the proposal is not at risk of flooding and can be safely constructed without flooding itself and will not increase the risk of flooding to downstream/surrounding properties.
- 3.44 Policy CS16 (High Quality Design) states that planning permission will be granted for development that is designed to a high standard which helps to create places where people want to live, work, and relax. The policy notes that development proposals should respond to and respect local context, create a high-quality public realm, be inclusive and accessible for all users and mitigate any negative environmental impacts through sustainable design and construction methods.
- 3.45 Policy CS17 (Concentration and Distribution of Development within the Urban Areas) states that 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 in 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.
- 3.46 In accordance with Policy CS17, the priority for locating new development is, clearly, within the existing urban area, where there are existing facilities to use and new development would have least impact on the range of highly protected biodiversity designations.
- 3.47 Policy CS19 (Effective Provision of Infrastructure) states that development shall be permitted where it makes the most effective use of existing infrastructure, including opportunities for co-location of facilities.
- 3.48 Policy CS20 (Transport and Access Strategy) is supportive of development that does not increase congestion and promotes the better use of existing transport networks. Development should also improve accessibility to goods, services and employment. Transport management measures should be implemented to ensure the safe and efficient operation of the strategic and local road network.
- 3.49 The Development Management Policies are set out at Chapter 10 of the Core Strategy. The most relevant, in the context of the application proposals, are considered below.
- 3.50 Policy DM6 (Coordination of Development) states that proposals will only be permitted where they do not undermine the future development of adjacent sites. The supporting text (Paragraph 10.20) notes that the use of urban land should be maximised and carefully planned to ensure the development potential of future sites is not compromised. It continues by recognising that it is important that the most effective use is made of urban land and to ensure allocated sites can be delivered. Improvements and regeneration opportunities within urban areas will be accommodated through the efficient use of land.
- 3.51 Policy DM8 (Conservation, Protection and Enhancement of Existing Natural Features) seeks to protect and enhance local habitats and landscape distinctiveness.

- 3.52 Policy DM10 (Pollution) addresses development which would give rise to pollution of water, air or soil through means including noise, smell, dust, light, and vibration. The policy prescribes a number of criteria which developments are expected to meet. These include protecting the health and safety of users and neighbours; whilst keeping external light to a minimum.
- 3.53 Policy DM11 (Planning for More Sustainable Travel) seeks to ensure that every opportunity is taken to increase integration of sustainable travel modes and availability of non-motorised modes, through the adoption of a number of measures including requiring safe and secure vehicular and cycle parking.
- 3.54 Policy DM12 (Mitigating the Impacts of Travel) requires new development to mitigate their travel impact, including the environmental impacts of travel (such as noise, air, and visual pollution) and impacts of amenity, health and climate change. A transport assessment and travel plan should be submitted alongside any planning application for major development proposals, or where a proposal is likely to have significant transport implications. An updated Transport Assessment (including Travel Plan) has been prepared by Mayer Brown and is submitted in support of the application proposals. The proposals maintain the consented access strategy and cannot be considered to give rise to any transportation concerns.
- 3.55 Policy DM14 (Car and Cycle Parking on Development (excluding residential) requires parking for cars, motorcycles and cycles in accordance with the relevant adopted standards.

Havant Borough Local Plan (Allocations)

- 3.56 Havant Borough Local Plan (Allocations) was adopted in July 2014. It follows on from the Havant Borough Local Plan (Core Strategy). The Allocations Plan replaced those remaining saved policies for the Havant Borough District Wide Local Plan. The relevant policies, in the context of the application proposals, are considered below.
- 3.57 Policy AL1 (Presumption in Favour of Sustainable Development) is reflective of the NPPF and notes that the Council are to work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. In accordance with the Guidance contained within the NPPF, planning applications that accord with the policies in the Local Plan are to be approved without delay, unless material considerations indicate otherwise.
- 3.58 The supporting text to the policy (Paragraph 2.03) recognises that Havant Borough Council prides itself on being 'open for business'. The presumption in favour of sustainable development is an important theme of the plan.
- 3.59 Policy AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements) states that the urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville are defined on the Policies Map. The principle of concentrating development within the five urban areas of the Borough is established in Policy CS17 of the Core Strategy. The supporting text to Policy AL2 notes that concentrating development within the boundaries of the respective urban areas is a key component of sustainable development.
- 3.60 Policy AL3 (Town, District and Local Centres) establishes a town centre first approach to retail development, as a means of supporting vitality and viability.
- 3.61 Section 7 of the Allocations Document introduces the site-specific designations for Leigh Park. There are no site-specific policies that relate to the application site within the adopted Havant Borough Local Plan.
- 3.62 Policy DM17 (Contaminated Land) states that planning permission will be granted for development on, or near, contaminated land where an appropriate investigation of potential risks has been undertaken and

identified risks can be mitigated. In instances where risks are identified, the necessary remediation measures to be undertaken by the development must take full account of the intended use and ensure that it does not have a negative effect on human health, groundwater or the wider environment.

- 3.63 Policy DM18 (Protecting New Development from Pollution) recognises that planning permission will be granted for development provided that projected levels of air, noise, vibration, light, water or other pollution do not have a significant impact on the amenity of future occupiers, or users, of the proposed development. This policy complements Policy DM10 of the Core Strategy. It is intended to control the adverse effects which could occur because of the inappropriate location of new development.

Havant Borough Local Plan 2026 (WITHDRAWN)

- 3.64 The Havant Borough Local Plan was withdrawn from examination on 16th March 2022. The plan had been submitted to the Secretary of State for Examination on 12th February 2021.
- 3.65 Within the emerging Local Plan, the application site formed part of Development Allocation C11: Land at Hulbert Road. Through Policy C11 the site was considered appropriate for employment purposes (Classes B1, B2 and B8).
- 3.66 Given this plan has been withdrawn it is afforded no further consideration.

Conclusions on Planning Policy

- 3.67 The planning policy position has been revisited as part of this resubmission. There has been no change in policy position since determination of the original planning application. Accordingly, the proposed development continues to adhere to the policies of the Statutory Development Plan. The following points remain pertinent:

The application site falls within the defined urban area of Havant 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 within the adopted Development Plan.

Development Plan policies actively encourage the effective use of land within the urban area.

The application site is a logical site for additional food retail provision, having regard to existing representation, planned population growth and, of course, the earlier planning permission.

The proposals will continue to meet a recognised need for additional convenience retail provision.

The proposals are wholly consistent with the immediate area, an established out-of-centre shopping destination.

The application site benefits from excellent accessibility to the strategic road network.

The proposals will not, in any way, have a significant impact upon any defined centres owing to their limited catchment. Put simply, the need for development is entirely site specific.

The proposals have clear qualitative benefits for the local population and Havant generally.

The proposals deliver clear economic benefit to Havant, by way of additional job creating development.

They are wholly consistent with Core Strategy Policies CS1 and CS3.

The proposals are wholly appropriate for the site and will have no detriment by way of residential

amenity.

The proposed scale of development is entirely appropriate for the specific location and intended catchment.

A retail proposal is the most realistic prospect of realising any job creating development at this location (a position accepted through the earlier planning permission).

The proposals will have no detrimental impact on the local highway network. Traffic movements are imperceptible compared to the current consented scenario. They accord with Policy CS20 and Policy DM12.

The proposals give rise to no residential amenity concerns, are appropriate from a flood risk perspective and can result in a biodiversity net gain.

The proposals continue to meet policies relating to sustainability and efficiency of resources and have been designed to meet BREEAM 'Very Good' in accordance with Policy CS14.

- 3.68 Overall, there has been no change in policy position since determination of the original application. Rather, following withdrawal of the Emerging Local Plan (Havant Borough Local Plan 2026) and, therein, the emerging employment allocation for the site, the policy position is more favourable than it was at the time the original proposals were considered. On this basis, subject to demonstrating continual compliance with the established retail tests; namely sequential and retail impact, the revised application proposals remain acceptable. No credible policy objection could realistically be sustained in relation to the proposals on the basis of satisfying the key retail policy tests. This is explained, in further detail, within the following section.

4. Matters at Issue

- 4.1 Having set the context for the resubmission, alongside the planning policy position, we now consider the revised proposals against that guidance, together with any matters of issue that may have arisen as a result of the revised proposals.

Sequential Approach

- 4.2 The sequential test is a well-established and understood test for retail purposes.
- 4.3 National and local planning policies on retail development both mandate a sequential approach to site selection, whereby the first preference should be locations within town centres, followed by sites on the edge of a centre and only then out-of-centre sites at accessible locations.
- 4.4 The sequential approach to site selection for main town centre uses is set out at paragraphs 87 and 88 of the NPPF (2023). This states:
- “87. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. 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.
88. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre, or edge of centre sites, are fully explored.”
- 4.5 The application site is, clearly, out of centre. It is, therefore, necessary to demonstrate that there are no sequentially preferable sites (i.e. town centre or edge of centre sites) to which the proposal, or a flexible format of it, could otherwise locate.
- 4.6 The meaning of the sequential test is a matter of law, whilst its application is a matter of planning judgement. It is, therefore, necessary to understand what the sequential test means and what is required for a site to be considered ‘suitable’ for the purposes of the NPPF’s sequential test. The Courts have decided that the sequential test ultimately seeks to determine whether the application scheme (i.e. what is proposed) can be accommodated on a sequentially preferable site. The test includes the requirement to demonstrate flexibility on issues such as format and scale; ‘suitable’ and ‘available’ means suitable and available for the broad type of development that is proposed in respect of the approximate (rather than precisely the) size, type and range of goods that are to be proposed.
- 4.7 The NPPF (paragraph 87) refers to ‘available’ sites. A change from an earlier NPPF (2012) is the reference to sites that are expected to be available in ‘a reasonable period of time’. A reasonable period of time has not been specified, yet it seems likely a site would need to be available within a similar (if not exactly the same) period of time when compared with the application proposals (in this case an unfettered development site benefiting from an extant planning permission for a foodstore and within the full control of the applicant).
- 4.8 Confirmation on how the sequential test should be used in decision taking is set out at Paragraph 11 of Planning Practice Guidance (PPG) the ‘Town Centres and Retail’ Section. This provides a checklist of the considerations which should be taken into account in determining whether a proposal complies with the sequential test as follows:

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 The PPG also advises that the use of the sequential test should recognise that certain main town uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will be required where this is the case.

The Sequential Approach to Site Selection

- 4.10 In assessing potential sites there is a requirement for them to be both suitable and available, and for both developer and planning authorities to demonstrate flexibility on issues such as scale and format.
- 4.11 The purpose of searching for alternative sites is to ensure that the identified need (which can be both quantitative or qualitative) is met in the most appropriate location, and a number of High Court judgements have established that suitability of potential sites needs to be judged having regard to the nature of the need (See *R v Cambridge City Council ex parte Warner Village Cinemas Ltd* (2000) and *JJ Gallagher Ltd v SSL, DTR and Gateshead MBC* (2002).
- 4.12 Similarly, in considering whether a site is 'suitable' under the sequential approach, it has been established in case law that the requirement is for sites capable of accommodating the broad type of development that is being proposed by the applicant. This was made clear in the High Court judgement of *Aldergate Properties Ltd v Mansfield District Council* (2016) and the judgement of the Supreme Court in *Tesco Stores Limited (Appellants) v Dundee City Council (Respondents)* (Scotland) [2012] UKSC where at paragraph 37 of the judgement Lord Hope said:
- "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."
- 4.13 In this instance, the need for the development is to serve an existing and expanding residential catchment within a 4-5 minute drive-time from the application site. A sequential search beyond this catchment would not meet with the identified need.
- 4.14 While policy requires developers/retailers to be flexible when assessing alternative sites, there is no longer a requirement to consider the disaggregation of that floorspace. This has been confirmed in a number of appeal/call-in decisions, including *Rushden Lakes* in Northamptonshire (PINS ref. APP/G2815/V/12/2190175 and *Cribbs Causeway* in South Gloucestershire (APP/P0119/V/17/3170627), as well as the judgement of the Court of Appeal in *Warners Retail (Moreton) Ltd v Cotswold District Council* (2016).
- 4.15 Whilst no indication as to what degree of flexibility is required is contained within the NPPF, or the Practice Guidance (other than 'format and scale'), the 'Rushden Lakes' decision has clarified the position, with the Inspector (Paragraph 8.49) highlighting that 'flexibility' concerns matters including 'flexibility in a business model, use of multi-level stores, flexible car parking requirements or arrangement, innovative servicing solutions and a willingness to depart from standard formats'. In Paragraph 15 of the decision letter, the SoS agreed with the Inspector that these are issues of key relevance in demonstrating flexibility.

- 4.16 The Supreme Court in *Tesco Stores v Dundee City Council* ((2012) UKSC 13)) (Dundee Judgement) confirmed that provided the applicant has demonstrated flexibility with regard to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered, or reduced, so that it can be made to fit an alternative site.
- 4.17 The Judgement also clarified that:
- “The criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no wish in doing so.”
- 4.18 The High Court Judgement (*Threadneedle Property Investments and Simons Developments Ltd v North Lincolnshire Council* [CO/4764/2012]) also considered the Supreme Court interpretation confirming the need to take account of the operator’s commercial requirements and the need to work in the real world. The Court took the view that ‘operator specifics’ are and remain relevant in applying the sequential test.
- 4.19 These rulings are clear that there must be realism applied to the sequential test, having regard to the business model of the applicant, commercial realities and business decisions. Whilst retailers are expected to demonstrate reasonable flexibility, these appeal decisions underline the need for decisions to be based in a real-world scenario.
- 4.20 The ‘Mansfield Judgement’ (*Aldergate v Mansfield District Council & Anor* [2016]) has further clarified that the sequential test should be considered on the basis of the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale.
- 4.21 It affirms that in applying the sequential test, the decision maker will generally be required to consider the type and format of the proposed development rather than the requirements of a specific named operator.
- 4.22 Sites covered by a sequential assessment should not vary from applicant to applicant according to their identity, but from application to application based on their content.
- 4.23 Against this background, the parameters of the sequential test should be established having regard to the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale and taking into account the commercial realities of the business model.
- 4.24 A developer’s own intentions may be considered and have a bearing – for instance when considering what demand is intended to meet. However, the sequential approach should not become a self-fulfilling activity divorced from public interest.
- 4.25 Overall, whilst it is necessary for applicants to demonstrate ‘flexibility’ on issues such as format and scale when applying the sequential test, it is clear that under the NPPF there is no requirement to consider ‘disaggregation’, nor to explore changes that would materially alter the application proposal such that it no longer meets the commercial requirements of any intended occupier.

The Occupier’s Business Model

- 4.26 As articulated within the original planning submission, delivering the LAD business model has certain consequences for the design and layout of Lidl’s stores, along with, of course, their respective site requirements. A critical component of which is the size and configuration of a store which is capable of supporting Lidl’s stock handling procedures and the ability to stock its standard product lines in sufficient depth (minimising servicing costs and maintaining product availability).
- 4.27 The restrictions that this places on the ability of Lidl to be ‘flexible’, in its format, remains relevant to the application of the sequential test. This has been accepted by the Secretary of State and Inspectors through various appeal decisions.

- 4.28 Following the original approval, Lidl's preferred trading format has evolved. The Type 15 store now proposed seeks to provide a larger sales floor area (c.1,516m²) than the consented proposition (c. 1256m²). The marginally larger sales floor area complements the latest Lidl remerchandising strategy in order to provide an improved customer experience. Operationally, the warehouse has also increased by c.34m² which, in turn, enables increased storage to ensure improved availability of products.
- 4.29 Against this background, a number of important attributes are required from any sequentially preferable site, in order to meet the changing business model of the applicant. Such key attributes include:
- Prominent sites with main road frontage.
- A regular shaped site area (ensuring adequate product display space and transfer of products).
- Accessible sites with strong pedestrian and/or traffic flows.
- Sites that can deliver the following:
- A customer-oriented layout with simple, straightforward access through broad and spacious car parks.
 - Car parks which are located close to the store and at ground level for ease of access.
 - Parking spaces which are generously designed and clearly marked.
 - Functional and attractive architecture.
 - Spacious sales areas with wide aisles for a more comfortable shopping experience.
 - Ample warehouse space to ensure constant product availability.
 - Logical store layouts with simple merchandising, ensuring customers can find the same products in the same place in every store; and
 - Proposals must be capable of being serviced by an HGV which can enter and leave the site in a forward gear.
- 4.30 The retail unit now proposed through this planning application is c.2,185 (GIA) with a net sales of c.1,516m². This represents a marginal increase from the consented position of c.286m² and c.260m² respectively. The unit will continue to sell a reasonably wide range of fresh, pre-packaged, refrigerated and frozen convenience goods to meet a combination of main/staple and top-up food shopping needs. Given that the store is intended to function as a reasonably sized LAD foodstore, there is a need for customers to have easy access to car parking facilities.
- 4.31 It is usual that such facilities, for these sizes of store, are adjacent and at the same level. Therefore, alternative sites should also have the ability to accommodate a reasonable level of easy access on-site car parking provision.
- 4.32 Whilst a larger store, than previously consented, it will continue to serve a compact and localised catchment and must be located at a convenient, highly accessible and visible location.
- 4.33 In short, site requirements are a function of a LAD's approach to retailing, which is underpinned by simplicity, efficiency and standardisation. Value retailing and operational efficiency requires store design and site requirements to be as uniform as possible.

Catchment Area and Centres Assessed

- 4.34 Whilst both the NPPF and Planning Practice Guidance ('PPG') are silent on the appropriate area of search for sequentially preferable sites, a standard approach is to consider the extent of the catchment area that is likely to be served by the proposal and, therein, to identify alternative sites, located within or on the edge of existing centres which serve an equivalent catchment, and which could accommodate the scale and form of development proposed.
- 4.35 In this instance, the scale and form of 'main town centre' use development proposed is only a slightly larger discount foodstore compared to that which has already been consulted. The proposal entails a store of c. 2,185m² (GIA) with customer car parking (113 spaces), access road, servicing area, and associated hard and soft landscaping. The overall site area required to accommodate the proposal is c.1.08ha (excluding the areas of the site within highways land).
- 4.36 Regardless of the modest uplift in retail floorspace, the foodstore will continue to trade from a very localised catchment area. The relatively small trading catchment is a product of a number of factors including the retail model of the company and what is known of its customer base and their shopping behaviour.
- 4.37 As a result, as with other LAD retailers, Lidl's retail model relies on stores being in convenient, visible and accessible locations, such as busy transport routes. As customers do not travel significant distances, stores serve almost an exclusively local need which can mean several stores are located within the same urban area/catchment. Factors such as higher density populations can mean catchment areas are smaller and often overlap with those of other stores.
- 4.38 The primary catchment of the store is expected to continue to lie within a 5 minute drive-time. Commenting on the proposals catchment, the LPA's retail advisors (Stantec) responded to the original application on 5th August 2021 noting the following:
- "A 5-minute drivetime in an urban area is typical for discount foodstore operators and, as such, we are of the opinion that the catchment area for the application proposal is appropriate, as is the inclusion of Havant and Waterlooville town centres"
- 4.39 Accordingly, based on principles established within the original application an appropriate area of search for sequential test purposes takes in the following centres:

Centre	Position in Retail Hierarchy
Havant	Town Centre
Waterlooville	Town Centre
Leigh Park	District Centre
Bedhampton	Local Centre
Middle Park Way	Local Centre
Crookhorn	Local Centre
Purbrook	Local Centre

- 4.40 This area of search for the sequential test provides sufficient and reasonable flexibility for the assessment. It remains entirely appropriate in relation to the amended application proposals.

- 4.41 In undertaking our sequential analysis, we have followed the advice of the NPPF Practice Guidance and paragraph 010:
- “It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.”
- 4.42 Our assessment has revisited the original and comprehensive sequential assessment (including supplementary addendums). This ensures that our original conclusions remain valid.
- 4.43 We have revisited the respective centres to understand whether there are any additional sites that now warrant consideration. There are not. This is not unsurprising. Most of the original sites were considered too small for the application proposals, or a flexible form of them. On the basis of a modest increase in floorspace, now proposed through the application proposals, it is logical to conclude that such sites remain unsuitable at this time.
- 4.44 For robustness, updated sequential test proformas have been provided at Document 4. Overall, following a proportionate review, there are no alternative conclusions as to the previous sequential test analysis. Whilst additional sites were identified (including former Tesco unit, Greywell Road), they are clearly of insufficient size to accommodate the application proposals, or a flexible form of them. Further, previous vacant units on Solent Retail Park have since been re-let and, therefore, have now been omitted from the sequential test assessment.
- 4.45 In addition all ‘typical’ high street town centre units in all of the identified centres and which were vacant, at the time of our reappraisal (March 2024), were immediately discounted owing to their, clearly, insufficient footprint.
- 4.46 Consequently, following a robust and proportionate sequential test assessment our conclusion is that no alternative sites are genuinely sequentially preferable. Each site fails for reasons including availability and suitability.
- 4.47 This is not unexpected. Indeed, having reviewed our (extended) original sequential test assessment, the only site that warranted further consideration, at the time of the original submission, was Unit 1, Dukeswall, Waterlooville (the former Waitrose Unit). At that time the Council’s retail advisors (Stantec) were of the opinion that this unit was available and suitable for the proposed development, contrary to our own conclusions. A detailed rebuttal regarding the suitability, availability and viability of the former Waitrose unit for the purposes of the sequential test was prepared by SPL and presented to the Local Planning Authority on 26th October 2021. For ease, a copy of this letter appears at Document 5.
- 4.48 Having regard to the requirements of the NPPF to demonstrate flexibility on issues such as format and scale, our original assessment concluded that there were numerous cumulative constraints associated with achieving discount food retail within the former Waitrose unit. The unit was considered unsuitable for the broad type of retailing proposed having due regard to the commercial realities of LAD retailing.
- 4.49 It could not be said, in any way, that the former Waitrose represented a sequentially preferable opportunity to accommodate the proposed development, or a reasonably flexible format of it.
- 4.50 In this instance, ‘Operator specifics’ remain wholly relevant in applying the sequential test and the fact that the proposals are for a LAD form of retail development remains an important consideration. There remain

numerous cumulative constraints readily apparent in delivering a LAD operation within the former Waitrose unit.

- 4.51 These, in our opinion, go above and beyond what can be considered reasonableness in terms of flexibility. There are multiple reasons as to why the former Waitrose is unsuitable for the broad type of retailing proposed and having regard to the commercial realities of LAD retailing. These include:

The floorspace is far too large. The only basis on which Lidl, or any other LAD retailer, could theoretically trade from this location would be on the assumption the floorspace can be suitably subdivided.

Subdivision does not result in suitable layouts and has a significant detrimental impact upon the commercial attractiveness and, therein, passing rents of any surplus floorspace.

There remains concern that a LAD store would not have adequate commercial profile and main road frontage following re-configuration of the former Waitrose.

Prohibitive passing rents would impact any deep discounter model.

The physical inability to sub-divide the unit in a suitable manner for any LAD retailer, whilst delivering appropriate surplus retail floorspace attractive to the marketplace.

It would not, in any way, be viable or practical for a LAD to occupy the entire unit.

Overreliance on shared goods lift and servicing areas.

Absolutely no guarantee that parking would be free.

Proliferation of structural columns within any sales floorspace – a significant and prohibitive constraint for discount retailers who are reliant on all the space being available for product display.

Inefficient warehousing/servicing space arranged over multiple floors.

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

Concern regarding the general level of car parking provision at this location, having regard to the Council's own Parking SPD.

Visibility of a store in this location does not, in any way, have comparable profile as a standalone store on a prominent road frontage (such as the application site).

- 4.52 Therefore, whilst the former Waitrose may be physically and practically able to accommodate the proposed business model, allowing for flexibility in format and scale, it is not considered commercially realistic that any LAD operator would trade from this location. A substandard store would ensue which, in no way, meets the applicants' minimum operational requirements. 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.
- 4.53 Alongside the suitability, or not, of the unit there are also significant question marks over the availability of the unit certainly within a reasonable period of time.
- 4.54 As such, it is not considered that the former Waitrose unit is a sequentially preferable site. The application proposals wholly satisfy the matter of the sequential test.

4.55 Indeed, this view was ultimately accepted by the Council's retail advisors (Stantec) who confirmed in correspondence on the original application (20 December 2021), the following:

"Whilst in isolation, a degree of flexibility might mean that these options for the former Waitrose unit could make the unit suitable for the application proposals, on a cumulative basis, we are of the view that these options render the former Waitrose unit unsuitable for the development proposed. Key issues that are likely to be a problem are the lack of opportunity for palletised goods to arrive direct to the sales floor and the structural columns situated in the existing unit. This would have an adverse effect on the efficiency of the foodstore contrary to the operator's model"

4.56 The consultants ultimately concluded the following:

"We have thought long and hard about whether the former Waitrose unit is or is not suitable for the application proposals. We reluctantly accept that the former Waitrose unit is probably not suitable for the development proposed. On the face of it, a former foodstore unit in a town centre should be able to physically accommodate a LAD foodstore of a smaller footprint. Having given this issue considerable thought, we have concluded that despite there potentially being a solution to the car parking issue and other compromises could potentially be reached, the applicant's supplementary submission does provide compelling reasons which demonstrate that the former Waitrose unit is not suitable for the proposed development."

4.57 Accordingly, our original analysis had comprehensively demonstrated that there are no sites that can be considered to be genuinely available, or indeed, suitable for the proposed development, or a reasonably flexible form of it. They had full regard to the former Waitrose unit (Waterlooville). Whilst this remains vacant at the time of our revised application, the position in sequential terms is unchanged.

4.58 Further, on the matter of the sequential test and commenting on an application for a discount foodstore and drive thru units in Waterlooville (APP/21/00399), it is notable that planning officers (April 2022) commented in relation to applying the sequential test and, in particular, on the suitability and availability of the former Waitrose unit, the following:

"The evidence presented by the applicant does not present overwhelmingly compelling evidence that the site (former Waitrose) is not suitable. However, it is evident that the application 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 terms."

4.59 Accordingly, the position of the former Waitrose, as a sequentially preferable site, has been robustly considered and critiqued by independent retail advisors. The conclusions were unequivocal that the site could not be considered a suitable location for discount orientated retail. That position remains. Rather, on the basis that the application site now benefits from planning permission, the sequential test position on the former Waitrose unit becomes even less favourable. It is in no way suitable for the application proposals, or a flexible form of them.

4.60 In summary, in the context of the sequential test, we conclude:

The application site is an out-of-centre location. However, it is a logical retail/commercial development site, located within the defined urban area, in close proximity to existing retail/quasi retail uses and which benefits from an extant planning permission.

There are no site-specific designations that preclude retail development upon the application site, subject to compliance with the key retail tests of sequential and impact.

We have reviewed our original sequential test assessment to consider whether there are any additional

sites that could be considered more suitable and within an appropriate catchment of the application site. There are none.

The sequential test has demonstrated that there remain no sequentially preferable sites within an appropriate catchment of the site.

The application sites remains the only suitable site that we have identified, that is genuinely suitable and available and which can accommodate the development proposals, or a flexible form of them.

- 4.61 Having regard to all of the above, we conclude that the first of the NPPF's retail tests, namely the sequential approach, is met. We go on to revisit the questions of retail impact below.

Retail Impact

- 4.62 The NPPF (2023) confirms that impact assessments are required for retail development, located outside of town centres and which are not in accordance with an up-to-date development plan. The application site is an out-of-centre location in policy terms.
- 4.63 Paragraph 90 of the NPPF confirms that retail impact assessments are only required for developments of 2,500m² gross or more (unless there is a locally set lower threshold).
- 4.64 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' (our underlining).
- 4.65 Accordingly, Policy CS4 sets out the requirement for Retail Impact Assessments in accordance with the NPPF and consistent with the policy position at the time of the original application, there is no locally set threshold in this instance. As such, consistent with the NPPF there is no requirement to undertake an impact assessment for the revised application proposals and which represent a relatively modest uplift in floorspace.
- 4.66 Further, and in the context of retail impact considerations the application site benefits from an extant planning permission for a discount foodstore of c.1,997m² (GEA) with a net sales area of c.1256m². The revised application proposals seek planning permission for a modest uplift in retail floorspace when compared to the consented position of c.2,275m² (GEA) and net sales of c.1,516m².
- 4.67 In terms of the policy test in the NPPF, the proposed development is considered to be acceptable and will not result in a significant adverse impact. To the contrary, the revised proposals will secure tangible investment to the Borough delivering a flagship retail proposal. It is a proposal that has been found to be wholly acceptable by both the LPA and their retained retail consultants. The proposals do not change these conclusions in any way.

Qualitative Need

- 4.68 Whilst a demonstration of the need for a proposal is no longer required in the NPPF, it is still the case that qualitative need remains a material consideration. Indications of qualitative need may include:

Deficiencies of 'gaps' in existing provision.

Consumer choice and competition.

Overtrading and congestion of existing stores.

Location specific needs and underserved markets.

The quality of existing provision.

4.69 The application proposals address a number of these indications, namely:

Address a clear gap in existing retail provision. The deep discount food retail sector is firmly established in the UK and is a widely accepted essential component of the food retail market. There is a clear gap of provision which restricts the shopping choice of residents, inhibits competition and does not contribute towards sustainability objectives. The proposals will help to address this.

Improve consumer choice and competition. The proposals will improve consumer choice and competition at an established out-of-centre location.

Reducing congestion. The Lidl will help, in part, to reduce congestion at key trading times within existing stores.

Underserved Markets. A new store in this location is a logical approach to a clearly defined underserved market.

A much improved customer experience compared to the type of store previously consented at this location.

4.70 The proposal would, therefore, provide both quantitative and qualitative improvements in shopping provision, addressing a locationally specific need, whilst at the same time reducing the need to travel. The provision of a discounter will also be important for those residents on lower incomes and for whom access to cheaper higher quality food will be welcomed. The proposals will go some way towards contributing to the reduction of social inclusion.

5. Planning Considerations

- 5.1 This section of the planning statement addresses the key planning considerations now raised by the amended proposal. It begins by reviewing the principle of development.

Principle of Development

- 5.2 There can be no doubt that the principle of development is acceptable at this location.
- 5.3 The application site benefits from an extant planning permission for a discount foodstore permitted under planning application (Ref APP/20/01221).
- 5.4 Commenting on the principle of development, at that time, the Officers Report remarked as follows:

“The site lies within the urban area as currently defined by ALP Policies CS17 and AL2, and is proposed to be defined by HBLP emerging Policy E3. As such, the principle of development is acceptable subject to other material considerations.

The application site forms part of a proposed employment allocation under HBLP Policy C11, which identifies the site delivery of about 6,250 square metres of employment floorspace. Appendix 1 of the HBLP defines employment development in the context of the Use Classes Amendment Order 2020 which includes General Industrial (B2), Storage and Distribution (B8), and Part G of Class E which includes offices, research and industrial processes. Significantly, however, the application proposals for a retail store would fall under part e of Class E which refers to the sale of goods. As such, a policy objections would arise in the context of the allocation in the emerging Local Plan. This must be afforded limited weight”

- 5.5 There has been no change in policy position since the original planning application. Rather, following the withdrawal of the Emerging Local Plan, (Havant Borough Local Plan 2026), the policy position is now defined by Havant Borough Core Strategy (2011) and Havant Borough Local Plan Allocations (2014). The application site falls within the defined urban area for Havant. Policy AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements) states that the urban area boundaries for the respective settlements are defined on the Policies Map. Furthermore, the principle of concentrating development within the five urban areas of the Borough is established in Policy CS17 of the Core Strategy. The supporting text to Policy AL2 recognises that concentrating development within the boundaries of the urban areas remains a key component of sustainable development.
- 5.6 Paragraph 86 of the NPPF requires LPA's to apply the sequential approach to main town centre uses that are not in existing centres, or in accordance with an up-to-date development plan. As is made clear in the NPPF, failure to comply can form a basis for refusing permission.
- 5.7 The original planning application was subject to a third-party retail audit undertaken by Stantec. This concurred that there were no genuinely available, suitable or viable sequentially preferable sites to which the application proposals, or a flexible form of them could otherwise locate. For completeness, the sequential test exercise has been revisited, in support of the revised application proposals. Our conclusions remain unchanged. Further, there is no requirement to prepare a Retail Impact Assessment.
- 5.8 There are no site-specific policy designations within the adopted Development Plan that would preclude retail development upon the application site subject, of course, to satisfying the key retail tests. Both of these tests have been shown to have again been passed consistent with our previous conclusions. On this basis, the principle of development remains wholly acceptable. The planning balance falls firmly in favour of the principle of development. Therefore, the planning balance should continue to be viewed positively, subject to relevant material considerations as outlined below.

Transport and Highway Considerations

- 5.9 The transportation case has been revisited and is provided in the accompanying Transport Assessment, prepared by Mayer Brown.
- 5.10 This confirms that both vehicular and pedestrian access to the site is to remain consistent with that previously approved.
- 5.11 A total of 113 car parking spaces would now be provided to serve the revised application proposals, including designated provision for blue badge holders, parent and child and Electric Vehicles (EVs), alongside motorcycle and cycle parking provision.
- 5.12 The updated Transport Assessment addresses the salient aspects of the proposals and has been informed by the scope of assessment/information submitted in relation to the previously consented scheme, whilst having due regard to discussions undertaken with Hampshire County Council (HCC), National Highways (NH) and other relevant stakeholders/consultees as part of the extensive consultation during the original determination period.
- 5.13 The Transport Assessment is supported by a Travel Plan that seeks to promote sustainable modes of travel and reduce reliance on single occupancy car journeys.
- 5.14 In summary, the revised application proposals are to retain the vehicular access arrangements agreed as part of the consented development and which provide a new simple priority junction arrangement from the private access road running along the western edge of the site for use by customers, staff and delivery vehicles.
- 5.15 KEEP CLEAR markings are to be provided to ensure that if queuing from the Purbrook Way roundabout extends back to the Lidl access, adequate space will be maintained to enable vehicles to continue to turn right into the site and maintain free flowing movement northbound along the private access road.
- 5.16 The proposed access arrangement location, geometry and visibility splays were all previously deemed appropriate for the consented scheme, and with no material changes being made to the consented access arrangement, it is considered that the access remains wholly appropriate to serve the current proposed development.
- 5.17 A total of 113 car parking spaces are proposed to serve the current proposals (1 space per 19m² GIA), consisting of 95 standard, 6 blue badge, 10 parent and child and 2 'Active' EV charging spaces that will be served by a 60kW 'Rapid' dual charging point. The proposals will also secure the installation of passive EVC infrastructure to c.20% of the customer car park.
- 5.18 A detailed assessment of parking provision, associated with the proposals and specifically in relation to local parking standards and expected parking demand/capacity, is provided within the updated Transport Assessment.
- 5.19 Broadly, from an updated analysis of the existing highway network, alongside the implications of the detailed proposals, the Transport Statement concludes:

The development proposals aim to provide a c.2,185m² (GIA) Lidl foodstore with vehicular access in the same location as consented.

The site is accessible via sustainable modes of travel, with infrastructure to facilitate pedestrian and cycle movements between the site and local residential areas, in addition to convenient access to frequent public transport services.

Offsite improvements to enhance/improve existing highway constraints in terms of access via suitable modes would continue to be provided/funded by the application proposals.

No existing highway safety patterns or concerns have been highlighted which could indicate any inherent highway design problems affecting highway safety.

The revised proposals are not predicted to have a material impact on the operation or safety of the local highway network which would be considered significant/severe; and

Parking provision for up to 113 cars will be provided, which is considered consistent with local standards and is wholly appropriate to accommodate expected demand from the development.

- 5.20 Overall, it is considered that the proposal, in principle, remains wholly acceptable in terms of highway and transportation impacts and will not generate any significant impact upon the local transport network. Accordingly, the proposals accord with the principles of sustainable development, as described within the National Planning Framework (NPPF) and, given the consented position, an objection on highway grounds could not be substantiated.

Environmental Amenity

- 5.21 The key amenity consideration associated with the application proposals is the noise impact of the proposed development upon any nearby properties, principally generated from deliveries, car movements and/or external plant.
- 5.22 In support of the revised planning application, an updated Noise Impact Assessment (NIA) has been prepared by the Acoustic Consultants. This report provides a detailed assessment of activities associated with the development, especially plant and delivery noise.
- 5.23 For completeness, an updated noise modelling exercise has been undertaken to determine the current baseline noise climate.
- 5.24 The NIA details the proposed plant (VRF Heat Pump, Drycoolers and Pumping Stations) and its location and layout. The report concludes that the plant rating noise level at the nearest noise sensitive receiver will result in no observed adverse effect and that the initial impact is an indication that the proposed plant location will be acceptable and of low impact.
- 5.25 With regard to delivery operations, it is acknowledged that the arrival, unloading of goods and departure of the delivery vehicle may have the potential to generate noise and, therein, have a residential amenity impact.
- 5.26 In relation to the delivery operation, the delivery bay is to be located adjacent to the northern façade of the store. The vehicle will access and exit via an entrance leading onto a feeder road for Purbrook Way. Deliveries are to be contained to an articulated vehicle which includes a refrigerated section with condensing unit. The vehicle arrives on site and reverses up to the loading area. The goods are moved internally from the trailer into the store. The goods are mostly on pallets and an electric pallet truck is to be used. The operation takes about one hour.
- 5.27 The proposal gives rise to no residential amenity concerns.
- 5.28 The Noise report bases its assessment on known delivery noise recorded at various Lidl stores over several years given the noise level of a delivery operation does not vary significantly from site to site. From the assessment, no noise mitigation is required as part of the scheme and it is concluded that deliveries would be acceptable 24 hours a day. Accordingly, the noise impact of unloading and vehicle movements associated with deliveries to the Lidl foodstore falls below the Low Observed Adverse Effect Level (LOAEL) of the NPPG and NPSE and deliveries at the site would be acceptable, in terms of noise, 24 hours a day.

Air Quality

- 5.29 An Air Quality Technical Note has been prepared by RPS and is provided with the application submission.
- 5.30 For the construction phase of the development, the key pollutant is dust. Havant Borough Council (HBC) has not designated any Air Quality Management Areas (AQMA's); the nearest AQMA is in Portsmouth. As such, the development is unlikely to affect air quality within a designated AQMA.
- 5.31 The Environmental Protection UK (EPUK) & Institute of Air Quality Management (IAQM) Land Use Planning and Development Control: Planning for Air Quality [v], document sets out threshold criteria for determining when an assessment is required. Outside an AQMA, an assessment is required where annual average daily (AADT) light-duty vehicle movements increase by 500, or annual average daily heavy-duty vehicle movements increase by 100.
- 5.32 The Technical Note reviews the predicted distribution of traffic generated by the development once operational and concludes that the highest net change in AADT for heavy-goods vehicles is 6. This is well below the threshold criteria for heavy duty vehicles of 100. Such increase does not, therefore, trigger the need for an assessment. Once operational, based on a predicted net change in traffic flows, the development is expected to have 'negligible' impact on existing pollutant concentrations and the air quality effect is not considered to be significant. The proposals do not give rise to any significant air quality concerns and are acceptable on this basis from a residential amenity perspective. The proposals are in accordance with Core Strategy Policy DM10 and do not result in a significant deterioration of air quality.

Ecology and Trees

- 5.33 By way of background, RPS undertook a Preliminary Ecological Appraisal (PEA) at the site in 2020. The site, at that time, comprised dense scrub, neutral grassland and broadleaved woodland. Further, based on the suitability of the habitat a precautionary method of working was implemented to protect dormouse. Habitat clearance has been undertaken on site throughout November 2023 under the supervision of an experienced ecologist. Following, these clearance works, the site now comprises bare ground and retained woodland trees. It is of limited ecological value.
- 5.34 Further, an updated Tree Survey and Arboricultural Impact Assessment (AIA) has also been prepared by RPS. This report has been produced following a resurvey of the application site. This has been considered necessary having regard to recent site clearance work both within and on land adjoining the application site. Notably, the application site contains a single tree protected by a Tree Preservation Order (TPO) which is centrally located within the development site. The TPO, served by Havant Borough Council, is referenced as '1216'. In order to facilitate the development, a number of trees will require removal consistent with the principles established at the original application stage.
- 5.35 Additionally, the removal of 1 Category C group (G2) is required in order to facilitate construction. Lastly, partial removal of 1 Category B group and 3 category C groups (G5, G3 and G4) is also required to facilitate the proposed development.
- 5.36 The majority of the individual trees on site are to be retained, with 66.0% of the individual trees surveyed on site being retained. It should also be noted that the majority of the trees that are to be removed are of lower quality with 80% of the removals being category C or lower.
- 5.37 Further, the application site affords significant opportunity for landscape and biodiversity enhancement. The replacement of lost trees by appropriate new tree planting will be seen to re-provide and enhance the amenity value across the site significantly. The development will replant a total of 27no. new trees as part of the scheme. These are all 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 planning locations are publicly visible and will include a mix of species, which will offer greater species diversity.

- 5.38 Overall, whilst the loss of a single tree protected by a TPO is proposed as part of the development this was deemed acceptable as part of the consented scheme. The applicant remains committed to bringing forward a comprehensive landscape strategy, as a means of suitably mitigating for the loss of all trees across the site and, ultimately, increasing the overall arboreal amenity value of the site.
- 5.39 The AIA also details the measures that will be taken to protect trees during the construction phase of the development.
- 5.40 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.
- 5.41 On this basis, accompanying the application proposal is a BNG Assessment, as prepared by RPS. The report notes 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.
- 5.42 The post-development plans for the site include the planting of areas of introduced shrubs, scattered trees and buffer planting. Areas of grassland will be created using two different grassland mixtures selected to suit the conditions of each area.
- 5.43 The development requires the loss of woodland to create a footpath/cycleway into the site at the south. Given the required footprint for the built infrastructure and the requirement for retaining walls along the perimeter of the site, it is not possible to create new areas of woodland within the site. As such, the Statutory Metric Trading Rules are not met and there is a Habitat Unit shortfall of 0.40 A2 units. The Habitat Unit shortfall may be compensated for via purchasing Habitat Units or Statutory Credits.
- 5.44 However, the assessment indicates that the development proposals will deliver a net gain of 54.58% for habitats.
- 5.45 The total habitat units post-development delivered by the proposals is 1.79 units which is 0.63 units more than the baseline of 1.16 units.

Archaeology

- 5.46 In terms of Archaeology, a revised desk-based assessment has been prepared by Groundworks Archaeology. This assessment has indicated that the site lies within a landscape of relatively high archaeological potential, but late 20th Century landscaping includes a large spread of spoil material across the site which is up to 5m thick.
- 5.47 The current proposals indicate a general reduction in levels of 2m and the use of either piled or a raft foundation. The reduction is sufficiently shallow to ensure that a raft foundation would have no impacts on any archaeological deposits. Consequently, no further archaeological investigation is recommended or, indeed, considered necessary. This position remains unchanged from the consented position and was accepted by Officers at that point. Given there is no change to the levels strategy, there are no implications on established archaeological position.

Foul and Surface Water Drainage Strategy

- 5.48 Mayer Brown have produced an updated Flood Risk Assessment (FRA) and Drainage Strategy in support of the revised application proposals.
- 5.49 This confirms that the application site is located within a low risk Flood Zone 1 area following a review of Havant Borough Council HBC SFRA and Landmark Flood Risk Information. Furthermore, the site is at very low risk of flooding from groundwater and infrastructure failures.
- 5.50 In terms of detailed drainage design, it is proposed to discharge surface water run-off into the existing B&Q drainage network to the north at a peak discharge rate of 3 litres/second. The applicant has secured the rights to make this connection as part of their earlier agreement to purchase the site. The car park will drain via a gully system and through a petrol interceptor to provide treatment, before discharging into the existing drainage network. Water from the roof of the building will drain via a piped network into the existing drainage network. A pump will convey surface water from the bottom of the delivery ramp and into the surface water network onsite.
- 5.51 SuDS features will ensure that excess water will be safely contained within the site boundary up to and including the 1 in 100-year event plus 40% climate change.
- 5.52 Having undertaken the Flood Risk Assessment and Drainage Strategy, it is concluded that the development is not at risk of flooding and can be safely carried out without increasing the risk of flooding to downstream/surrounding properties. The Drainage Strategy is substantially similar, in nature, to the consented proposals.

Design, Visual Impact and Landscaping

- 5.53 Lidl take a standardised approach to the format of their stores. This forms an essential element of their highly efficient operation. However, in approaching the application site the orientation and siting of the store (along the eastern boundary) is influenced by the respective shape of the application site and need to deliver a regular shaped retail floorspace.
- 5.54 The application proposals are accompanied by a Design and Access Statement, prepared by Space Architects, together with a comprehensive suite of application drawings (including CGIs). These compare the consented position, in design terms, along with the revised application submission.
- 5.55 Further the layout respects the principles established at the original application stage; namely:

Responds to the geometry and topography of the site.

Respects the urban edge and remains wholly in keeping with other retail/commercial developments in the locality.

Provides easy and safe vehicular access to the existing highway.

Provides a separate and dedicated pedestrian access from Purbrook Way.

Ensures that the building sits within the site naturally and blends in with the local context.

Maintains substantial clearances and safe distances to existing site boundaries.

Delivers extensive landscape enhancement particularly along the southern and western boundaries of the site.

- 5.56 The visual appearance of the proposed scheme is comparable to the consented position and there can be no design concerns in relation to the proposal.

Sustainability

- 5.57 In terms of sustainability considerations, Lidl tends to have energy demands well below the UK benchmark for retail uses. This is a reflection of Lidl UK's low-cost business model.
- 5.58 Since entering the UK market, Lidl have focused on rolling out the latest energy efficiency technologies across both their stores and warehouses. All operations in the UK have adopted an energy management system which is certified to ISO:50001 standard.
- 5.59 An updated Energy Statement has been prepared by (DDA Consulting Engineers). This shows that the proposals will:

Incorporate passive design strategies to take advantage of:

- Natural daylighting through careful building and glazing orientation. This will offer a reduced dependency on electric lighting through the contribution of natural lighting to achieve the required Lux levels.
- Enhanced fabric efficiencies and thermal mass have been allowed for to help stabilise any temperature fluctuations within the building reducing heat gains and/or losses.

Incorporate active design strategies to reduce energy consumption by:

- Introducing heat recovery ventilation to pre-heat incoming fresh air. This will reduce the energy loads associated with fresh air heat loss/gains.
- Introducing separate sub-metering to allow for all energy consumed to be monitored and any discrepancies easily identified and fixed thus minimising wasted energy.
- Low energy lighting will be installed with suitable controls to ensure lights are not left on unnecessarily. Suitable controls will eliminate human error.
- Building energy management system (BEMS) will be designed and installed to manage all systems effectively, ensuring their efficiencies are maintained and achieved.

- 5.60 Combined Heat and Power and De-centralised Energy Network (DEN) solutions have been reviewed and discounted to be unviable owing to:

Unsuitable energy consumption profiles for CHP (require high DWS consumption).

No suitable De-centralised Energy Networks (DEN) in the vicinity of the development.

- 5.61 Alternative Low or Zero Carbon (LZC) technologies have been analysed with the following deemed to be both viable and advisable:

Air Source Heat Pumps, or Aero-thermal Heat Pumps.

Photovoltaic Panels

Panel Array – 848m²

Panel Efficiency – 21.5%

Panel Incline – 3.3°

Orientation – 78° from North

Annual Output – 166,231.94kWh/annum

- 5.62 The 'Be Green' actual building annual carbon emissions and energy consumption has been calculated as follows:

Regulated Annual Carbon Dioxide Emissions: -12,352.06 kgCO₂/annum.

Regulated Annual Energy Consumption: -105,407.08 kWh/annum.

- 5.63 These show a 239.32% carbon dioxide reduction and a 264.60% energy reduction, when assessed to Part L 2021 Building Regulations and accounting for the proposed passive, active and LZC strategies.
- 5.64 The expected annual energy generation through low and / or zero carbon technologies will be 166,231.94kWh/annum. This represents >100% of the stores anticipated annual energy consumption. It should also be noted that the P.V. electrical generation may not fully correlate with the store's energy consumption profile, therefore, some of the on-site electrical energy generation may be exported back to the grid.
- 5.65 Alongside the sustainability measures adopted in the design, the development itself will have a beneficial impact on wider sustainability objectives by reducing the number of transport movements in terms of residents having to access existing discount food provision.
- 5.66 In terms of operational waste, Lidl follow the waste hierarchy which means that wherever possible they look to prevent waste being generated in the first instance. Lidl ensure that they are not over-packaging and are training their colleagues to re-use resources wherever they can. For example, fruit and veg boxes are reused to store food surplus for collection by local projects. Where Lidl can't avoid waste, they look to recycle it. 100% of operational cardboard and plastic waste is recovered to the regional distribution centre to be recycled with waste also being baled at the store for efficient transportation.
- 5.67 The remaining waste is sent for incineration to produce energy, with only a small fraction sent to landfill. 98% of Lidl's mixed waste is either recycled or recovered. Lidl are also very close to achieving their longstanding ambition of zero waste to landfill.
- 5.68 The store will continue to be designed to meet BREEAM 'Very Good', as demonstrated through the accompanying Sustainability Report (including BREEAM Pre-Assessment), as prepared by Focus Consultants. This is consistent with the requirements of Havant Borough Core Strategy Policy CS14 (Efficient Use of Resources).

6. Draft Section 106 Agreement Heads of Terms

- 6.1 On behalf of the applicant, we set out below those matters it is accepted could form part of any Section 106 Agreement should the Council resolve to grant planning permission to the revised application proposals. These are consistent with the Section 106 Agreement (Dated 30th November 2022) in relation to the original application proposals.

TRO Contribution.

Borough Council Monitoring Fee.

SuDS Management Plan.

Employment and Skills Plan.

Travel Plan.

Highway Works Agreement.

Pedestrian and Cycling Contribution.

Payment of the County Council Monitoring Fee.

Payment of the Tree Compensation Contribution.

- 6.2 Whilst these follow those matters contained within the original Section 106 Agreement, it is anticipated that the final terms of any Section 106 Agreement will be the matter of discussions between the applicant and the Council during the course of the application. It is not necessarily the case that the obligations within the original Section 106 Agreement remain relevant. For example, in relation to the financial contributions required by HCC towards cycle improvement schemes on Purbrook Way, it is noted that since review of the previous consented development the Havant LWICP has been updated and republished in 2023. Importantly, several of the previous improvement schemes on Route 277 (Purbrook – Westbourne) between London Road (A3) and Hulbert Road (Section 277.1) have either been removed or amalgamated. In particular, previous specific improvement schemes identified in the Draft LWICP, and which formed the basis of the development improvement work contribution requested by HCC have now been removed. On the basis of this policy change, it is specifically requested that HCC review their position in terms of required S106 obligations.
- 6.3 In order to comply with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2019 (as amended), each obligation will need to directly relate to the development now proposed and be considered necessary in order for the development to proceed whilst remaining fairly and reasonably related in scale and kind to the proposed development.

7. Planning Balance

- 7.1 In this section of our report we turn to the overall planning balance that needs to be weighed when considering the application proposals. We do so in the context of the guidance contained within the NPPF. In particular, the NPPF requires the planning system to perform a number of roles:

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land.

- 7.2 In decision making the NPPF states that:

“Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date Development Plan without delay; or
- d) where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 7.3 The application site is located within the defined urban area of Havant and is in accordance with policies that 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).

- 7.4 Planning consent has already, clearly, been forthcoming for a discount food store upon the application site. There has been no material change in circumstance which would warrant a different decision now being taken. To the contrary, the planning position is, if anything, more favourable than it was at the time of the original grant of planning permission owing to the withdrawal of the Emerging Local Plan and which promoted the application site for more traditional employment purposes.

- 7.5 Accordingly, there is no reason why planning consent cannot be granted once again to the revised application proposals. There are no significant and demonstrable disbenefits of the proposal which are considered to outweigh the benefits of granting consent, or specific policies of the NPPF that dictate refusal.

- 7.6 The obvious policy restrictions of the NPPF which could dictate refusal are the retail policies that are encompassed at paragraphs 87 to 88. These include both the sequential approach and retail impact tests. Consistent with the original application, it has been shown that the revised proposals continue to fully satisfy

both of these key tests. As such, the NPPF does not dictate refusal of consent on retail policy grounds. This position has previously been accepted by both the LPA and their retained retail advisors. There has been no material change in circumstance that would alter this position.

- 7.7 Against this background, we have considered the various benefits and disbenefits of the proposal which either weigh for or against the application. The disbenefits, to justify a refusal, must be significant and demonstrably outweigh the benefits. There are no such disbenefits of that order which would warrant refusal of planning permission in this instance. Accordingly, the planning balance falls firmly in favour of the proposed development. Analysis of material considerations demonstrates that the proposals are acceptable in all regards. Accordingly, it is respectfully requested that planning permission is granted.
- 7.8 Overall, it can be said that, in design terms, the proposals only marginally differ from the consented position. Upon approval they will enable the applicant to deliver a discount foodstore at this location and which has been an aspiration for several years.
- 7.9 The application proposals have previously been shown to be acceptable from a development management perspective. They give rise to no residential amenity or highway concerns. The design of the proposals has previously evolved through a collaborative process with design, landscape and policy officers, through the determination period of the original application. The design has further evolved through the detailed design and feasibility stage, now undertaken by the applicant, and in accordance with their revised core building specification. Whilst this has necessitated several design amendments to the consented scheme, the proposals are wholly consistent to that which has previously been approved at this location and, accordingly, it is not considered necessary to revisit earlier development management considerations in specific detail.
- 7.10 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. This remains the case in this resubmission.

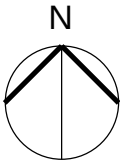
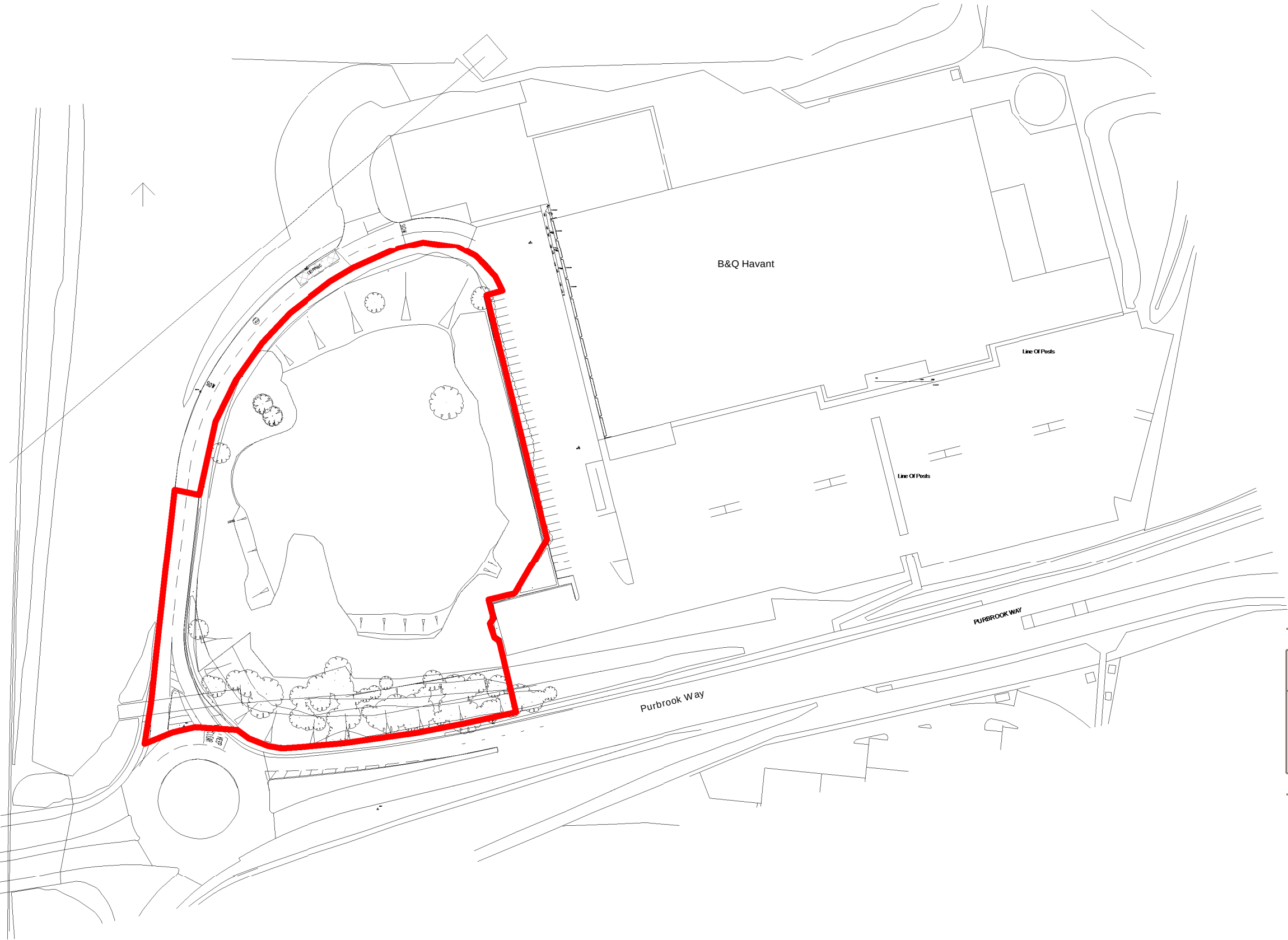


Land adjacent to B&Q, Purbrook Way, Havant, PO9 3QJ

Planning and Retail Statement

Document 1

Site Location Plan



Store Specification
BBS23

Drawing Purpose
PLANNING

This drawing has been prepared for the sole purpose of forming part of a planning application, and should not be used for any other purpose.



SPACE

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www.spacearchitects.co.uk

Project Lidl Purbrook Way Havant				
Drawing Title Site Location Plan				
Project No. 08636	Drawing No. XX-XX-DR-A-90001	St at us S3	Rev. P01	Scale at A3 1 : 1250
File Reference: 08636-SPACE-XX-XX-DR-A-90001-S3-P01				

This drawing is Copyright -Check all dimensions on site -Inform originator of any discrepancies -Work to figured dimensions only -Do not scale





Land adjacent to B&Q, Purbrook Way, Havant, PO9 3QJ

Planning and Retail Statement

Document 2

Original Planning Approval (Ref. APP/20/01221) and
Committee Report

Site Address:	Land to the west of B&Q, Purbrook Way, Havant		
Proposal:	Erection of retail foodstore with associated car parking, access, landscaping and engineering works.		
Application Type:	Full Planning Permission		
Application No:	APP/20/01221	Expiry Date:	22/03/2021
Applicant:	Lidl Great Britain Limited	Case Officer:	Jeff Sadler
Agent:	Mr Thornton		
	Simply Planning Limited		
Ward:	Barncroft	DMC Lead	
		Member	

Reason for Committee Consideration:

Density:

HDS Recommendation: **GRANT PERMISSION**

1 Site Description

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

At present, this is an empty overgrown greenfield site with significant differences in levels. The site will be cleared, altered & levelled sympathetic to its context & environment. The application site is located in an area containing mainly commercial, industrial and retail buildings.

Adjacent land uses include, to the:

- North boundary – Landscaping
- East boundary – Commercial & Retail
- Southern boundary – Commercial & Retail
- Western boundary – Landscaping

2 Planning History

GEN/20/00905 - Request for consultation advice on development site, ,28/10/2020
C11 | Land at Hulbert Road

The Site

The site largely comprises a mixture of woodland and undeveloped land to the north of Purbrook Way and the slip road onto the A3(M). The site is separated from Hulbert Road by the B&Q superstore which lies on the eastern boundary of the site, with areas of woodland to the north and west respectively. The site has an area of 2.7 ha.

Site Opportunities & Constraints

- This is a greenfield site;
- The servicing road associated with the B&Q superstore runs through the site and would provide a means of access to the development.
- The southern part of the site comprises made ground. Any development on the southern part of the site is therefore likely to require extensive cut and fill to achieve the necessary levels.

- An individual protected tree (TPO 1216) lies on the north side of the embankment opposite the service road to B&Q, and a protected tree group lies on part of the northern boundary of the site.
- The western part of the site is bounded by an extensive tree buffer to the A3(M).
- Hulbert Road Meadow SINC lies to the north of the site and B&Q.
- The site is situated within Groundwater Source Protection Zone 1c.
- Clay ground means that there will need to be on-site drainage attenuation.
- The site has potential to be affected by noise and air quality from Hulbert Road and the A3(M)
- Bats forage on the site and/or roost in the site's mature trees including the protected Bechstein's bat: the site is within the area of search for Bechstein's bat.
- There is low potential for previously unidentified archaeological deposits.
- There is potential for contamination to be present on site.
- High voltage overhead powerlines cross the site.

Pre-Submission Havant Borough Local Plan with changes
299

C11 | Land at Hulbert Road

Employment development of about 6,250 square metres will be permitted where:

- a a. The following assessments are submitted to support a planning application:
 - b i. Arboricultural Impact Assessment including full tree survey;
 - c ii. Ecological Assessment;
 - d iii. Landscape and Visual Impact Appraisal;
 - e iv. Heritage Statement;
 - f v. Noise Assessment;
 - g vi. Air Quality Assessment;
 - h vii. Flood Risk Assessment;
 - i viii. Drainage Strategy;
 - j ix. Contaminated Land Investigation Report (to include gas monitoring);
 - k x. Transport Assessment and Travel Plan;
 - l xi. Sustainability Statement.
- a b. Appropriate mitigation measures, including buffers, are put in place for Bechstein's bat in line with Policy E15;
- a c. The design and layout:
 - b i. Provides an appropriate vehicular access to the employment use(s) which does not result in vehicular conflicts with the existing commercial operations adjacent to the site;
 - c ii. Retains and integrates the trees and woodland on and around the site, including the buffer to the A3(M);
 - d iii. Provides a planting buffer between the built development, Hulbert Road Meadow SINC and the woodland to the north;
 - e iv. Secures appropriate separation between development and the high voltage powerlines which cross the site.

3 Proposal

Erection of retail foodstore with associated car parking, access, landscaping and engineering works, food store with 1256 m2 sales area (1899 m2 gross internal floor area). The development will also provide a free customer car park and recessed loading bay to facilitate the delivery of goods to the store. The south-east elevation facing Purbrook Way will implement 4m glazing. The elevations will consist of full height insulated metal composite panel cladding. White cladding from the bottom until the canopy, and a silvery metallic coloured cladding from the canopy to the roof; all of which sits on a low level grey rendered plinth beneath. This palette will be complemented by the silvery metallic coloured eaves, guttering and rainwater pipes. Doors and window frames - blue
The roof will include a Photovoltaic (PV) system Flagpole

The proposed access/egress to the site will be from the existing access road via a new entrance for use by customers, staff and delivery vehicles. This single vehicular access point is located approx. 55 meters away from the roundabout. The site is accessible via sustainable modes of travel with infrastructure to facilitate pedestrian and cycle movements between the site and local residential areas. A dedicated pedestrian access will be provided directly from the footway on Purbrook Way.

Convenient access to public transport services is provided in the form of bus stops, the nearest located east along Purbrook Way just less than 100 meters away from the proposed pedestrian access to the site. As part of the development Lidl will provide a comprehensive landscaping scheme which will help to reduce the visual impact of the store and enhance the aesthetic amenity of the immediate surroundings.

Pedestrian link from Purbrook Way Substation

There are 132 car parking spaces in total, which have been positioned to the principal, front elevations of the store. The north-eastern area of the car park will accommodate 8 No disabled parking spaces along with 8 No Parent & child spaces on the south-western side.

2 No Electric Vehicle charge points are located by the car park entrance.

5 No spaces have also been provided for motorcycles. Cycle parking will be provided in the form of 5 Sheffieldcycle stands.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

- | | |
|------|---|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS14 | (Efficient Use of Resources) |
| CS16 | (High Quality Design) |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| CS4 | () |
| DM11 | (Planning for More Sustainable Travel) |
| DM14 | (Car and Cycle Parking on Development (excluding residential)) |

Havant Borough Local Plan (Allocations) July 2014

- | | |
|-----|--|
| AL1 | (Presumption in Favour of Sustainable Development) |
| AL3 | (Town, District and Local Centres) |
| AL2 | (Urban Area Boundaries and Undeveloped Gaps between Settlements) |

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

The supplied Arb report is comprehensive and to a high standard although it highlights significant tree loss on site to facilitate the development project and the following trees will be lost:

T1, T2, T3, T4, T5, T7, G1, G6 and sections of G4 and G7.

This is excessive and will impact on the area in terms of sustainable tree canopy cover, although there is a proposal to plant a number of trees in mitigation for the proposed losses these would take time to establish and fill a void left by the tree to be removed.

Based on the identified tree loss I would not be able to support this application in arboricultural terms, hence it would then be your decision to decide if the overall benefit of the site development outweighs this tree loss and not in conflict with Policy DM8.

If permission is given, then a full TPP and AMS must be conditioned along with a full tree planting programme.

I object on arboriculture reasons.

Building Control

Solid waste storage location not shown on site plan

Community Infrastructure

CIL

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

The amounts in the Charging Schedule are indexed according to the year in which permission is issued. If the permission is issued in 2021 the amount of indexation will be 48.66%. It is expected to differ/increase if permission is issued in 2022.

Rate £80 per sqm plus indexation appropriate to the date permission is issued.

S106

The need for a S106 could arise out of further consultee responses, for example Highway matters, HCC Travel Plan.

SEE THE HBC DEVELOPER CONTRIBUTIONS GUIDE FOR ADDITIONAL INFORMATION:

Latest version accessible from:

<https://www.havant.gov.uk/community-infrastructure-levy>

If a S106 agreement is necessary there are HBC monitoring fees to be considered for any HBC 'Heads of Term', see below for detail. There may also be HCC monitoring fees.

HBC Monitoring Fees: As part of the 'Heads of Terms' it would be necessary to include monitoring fees. The amended CIL Regulations effective 1/9/19 regularise the collection of S106 monitoring fees. We already have an agreed schedule of charges and these are currently as follows (with an increase expected from 1/4/21):

	Prices 2020/2021	VAT	Comments
S106 Monitoring Fees The Council charges a fee to monitor all planning obligations as set out in the CIL Regulations and this is decided at a cost per head of term contained within the obligation and is in addition to the legal charge for drafting and checking the obligation.	£739.00 per non-financial head of term	0	Monitoring fee capped at a maximum of £10,670 ¹ per application
	5% of cost per financial head of term	0	
Solent Recreation Mitigation Partnership		0	Payment for management of Internationally protected Habitat. Contribution per dwelling plus monitoring and administration charge ² . Further details: www.havant.gov.uk/planning-and-environment/planning-services/solent-recreation-mitigation-partnership-financial-contribution

Councillor Pamela Crellin - Barncroft

Councillor Yvonne Weeks - Barncroft

County Archaeologist

Thank you for your consultation. I would draw your attention to the archaeological desk based assessment submitted with the application, which I would endorse to you.

The review of existing archaeological evidence in the vicinity suggests that the site has a high archaeological potential. However section 7 reviews the results of the geo technical survey which revealed that the site has about 5 metres of made ground and that, para 8.5, "No deposits are recorded between the modern fill material and the natural clay and it is likely that the site would have been stripped of topsoil prior to this material being dumped across the site." This is repeated in para 9.1 'past impacts' and concludes "This indicates that the site is likely to have been heavily truncated." I would concur. It is very likely that any importation of material to the site will have been preceded by an episode of topsoil stripping which will have severely compromised if not entirely removed that archaeological potential

With regard to the impact of development Para 11.1 states "Remada have recommended a general ground reduction across the site of 2m The two potential foundation designs are either piles or a raft foundation, neither of which would require further ground reduction." It is therefore concluded that groundworks are unlikely to reach levels where archaeological remains might have been encountered except in a limited fashion.

The desk based assessment concludes, Para 12.2, "Based on the construction plan and the likely severe truncation across the site further archaeological investigation is not recommended." I would concur. Although the area has a high archaeological potential it is very likely that the past land use at the site has severely compromised if not entirely removed that archaeological potential. Furthermore the works implied will only penetrate as deep as the natural geology on a limited basis.

Accordingly I can confirm that I would not raise any archaeological issues,

County Ecologist

Crime Prevention -Major Apps

Department of Transport, Highways England

Developer Services, Southern Water

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit www.southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link:

www.southernwater.co.uk/connection-charging-arrangements.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The consent of the Highway Authority will be required for the proposed discharge to the Highway drain.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Economic Development

In principal, Economic Development Office does not object to the proposed developments. However, given the scale of the development, the Economic Development office seeks that the applicant enters a S106 Local Employment & Training Agreement to increase apprenticeship jobs, promote career opportunities and secure jobs for local residents to contribute towards a reduction in out commuting. This comprises the following mitigation measures:

- An agreement to assist in the placement of the apprentices and unemployed from the local area into jobs during the construction phase of the development and/or occupation phase.
- Negotiation of obligations including; direct labour agreements, training, work experience/ placements and apprenticeships to be implemented during the construction phase of the project and also following completion date (if required).
- In certain circumstances where the developer is not able to deliver local job opportunities through the Local Employment and Training Agreement, the developer can negotiate a financial contribution to enable the Council to generate alternative employment opportunities. The funds will be retained specifically for employment, skills, training and enterprise support.

The proposed development presents an opportunity to build and enhance the skills of the local workforce by providing training and employment opportunities for local residents during the construction and occupation phases of the development. The developer benefits by being able to draw on a resident workforce for local development.

The commercial development benchmark for an employment and skills plan is over 1000sqm. As this specific development will create 1899m² of internal floor space, an employment and skills plan is therefore required for the construction and occupation phases of the development.

Paragraph 3.32 of the Havant Local Plan states that the council will support proposals that raise the skill levels and employability of young people and help them into work, education or training. The council will work in partnership with developers to promote local employment and training initiatives for these positions. This will be implemented through S106 legal agreements.

The contribution sought is in accordance with Local Plan Policy CS3 of the adopted Havant Core Strategy (2011). Policy CS3 states that 'Planning permission will be granted for development proposals that, raise skill levels and increase employability and tackle skill shortages in existing and potential business clusters and sectors particularly advanced manufacturing and marine businesses.'

This is supported further in the Havant Borough Council Developer Contributions Guide (2013). Paragraphs 5.43 and 5.44 set out the value of an Employment and Skills Strategy and how Havant Borough Council measures the amount of training and jobs through the S106 agreement.

The Pre-submission Havant Local Plan 2036 sets out in Policy DR2 the council's view on boosting local skill levels and community integration. It states that 'significant new residential and commercial development will be expected to support local people in accessing employment and skills training either through a financial contribution or a site-specific skills and employment plan.'

Also, by providing for local employment and skills needs, the proposal would advance the NPPF, in particular paragraph 80 which seeks to enable each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Engineering/Drainage

Environment Agency

This site lies within the SPZ1C (confined) for the Havant and Bedhampton Springs public water supply. This is associated with the chalk aquifer that occurs at significant depth beneath this site. The site itself is immediately underlain by London Clay formation, which would protect the underlying chalk aquifer.

We are satisfied the proposed development should not impact on the deep chalk aquifer. As such would consider the development as set out as being low risk from a controlled waters contamination perspective. We therefore have **no objection** to the proposal as submitted.

We have undertaken a high level review of the submitted phase 2 site investigation. We can confirm that we could see no reason to dispute the controlled water risk assessment provided in the report.

Environmental Health Manager, Community Group

It is not anticipated the proposed development will have an adverse effect on the local amenity and I would have no comments to propose.

Please be advised if we should receive noise complaints from any local residents in the future we would address issues under the Environmental Protection Act 1990.

Comments here relate to Land Contamination, SuDS, and aspects of the scheme that have relevance to Air Quality.

Ground Contamination

The phase 1 desk-based assessment has identified this previously undeveloped site to like comprise a substantial deposit of made soils, possibly as a result of the B&Q store construction, or as a result of highways construction works.

The phase 2 investigation has identified made soil to a depth of up to 5 metres. Soils generally meet the (waste) classification requirements to be regarded as 'inert', but some high organic carbon (TOC) results from Waste Acceptance Criteria (WAC) may only qualify soils for 'non-hazardous' classification. WAC-derived TOC differs from lab interpolation, and returns a value surprisingly high for the soil descriptions given.

Some anthropogenic inclusions (concrete) are noted at the base of made soils, and a hydrocarbon odour is noted in soils between 1 & 2.75m depth at position WS2. This olfactory evidence of contamination is 'isolated' among the trial holes advanced, but it is also acknowledged that the investigation has physically inspected only a very small proportion of the site spatial area, and has encountered such a deposit; for this reason it is not necessarily justifiable to regard this result as representing an 'isolated deposit' of contaminated material.

Hydrocarbon concentrations identified are not particularly high, but banding indicates a 'higher than usual' representation (proportion-) of lighter fraction hydrocarbons (C8-C10), and an Ali/Aro ratio which does not correspond to a typical diesel or kerosene/gasoil spill. Source is likely to be associated with the made ground deposit (rather than a buried tank or adjacent landuse), but the origin / likely volume is unclear.

The site is commercial in nature, and is not particularly sensitive in terms of human health. I would similarly agree with the comments of the Environment Agency & Portsmouth Water; that the aquifer (SPZ1c designation) is unlikely to be at significant risk as a result of the development. There are no controlled water's within a relevant distance (nearest ordinary watercourse is a culverted channel >100m distant from site boundary).

The principal risks from contamination at this site are considered to be to human health, following the proposed 1-2m reduced levels dig (bringing finished ground levels coincident with the identified contaminated impacted soil deposit), and human health in enclosed spaces, arising from the elevated CO2 (up to 14% v/v with positive flows) in soil gas. The soil gas results could be indicative of a degrading source of organic material (fuel deposit, or natural).

The Phase 2 report recommends additional intrusive works to improve spatial coverage, primarily for geotechnical purposes, but also to improve confidence in the relatively limited geo-environmental results/assessment. Basic passive gas protection measures are also recommended for the building.

Given the low sensitivity of the site, there are no results presented which raise a significant 'red-flag' in respect of contamination. However, the results could be indicative of a large volume of contamination-impacted soils that could be relevant to human health risks arising from the development. While Environmental Health recognises the relatively high 'bar' for 'significance' of contamination at this site; on balance I would still consider it prudent (against policy DM10, DM17 & NPPF para 178) to seek to secure the additional investigation results & gas protection for the building. In the context of the geo-technical driver for additional intrusive works, this is not considered to be unreasonable or disproportionate.

In the event that Development Management are minded to recommend approval of this proposal, I would request the following conditions be included on the decision notice;

Contamination (Omitting EDS, based upon submitted EDS proposals) [1]

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined in Remada Ltd Phase 2 Ground Investigation Ref; 770.02.02 October 2020; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon the 770.02.02 report & (1), and where unacceptable risks have been identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,*

- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*

- clearly defined proposals for mitigation of the identified risks.*

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant

linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: *The Phase 2 report has identified indications that contamination is present at the site, but the spatial extent & volume of soil affected is unclear. Unacceptable risks to future employees of the site are possible. Soil gas has been shown to poses a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."*

Verification (Standard) [2]

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [1]** shall be submitted to and approved in writing by the Local Planning Authority.*

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: *The Phase 2 report has identified indications that contamination is present at the site, but the spatial extent & volume of soil affected is unclear. Unacceptable risks to future employees of the site are possible. Soil gas has been shown to poses a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."*

Drainage (SuDS / Pollution)

I have reviewed the outline drainage layout specifically with a view to assess it's pollution protection features. Comments here are not intended to duplicate or prejudice those of the LLFA, Southern Water or any other relevant consultee.

With reference to drawing SF/LIDLHAVANT.23/10 Rev. P4 (Aug 2020), it appears that surfacewater chambers LC05 & SW10 (alongside their respective upstream linear drainage channels, and gulley G09 discharge direct to hydrobrake chamber at SW13 (via SW12).

SW10 serves the delivery area, and this means that any spills of HGV fuel or from stock (containing TSS, oils, organic contaminants) will bypass the interceptor unit, and be communicated downstream ultimately to an ordinary watercourse, and further downstream, to a main river). This is not considered to be acceptable, and I would recommend that the scheme be redesigned to direct surfacewater from the delivery area via interceptor unit (currently shown just upstream of SW09).

It would be acceptable to secure a detailed drainage scheme via a Grampian style planning condition. Please note, the condition proposed by the LLFA is insufficient to secure these changes, and would in effect require the system be constructed in accordance with SF/LIDLHAVANT.23/10 Rev. P4. In this way, *I am recommending that the condition proposed by the LLFA be amended* as it is not considered that the LLFA may not have adequately scrutinised the pollution risks. You may wish to consult the LLFA on these comment, and/or on amendments to the proposed condition.

Air Quality Impacts (Traffic Generation, Impact at Junctions)

I have read the comments of relevant consultees, as well as the transport assessment and the subsequent technical note.

The issues highlighted by others are considered likely to represent 'highway' matters that are unlikely to be material in terms of air pollution at any relevant location. The reasons for this are that the site is relatively remote from 'relevant exposure' from an air quality (human health) perspective, and that the capacity issues identified will tend to correspond to periods of peak trading demand that are too short term to be material to ambient air quality against long-term objectives (e.g. annual average).

Parking, Accessibility, Sustainable Travel & Landscapes (Air Quality)

I note that SPD compliant levels of customer vehicle parking are to be provided. I also note the level of EV charging space provision (one charge unit, two spaces), the comments of PPUD, and the subsequent technical note. Notwithstanding the argument put forward with respect to the weight that policy IN3 should carry; I note that while the applicant refers to *'no specific standards for the provision of EV spaces [being specified] within local guidance'*, the supporting text to IN3 refers to a target provision of 10% (spaces) and to provision for future expansion.

The policy aims to secure provision for future demand, not the demand as existing on the 1st day of operation, and it is accepted that at this relatively early stage it might be appropriate to place emphasis on the provision for 'future expansion'. There are synergies between policy IN3 j. & policy E23 a. (Air Quality). Environmental Health considers that EV charging provision would contribute to air quality objectives (reducing emissions from transport) and would for this reason support the comments of the PPUD consultee in this respect.

It is accepted that the site is accessible by means of public transport, but I note that concerns have been raised in respect to the utility of the pedestrian link, currently excluding cyclists as a result of it's width / gradient / specification and available visibility splays. I would agree that accessibility of the site by sustainable travel modes would be significantly improved by upgrading the proposed link to function as a shared surface. I note the provisions for customer cycle parking are to be SPD compliant, but that staff parking is to be informal / within warehouse. Census data referring to cycle-commuting journeys is referred to – the parking / air quality policies aim to improve these rates (as opposed to simply serving the demand indicated by prior census data), and I would consider that an employee is more likely to choose to cycle if there is a staff cycle storage facility, as opposed to room within a space who's primary purpose is stock storage. This could (however) comprise a formal cycle stand within the stock storage area, rather than necessarily comprising an externally accessible dedicated cycle store (for example). I would prefer to see a formal provision made for secure long-stay spaces for staff. This would be supported by emerging health & wellbeing, parking, and air quality policies.

As above, good-quality provision for cycle parking and improving site accessibility will serve to make both customer & employee travel by sustainable modes of transport as convenient as possible, avoiding transport emissions and so supporting air quality objectives.

In terms of landscaping, I note that the development will result in the loss of mature trees on the southern boundary, which the landscapes consultee considers detrimental to the character of the area. The loss of these trees will represent a net loss of 'traffic pollutant interception & adsorption' services, which contributes to the mitigation of transport-derived emissions from traffic on Purbrook Way. For this reason, Environmental Health would support (on Air Quality grounds) the landscapes requirement for robust boundary screening comprising native hedging and trees, and the use of planting to break up parking areas (for the same reason). I would recommend that species are used that are included on the Urban Tree Air Quality Score (UTAQS) list (see Woodlands Trust discussion paper 'Urban Air Quality', 2012 – UTAQS list available elsewhere, more recent documents may be available).

Sustainability (Air Quality)

The roof plan depicts 4 no. 'indicative PV array(s)'. This would make a strong contribution to the aims of emerging policy E12 & E23, but I note that the Sustainability assessment does not target the LZC / Energy BREEAM credits, suggesting that the PV provision is not a firm proposal.

I am mindful of the applicant's response regarding the weight that should be given to emerging policy, and it is clearly a planning decision as to whether existing and emerging policy could justify securing a level of PV provision by means of a suitable condition.

Taken with the above recommendations (on landscaping, parking, cycle parking, and accessibility) – this would amount to a proportionate response to emerging policy E23 a) (offsetting development emissions).

Forestry Commission

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover.

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "*there are wholly exceptional reasons^[1] and a suitable compensation strategy exists*" (National Planning Policy Framework paragraph 175).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

One of the most important features of Ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct impacts of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understory (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees
- damaging archaeological features or heritage assets

It is therefore essential that the ancient woodland identified is considered appropriately to avoid the above impacts.

Planning Practice Guidance emphasises: *'Their existing condition is not something that ought to affect the local planning authority's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management).'*

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions and legal agreements in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that *"Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal"*.

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

This response assumes that as part of the planning process, the local authority has given due regard as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended. If there is any doubt regarding the need for an Environmental Impact assessment (Forestry).

We would also like to highlight the need to remind applicants that tree felling not determined by any planning permission may require a felling licence from the Forestry Commission.

Hampshire Fire & Rescue

Standard information provides on fire fighting, access for firefighting and timber framed building.

Hampshire Highways

Hihgways England no objection

Landscape Team

From a landscape perspective we have the following comments in relation to this application:

- The development is deemed to be detrimental to the character of Purbrook Way, which at present is lined with mature trees and creates a rural feel to the road. The submitted soft landscape strategy does not offer sufficient screening to mitigate the visual impact of the development in the streetscape. As such we require robust boundary screening that must include native hedging and trees. The existing commercial units are heavily screened and this needs to be continued to retain the character. We have particular concerns with the visual prominence of the car park and the retail unit given the elevated location of the site.
- Further details on the proposed retaining wall are required. We have concerns that the positioning of the retaining wall will limit the size and type of boundary screening vegetation and as such have a negative impact on the ability to screen the development from Purbrook Way. Whilst such details would normally be conditioned I feel that ability to screen the development is vital to its successful integration to the existing landscape character.
- We require tree planting to break up the massing of the car parking and offer further screening from the road.
- The site abuts an existing off road cycle route and as such the pedestrians access onto Purbrook Way should be a upgraded to shared footpath to encourage sustainable transportation and ensure the application satisfies planning policy CS1 - contributes effectively to the opportunities for increasing cycling for all types of trips, creating and improving linkages within the borough. Furthermore there is insufficient pedestrian connectivity for those approaching the site from the West. As such we require an additional shared footpath in the southwest corner of the site.
- The proposed disabled parking bay is not DDA compliant as the hatching should be present on the both sides as well as the rear of the bay. See BS 8300:2009 for correct layout.
- It appears there is an incorrectly labelled underpass on the south west corner of the site. This needs to be removed to avoid confusion.

Further comments

- The submitted soft landscape scheme does not afford sufficient screening to mitigate the visual impact on the character of Purbrook Way. Boundary screening planting is required to be a minimum height 1.5m with sufficient proportion of evergreen foliage to offer all year round cover. To continue the vernacular of Purbrook way we would want to seek a more native species mix to the boundaries with ornamental planting to be focused more internally.
- Further details on the proposed retaining wall are required. We have concerns that the positioning of the retaining wall will limit the size and type of boundary screening vegetation and as such have a negative impact on the ability to screen the development from Purbrook Way. Whilst such details would normally be conditioned I feel that ability to screen the development is vital to its successful integration to the existing landscape character.
- The site abuts an existing off road cycle route and as such the pedestrians access onto Purbrook Way should be a upgraded to shared footpath to encourage sustainable transportation and ensure the application satisfies planning policy CS1 - contributes effectively to the opportunities for increasing cycling for all types of trips, creating and improving linkages within the borough. Furthermore there is insufficient pedestrian connectivity for those approaching the site from the West. As such we require an additional shared footpath in the southwest corner of the site.

Local Lead Flood Authority HCC

Hampshire County Council as Lead Local Flood Authority has provided comments in relation to the above application in our role as statutory consultee on surface water drainage for major developments.

In order to assist applicants in providing the correct information to their Local Planning Authority for planning permission, Hampshire County Council has set out the information it requires to provide a substantive response at <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

The County Council has reviewed the following documents relating to the above application:

- FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY; ref: A/LIDLHAVANT.10; dated: FEBRUARY 2021.

Following our formal response to this planning application dated 04th February 2021, we received additional information on the 22nd February 2021 including the requested agreement in principle from the surface water sewer asset owner and detailed hydraulic calculations.

The additional information submitted by the applicant has addressed our previous concerns regarding surface water management and local flood risk. Therefore, the County Council as the Lead Local Flood Authority has **no objection** to the proposals subject to the following planning condition:

1. The drainage system shall be constructed in accordance with the Flood Risk Assessment & Drainage Strategy ref: A/LIDLHAVANT.10. Surface water discharge to the surface water sewer shall be limited to 3.0 l/s. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Planning Policy

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 Pre-submission Havant Borough Local Plan (HBLP) was approved by the Council on 30 January 2019 and can be afforded limited weight.

The following policies are of relevance:

- CS4 – Town, District and Local Centres
- CS11 – Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS14 – Efficient Use of Resources
- CS16 – High Quality Design
- CS17 – Concentration and Distribution of Development within the Urban Areas

- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements
- AL3 – Town, District and Local Centres
- DM11 – Planning for More Sustainable Travel
- DM14 – Car and Cycle Parking on Development (excluding residential)

In the Pre-submission Plan the following policies are of particular relevance:

- C6 | Local centres, local shops and services
- E1 | High Quality Design
- E3 | Landscape and settlement boundaries
- E12 | Efficient use of resources and low carbon design
- E14 | Local Ecological Network
- IN3 | Transport and parking
- C11 | Land at Hulbert Road

The Havant Borough Local Plan was submitted for examination on 12 February 2021 and must be afforded limited weight.

Principle of development

The site lies within the urban area as currently defined by ALP Policies CS17 and AL2, and as proposed to be defined by HBLP emerging Policy E3. As such, the principle of the development is acceptable subject to other material considerations.

The application site forms part of a proposed employment allocation under HBLP Policy C11, which identifies the site delivery of about 6,250 square metres of employment floorspace. Appendix 1 of the HBLP defines employment development in the context of the

Use Classes Amendment Order 2020 which includes General Industrial (B2), Storage and Distribution, and part g of Class E which includes offices, research and industrial processes. Significantly, however, the application proposals for a retail store would fall under part e of Class E which refers to the retail sale of goods. As such, a policy objection would arise in the context of the allocation in the emerging Local Plan. This must be afforded limited weight.

Retail impact and the sequential test

Paragraphs 86 and 87 of the NPPF are relevance 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. The submitted Retail and Planning Statement includes sequential analysis which identifies various in-centre and edge-of-centre sites in Bedhampton, Crookhorn, Purbrook, Middle Park Way Local Centres, Leigh Park District Centre and Drayton based on a 5 minute drive-time catchment.

It is noted that the applicant has highlighted that the size and configuration of its format means that its restricted in terms of demonstrating flexibility. Whilst this is acknowledged, it is noted that a number of site appraisals do not include their overall site size. Furthermore, aside from their inclusion within the retail catchment identified at Appendix 1, it appears there is not an explanation as to how these sites were identified.

As the site falls below the default threshold of 2,500 m² of gross floorspace, no retail impact assessment is required.

Sustainable Construction and Design

ALP Policy CS14 indicates that non-residential development of over 500 sq. m should meet the 'Very Good' Standard of BREEAM. Emerging HBLP Policy E12 indicates that a standard of 'Excellent' BREEAM should be met. It is noted from the submitted Sustainability Statement that a 'Very Good' standard could be achieved according to the Pre-Assessment. As such, it is noted the proposals would comply with the ALP, but fall short of the emerging Plan's requirements.

Parking

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, emerging policy IN3 and the Council's Parking SPD. In the context of paragraph 4.40 of the HBLP supporting text, applicants should consider and justify the level of EV charging point provision.

Summary

Given the site's location within the urban area within the context of the adopted and emerging local plans, the principle of development is acceptable. However, the latter does propose to allocate the site for employment development under Policy C11 and this must be afforded weight in the determination of the application.

It is noted that the applicant has provided sequential test analysis, but it is unclear as to how the sites were identified and limited information is provided with regard to their overall site size. It is also noted that the applicant only proposes to meet BREEAM 'Very Good' as per the requirements of the ALP, as opposed to the enhanced 'Excellent' standard set out by the emerging HBLP.

Portsmouth Water Company

Portsmouth Water has no adverse comments to make on the development from a groundwater quality protection perspective as it is deemed there is a low risk to groundwater quality. The site is located in Source Protection Zone 1c for an essential public water supply source. The SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities may pose a risk to groundwater quality and the local public water supply source. There is adequate depth of underlying impermeable geology (London Clay) which offers protection to the chalk principal aquifer. Furthermore, there is no proposed activities which will breach this impermeable strata.

The surface water drainage proposal is to utilise an existing surface water drainage network to the north and will utilise SuDS treatment (attenuation tanks and pollute interceptors). This is acceptable to Portsmouth Water in relation to groundwater protection as no deep infiltration drainage is proposed. The foul water drainage proposal is to connect to an existing main sewer, this is acceptable to Portsmouth Water in relation to groundwater protection. Piled foundation and deep excavations will be required for the development but deemed low risk to groundwater quality due to the depth of the underlying impermeable strata. Portsmouth Water would have a preference if piled foundations are adopted that this is implemented using a less intrusive method (e.g. continuous flight auger) to minimise the risks to groundwater quality.

Southern Gas Network

There are high pressure pipelines in the vicinity of your proposed work area. SGN formally object to this planning

application until such time as a detail consultation has taken place.

For your safety, it is essential that no work or crossing of this high pressure pipeline is carried out until a detailed consultation has taken place.

This response is for initial/scoping out work only. This response does not give permission to undertake any work.

When consultation has taken place, your planning has been approved and works on site are due to start, another

request for information and updated maps must be made via our on-line system as a 'planned works' enquiry.

Southern Gas Networks - stage 1

Traffic Management Team

The Traffic Team would be concerned with the entrance to the store s car park off of the B&Q slip road in peak times/weekends and bank holidays. The traffic can tail back onto Purbrook Way and the flyover of the A3M motorway. This has led to drivers using the incorrect lane to proceed straight ahead towards Leigh Park at this roundabout.

Also the amount of traffic that queues to exit B&Q can be backed up into their car Park. Any additional vehicles from the proposed Lidl store would increase these queues further without a filter lane for those vehicles wishing to exit left. The potential for vehicles to park on the northern kerb in Purbrook Way could lead to more congestion.

If this development is permitted then the Traffic Team would want a provision to be made for a sum of £5000 (plus the costs associated with advertising the proposals and any works) estimated to be a maximum of £7000 in total, to be provided by the developer to be set aside from commencement to allow a TRO to be processed ending 5 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the local highway network

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 9

Number of site notices: Not applicable.

Statutory advertisement: 29/01/2021

Number of representations received: 57

Comment	Officer Comment
The development removes trees and other vegetation which provide habitat for birds and other wildlife. Although replacement tree planting is proposed, trees within and surrounding a car park do not provide the same habitat as the wild flower/scrub/tree combination currently on site.	
There is an existing Lidl store 2.1km away in Leigh Park, another two 2.8km and 3.2km away in Waterloooville, and a fourth 5.1km in Hilsea. The immediate area is also served by an Asda and a Co-Op, and the Havant/Farlington/Waterlooville area also hosts multiple Tesco, Aldi, Sainsburys, Morrisons, Waitrose and M&S foodstores. No further foodstores are required	
The application appears to have no traffic modelling or impact assessment. The entrance to the car park is located close to the A3(M) J4 roundabout, and it is likely that at peak times traffic waiting to turn right into the car park would back up onto this roundabout, as it would have to give way to traffic leaving B&Q. Also has the developer assessed the capability of the adjacent junctions (A3(M) J4, Purbrook Way/Hulbert Road, A3(M) J3) to take any additional traffic which would be generated by the proposal?	
1. Further loss of a connected habitat for birds and wildlife by the removal of trees, 1 with a TPO and other vegetation. This should not be viewed in isolation as there is planning application (APP/20/00441) submitted for a housing development just north of this site. The tree and planting scheme is an inadequate token gesture and is just urbanisation. Trees never reach maturity. 2. Increased traffic volumes which the short road serving this and B&Q won't be able to cope with. 3. CO2 pollution. 4. Light pollution.	

5. Noise pollution 6. No proven need for a further food/retail unit.	
The store is not needed. Havant Borough has more than enough supermarkets and there is another Lidl's store just 2.1 km away in Leigh Park. The Arboriculturist report highlights that this development will result in excessive loss of healthy trees and have a negative impact on sustainable tree canopy in the area. We agree with the Landscape Architect that the loss of mature trees will leave insufficient screening for the store and detract from the rural feel of this part of Purbrook Way. New planting on this site or elsewhere would not fully mitigate for the loss of older trees which provide a richer habitat to support biodiversity. This would also be the case with the loss of the species rich groups of shrubs, scrub and grassland. The grassland includes a valuable mix of grasses and wildflowers, including orchids, all of which will support a diverse range of insects. The Ecological appraisal notes that the dense scrub is a suitable habitat for nesting birds. Although there are no buildings or trees suitable for roosting bats, this is a good habitat for their foraging. It is also suitable for reptiles, amphibians, dormice and other mammals, although the site's position as an island of nature surrounded by roads, makes their presence less likely. The foodstore will increase traffic congestion and reduce air quality around the adjacent roundabout and roads leading to it. At busy times, traffic is often backed up along the B&Q exit road, back to the car park.	

In the event of the site being developed:
a CEMP would need to be in place, and any clearance done outside of the bird nesting season March - August. Clearance of scrub should be carried out carefully because of the wildlife it may contain. The density of the scrub has prevented detailed advance assessment. Adequate replacement native trees and shrubs should be planted round the site, or elsewhere in the Borough. A variety of bird and bat roost boxes should be installed in the larger remaining trees to the south of the site.

The store should be built to the best BREEAM sustainable design standards as proposed. PV is mentioned. Roof positioning needs to be beneficial, and the number of Solar PV panels should be maximised so as to generate all or most of the power needed by the store. Any lighting needs to follow the latest advice from the Bat Conservation Trust.

Traffic lights will be needed round the B&Q roundabout to enable traffic to exit from the stores more easily. There also needs to be an improved cycling and walking route from the Asda roundabout through to Lidl's and B&Q.

This underpass forms part of the bridleway/track that runs (or did run) from the South Downs College Road junction (north side of Purbrook way) and was presumably built prior to Purbrook way being built in it's current form/ and / or built when the existing elevated access way from the A3(M) entry roundabout which leads to B&Q. I believe it may have then been to preserve right of way there or as farmers or land access. However this is not useable, and would have become redundant once the A3(M) was built in very late 70's, early 80's. Due to the motorway this route is not accessible and leads to nowhere but the fence at the A3(M) and as such is no longer either in use or of any use.

Therefore your current plan gives the impression that pedestrians have an underground way to cross the existing B&Q approach road...this is quite simply not the case, as there is no access to get to such underpass on either side and even if there was Since the motorway was built the time passed has seen to that and even if this was the case owing to the motorway bridge further along it is not feasible or necessary for a pedestrians or such the like to go down to such a level only to have to go back up again to get the the level of actually crossing over the motorway on the higher main roadway bridge. The only routes for cyclists and pedestrians is at the exact same elevation and route as cars on the roadway to make their was past this location on Purbrook way and for pedestrians this means negotiating both the exit and entrance slips of the B&Q access road.

Therefore it seems like pedestrians can use this to cross (under) the access road to the B&Q but this is simply not the case. Had you actually been out on site at this immediate spot this would be immediately obvious....the vegetation is heavy here and this is part of my objection also, you have totally missed this. This is simply maybe not the wrong place for a Lidl store but it needs to be elevated to the same level of the current B&Q car park. Obviously if Lidl wants remain building on this high level plain, to re-create what this underpass offered some 60 or so years ago then you would need suitable disabled level access to the location from current road/footway level on both sides of the B&Q access road and to bring back into full cycleway/pedestrian use, to tunnel also under the existing A3(M), as well. If you are not going to do that then the underpass you have on your plans need to be removed and not relied upon as it simply does not exist the format you include on your plan. It is not useable.

This does again back up the fact that this is a semi-rural location and your elevated store proposal simply does not fit in with any of the previous plans granted for this location area, including the enlargement of the much lower lying B&Q store some time ago.

This can be a tricky place for pedestrians and cyclists to cross in any case and having an entrance way here creating additional traffic due to Lidl, and queuing cars on the B&Q roundabout will not improve the situation. I have provided also other comments via your survey form on your Lidl website.

The Lidl Traffic Assessment makes the case that the store will make only a marginal difference to traffic congestion on the approach to the B&Q roundabout, which is already over capacity at peak times. It is my experience that there are often cars backed up waiting to exit the B&Q site. The store should only go ahead if HCC install traffic lights on the roundabout as suggested.

The proposal of a 3 m wide cycle/pedestrian track with reduced gradient, leading from the Asda roundabout to the store, should also be a condition of this going ahead.

We share the concern of the Landscape Architect that proposed planting of trees and shrubs will not adequately screen the store from Purbrook Road. Environmental Health also highlight the need for more trees to absorb traffic pollution. Taller evergreens and native species will be needed on land adjacent to the road. More hedging and trees should be planted to break up the parking areas.

Lidl propose a detailed Landscape Management Plan. A wildflower area is proposed which would not be mown until late summer, to support the spread of native species of seed and insects, which is good. However, the rest of the grassland around the site will be under a strict schedule of monthly mowing. This should only be used in very limited areas with the rest of the grassland under the same regime as the wildflower areas. It is also proposed to remove weeds with the use of glyphosate if necessary. Most weeds are in fact native wildflowers and vegetation, so should only be removed in very limited areas. Glyphosate should not be used because of its potential to harm insect life which then impacts the wildlife food chain.	
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Summary:

Comment:

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact upon the character and appearance of the area

(iii) Impact upon residential amenity

8 Conclusion

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01221 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

PROPOSED SITE PLAN 210610_19139_AD 110 REV C
PROPOSED SITE SECTIONS 210520_19139_AD_118 REV B
PROPOSED LEVELS 210615_19139_AD_117 REV D
Typical Sections JSL3712-RPS-XX-EX-DR-L-905 P02
PROPOSED CUT & FILL 210615_19139_AD_119_C
PROPOSED SITE - BOUNDARY TREATMENTS 210610_19139_AD 114
REV D
PROPOSED SITE - TOPO OVERLAY 210610_19139_AD 117 REV C
PROPOSED SITE PLAN FINISHES 210618_19139_AD 115 REV C
PROPOSED ELEVATIONS 19139_AD 113
PROPOSED ROOF 19139_AD 112
PROPOSED GROUND FLOOR PLAN 210618_19139_AD 111 REV B

PROPOSED LIGHTING LAYOUT D-377363 R3
Preliminary Ecological Appraisal (RPS, October 2020),
Dormouse and Bat Survey report (RPS, September 2021)
Ecological Technical Note (RPS, 8 February 2022)
ILLUSTRATIVE FOOTPATH SECTION - JSL3712-RPS-XX-EX-DR-905-P01
B/LIDLPUROBROOKWAY2.1/06 Rev H
Pedestrian and cycle link as shown indicatively on drawing number AD 110
Rev C
SWEPT PATH ANALYSIS B/LIDLPUROBROOKWAY2.1/06H/TK01
DETAILED SOFT LANDSCAPE PROPOSAL JSL3712-RPS-XX-EX-DR-L-901
P09
LANDSCAPE MANAGEMENT PLAN & MAINTENANCE SCHEDULE
JSL3712-RPS-XX-EX-RP-L-904 P03 21 January 2022
TREE SURVEY & ARBORICULTURAL IMPACT ASSESSMENT
JSL3712_770 dated 1/4/21
Typical Tree Pit Details JSL3712-RPS-XX-EX-DR-L-902 Revision P01
ARCHAEOLOGICAL DESK BASED ASSESSMENT October 2020 V2
Noise assessment 8470/BL

Reason: To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development shall take place until a Construction Traffic Management Plan specifying the following matters has been submitted to and approved in writing by the Local Planning Authority:

The provision to be made within the site for:

- (i) construction traffic access routes
- (ii) the turning of delivery vehicles
- (iii) provisions for removing mud from vehicles
- (iv) the contractors' vehicle parking during site clearance and construction of the development;
- (v) a material storage compound during site clearance and construction of the development.
- (vi) adequate provision for addressing any abnormal wear and tear to the highway
- (vii) a programme for construction

Thereafter, throughout such site clearance and implementation of the development, the approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used as such.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to the occupation of the development the traffic calming measures as outlined on plan B/LIDLPUROBROOKWAY2.1/06 Rev H, shall have been fully installed and be operational at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The car and cycle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The soft landscaping scheme shall be carried out in accordance with the approved plans, DETAILED SOFT LANDSCAPE PROPOSAL JSL3712-RPS-XX-EX-DR-L-901 P09, LANDSCAPE MANAGEMENT PLAN & MAINTENANCE SCHEDULE JSL3712-RPS-XX-EX-RP-L-904 P03 - 21 January 2022 and timetable for provision unless otherwise agreed, in writing, by the Local Planning Authority. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season, unless agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 8 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the Arboricultural Impact Appraisal and Method Statement TREE SURVEY & ARBORICULTURAL IMPACT ASSESSMENT JSL3712_770 dated 1/4/21 shall be installed. The Council's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Tree Protection Plan (telephone 023 92 446525). No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 The hardsurfacing shall be carried out in accordance with the approved plans, PROPOSED SITE PLAN FINISHES 210618_19139_AD 115 REV C External Works, in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority before works proceed above ground level, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and having due regard to policies CS1, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Development shall proceed in accordance with the ecological avoidance, mitigation, compensation and enhancement measures detailed within the submitted Preliminary Ecological Appraisal (RPS, October 2020), Dormouse and Bat Survey report (RPS, September 2021) and Ecological Technical Note (RPS, 8 February 2022) unless otherwise agreed in writing by the Local Planning Authority. All measures shall be implemented as per ecologists' instructions and ecological enhancement features shall be retained in perpetuity in the agreed locations.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS11 of the Havant Borough Core Strategy March 2011.

- 11 The drainage system shall be constructed in accordance with the Flood Risk Assessment & Drainage Strategy ref: A/LIDLHAVANT.10. Surface water discharge to the surface water sewer shall be limited to 3.0 l/s, unless otherwise agreed in writing by the Local Planning Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: Without the provision of an appropriate surface water connection point the development cannot be appropriately mitigated and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined in Remada Ltd Phase 2 Ground Investigation Ref; 770.02.02 October 2020; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon the 770.02.02 report & (1), and where unacceptable risks have been identified, a Remediation Strategy that includes;

- o appropriately considered remedial objectives,
- o an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- o clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: The Phase 2 report has identified indications that contamination is present at the site, but the spatial extent & volume of soil affected is unclear. Unacceptable risks to future employees of the site are possible. Soil gas has been shown to pose a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. This is in line with Policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 178-180 of the National Planning Policy Framework.

- 13 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 12 above shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan"). The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The Phase 2 report has identified indications that contamination is present at the site, but the spatial extent & volume of soil affected is unclear. Unacceptable risks to future employees of the site are possible. Soil gas has been shown to pose a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. This is in line with Policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 178-180 of the National Planning Policy Framework.

- 14 Notwithstanding the provisions of Part 7, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension, installation of a mezzanine floor or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.

Reason: In the interest of preserving the vitality and viability of neighbouring District Centres in accordance with the NPPF and policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 15 Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 'Very Good' against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 16 Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

Appendices:...

Mr Thornton
Simply Planning Limited
Suite 204
Cheltenham House
Temple Street
Birmingham
B2 5BG

For: Lidl Great Britain Limited

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015**
Grant of Planning Permission

Application Number: APP/20/01221

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

Proposal: Erection of retail foodstore with associated car parking, access, landscaping and engineering works.

Further to your application received on 21 December 2020 Havant Borough Council, as Local Planning Authority **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

Conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

PROPOSED SITE PLAN 210610_19139_AD 110 REV C
PROPOSED SITE SECTIONS 210520_19139_AD_118 REV B
PROPOSED LEVELS 210615_19139_AD_117 REV D
Typical Sections JSL3712-RPS-XX-EX-DR-L-905 P02
PROPOSED CUT & FILL 210615_19139_AD_119_C

Our Ref: APP/20/01221

PROPOSED SITE - BOUNDARY TREATMENTS 210610_19139_AD 114 REV D
PROPOSED SITE - TOPO OVERLAY 210610_19139_AD 117 REV C
PROPOSED SITE PLAN FINISHES 210618_19139_AD 115 REV C
PROPOSED ELEVATIONS 19139_AD 113
PROPOSED ROOF 19139_AD 112
PROPOSED GROUND FLOOR PLAN 210618_19139_AD 111 REV B

PROPOSED LIGHTING LAYOUT D-377363 R3
Preliminary Ecological Appraisal (RPS, October 2020),
Dormouse and Bat Survey report (RPS, September 2021)
Ecological Technical Note (RPS, 8 February 2022)
ILLUSTRATIVE FOOTPATH SECTION - JSL3712-RPS-XX-EX-DR-905-P01
B/LIDLPU RBROOKWAY2.1/06 Rev H
Pedestrian and cycle link as shown indicatively on drawing number AD 110
Rev C
SWEPT PATH ANALYSIS B/LIDLPU RBROOKWAY2.1/06H/TK01
DETAILED SOFT LANDSCAPE PROPOSAL JSL3712-RPS-XX-EX-DR-L-901 P09
LANDSCAPE MANAGEMENT PLAN & MAINTENANCE SCHEDULE
JSL3712-RPS-XX-EX-RP-L-904 P03 21 January 2022
TREE SURVEY & ARBORICULTURAL IMPACT ASSESSMENT JSL3712_770 dated
1/4/21
Typical Tree Pit Details JSL3712-RPS-XX-EX-DR-L-902 Revision P01
ARCHAEOLOGICAL DESK BASED ASSESSMENT October 2020 V2
Noise assessment 8470/BL REV C

Reason: To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development shall take place until a Construction Traffic Management Plan specifying the following matters has been submitted to and approved in writing by the Local Planning Authority:

The provision to be made within the site for:

- (i) construction traffic access routes
- (ii) the turning of delivery vehicles
- (iii) provisions for removing mud from vehicles
- (iv) the contractors' vehicle parking during site clearance and construction of the development;
- (v) a material storage compound during site clearance and construction of the development.
- (vi) adequate provision for addressing any abnormal wear and tear to the highway
- (vii) a programme for construction

Thereafter, throughout such site clearance and implementation of the development, the approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used as such.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to the occupation of the development the traffic calming measures as outlined on plan B/LIDLPUROBROOKWAY2.1/06 Rev H, shall have been fully installed and be operational at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The car and cycle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The soft landscaping scheme shall be carried out in accordance with the approved plans, DETAILED SOFT LANDSCAPE PROPOSAL JSL3712-RPS-XX-EX-DR-L-901 P09, LANDSCAPE MANAGEMENT PLAN & MAINTENANCE SCHEDULE JSL3712-RPS-XX-EX-RP-L-904 P03 - 21 January 2022 and timetable for provision unless otherwise agreed, in writing, by the Local Planning Authority. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season, unless agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 8 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the Arboricultural Impact Appraisal and Method Statement TREE SURVEY & ARBORICULTURAL IMPACT ASSESSMENT JSL3712_770 dated 1/4/21 shall be installed. The Council's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Tree Protection Plan (telephone 023 92 446525). No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 The hardsurfacing shall be carried out in accordance with the approved plans, PROPOSED SITE PLAN FINISHES 210618_19139_AD 115 REV C External Works, in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority before works proceed above ground level, unless otherwise

agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and having due regard to policies CS1, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Development shall proceed in accordance with the ecological avoidance, mitigation, compensation and enhancement measures detailed within the submitted Preliminary Ecological Appraisal (RPS, October 2020), Dormouse and Bat Survey report (RPS, September 2021) and Ecological Technical Note (RPS, 8 February 2022) unless otherwise agreed in writing by the Local Planning Authority. All measures shall be implemented as per ecologists' instructions and ecological enhancement features shall be retained in perpetuity in the agreed locations.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS11 of the Havant Borough Core Strategy March 2011.

- 11 The drainage system shall be constructed in accordance with the Flood Risk Assessment & Drainage Strategy ref: A/LIDLHAVANT.10. Surface water discharge to the surface water sewer shall be limited to 3.0 l/s, unless otherwise agreed in writing by the Local Planning Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: Without the provision of an appropriate surface water connection point the development cannot be appropriately mitigated and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined in Remada Ltd Phase 2 Ground Investigation Ref; 770.02.02 October 2020; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon the 770.02.02 report & (1), and where unacceptable risks have been identified, a Remediation Strategy that includes;

- * appropriately considered remedial objectives,
- * an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- * clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are

complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: The Phase 2 report has identified indications that contamination is present at the site, but the spatial extent & volume of soil affected is unclear. Unacceptable risks to future employees of the site are possible. Soil gas has been shown to poses a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. This is in line with Policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 178-180 of the National Planning Policy Framework.

- 13 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 12 above shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The Phase 2 report has identified indications that contamination is present at the site, but the spatial extent & volume of soil affected is unclear. Unacceptable risks to future employees of the site are possible. Soil gas has been shown to poses a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. This is in line with Policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 178-180 of the National Planning Policy Framework.

- 14 Notwithstanding the provisions of Part 7, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension, installation of a mezzanine floor or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.

Reason: In the interest of preserving the vitality and viability of neighbouring District Centres in accordance with the NPPF and policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 15 Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 'Very Good' against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction in

accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 16 Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 'Very Good' against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pes.
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You sought and were provided with pre-application advice,
 - You were updated about issues after the initial site visit
- (5) Southern Gas Networks - Overbuild Advisory Note
- There are a number of risks created by built over gas mains and services; these are:*

- *Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

- 1. Check your proposals against the information held at <https://www.linsearchbeforeudig.co.uk/> to assess any risk associated with your development and*
- 2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:*

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- *Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work*
<https://www.sgn.co.uk/damage-prevention>
- *Further information can also be found here*
<https://www.sgn.co.uk/help-and-advice/digging-safely>

(6) This permission was granted subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 30th November 2022 which requires:

1. Payment of a Travel Plan Bond, Monitoring Fee and Approval Fee
2. S106 monitoring fee
3. Management and maintenance plan for the lifetime of the development for SuDs and bond.
4. A contribution in relation to traffic management (max. £7000)
5. Employment and Skills Plan
6. Travel Plan (HCC)
7. Highway Works (HCC) - £124,500 contribution towards pedestrian and cycle improvements along Purbrook Way. This figure was based on schemes identified within the emerging Havant Local Cycle and Walking Infrastructure Plan (LCWIP) along Purbrook Way which would improve pedestrian and cycle facilities for existing users and users of the new store.
8. Enter into a S278 Agreement with the Highways Authority to secure works to roundabout and the pedestrian/cycle link from the site to Purbrook Way

Neeru Kareer

Neeru Kareer
Executive Head of Place (Interim)

02 December 2022

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.**
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Our Ref: APP/20/01221

IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

023 9244 6571



Land adjacent to B&Q, Purbrook Way, Havant, PO9 3QJ

Planning and Retail Statement

Document 3

Discharge of Condition Notices

Mr Thornton
Simply Planning Limited
Suite 204
Cheltenham House
Temple Street
Birmingham
B2 5BG

Our Ref: APP/20/01221
Direct Line: (023) 07799 894024
Ask For: Ms Ikrame Essalih
Email: planning.development@havant.gov.uk
23 June 2023

**Town and Country Planning (Development Management Procedure) (England) Order 2015
Discharge of Conditions Application**

Application Number: APP/20/01221

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

Description: Erection of retail foodstore with associated car parking, access, landscaping and engineering works (approved 2.12.22). Request to discharge conditions 3, 4, 12 and 15 (recd 4.5.23).

This decision relates to your request to discharge condition 3 which was valid from 04 May 2023.

Havant Borough Council as Local Planning Authority hereby APPROVES the submitted application as meeting the information requirements of the following Condition of Planning Permission APP/20/01221.

The condition in respect of which information has been submitted is:

Condition 3:

Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Details submitted:

External building finishing schedule - Uploaded 31/05/2023

Proposed elevations - AD 113A - Uploaded 31/05/2023

Proposed site plan finishes - AS 115 Rev C - Uploaded 31/05/2023

Reasons for approval

The details hereby approved are considered to be in accordance with the relevant adopted policies of the

Council, in particular the policies contained within the Havant Borough Local Plan (Core Strategy) 2011.

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning Development Service at the Public Service Plaza or by telephoning 023 9244 6015.

Alex Robinson

Alex Robinson
Executive Head of Place
Date: 23 June 2023

Mr Thornton
Simply Planning Limited
Suite 204
Cheltenham House
Temple Street
Birmingham
B2 5BG

Our Ref: APP/20/01221
Direct Line: (023) 07799 894024
Ask For: Ms Ikrame Essalih
Email: planning.development@havant.gov.uk
23 June 2023

**Town and Country Planning (Development Management Procedure) (England) Order 2015
Discharge of Conditions Application**

Application Number: APP/20/01221

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

Description: Erection of retail foodstore with associated car parking, access, landscaping and engineering works (approved 2.12.22). Request to discharge conditions 3, 4, 12 and 15 (recd 4.5.23).

This decision relates to your request to discharge condition 15 which was valid from 04 May 2023.

Havant Borough Council as Local Planning Authority hereby APPROVES the submitted application as meeting the information requirements of the following Condition of Planning Permission APP/20/01221.

The condition in respect of which information has been submitted is:

Condition 15:

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 'Very Good' against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

Details submitted:

BREEAM Pre-Assessment Report by DDA Ltd (8th February 2023) - Uploaded 31/05/2023

Reasons for approval

The details hereby approved are considered to be in accordance with the relevant adopted policies of the Council, in particular the policies contained within the Havant Borough Local Plan (Core Strategy) 2011.

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
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Alex Robinson

Alex Robinson
Executive Head of Place
Date: 23 June 2023

Mr Thornton
Simply Planning Limited
Suite 204
Cheltenham House
Temple Street
Birmingham
B2 5BG

Our Ref: APP/20/01221
Direct Line: (023) 07799 894024
Ask For: Ms Ikrame Essalih
Email: planning.development@havant.gov.uk
20 July 2023

**Town and Country Planning (Development Management Procedure) (England) Order 2015
Discharge of Conditions Application**

Application Number: APP/20/01221

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

Description: Erection of retail foodstore with associated car parking, access, landscaping and engineering works (approved 2.12.22). Request to discharge conditions 3, 4, 12 and 15 (recd 4.5.23).

This decision relates to your request to discharge condition which was valid from 04 May 2023.

Havant Borough Council as Local Planning Authority hereby APPROVES the submitted application as meeting the information requirements of the following Condition of Planning Permission APP/20/01221.

The condition in respect of which information has been submitted is:

Condition 12:

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined in Remada Ltd Phase 2 Ground Investigation Ref; 770.02.02 October 2020; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon the 770.02.02 report & (1), and where unacceptable risks have been identified, a Remediation Strategy that includes;

- o appropriately considered remedial objectives,
- o an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;

o clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: The Phase 2 report has identified indications that contamination is present at the site, but the spatial extent & volume of soil affected is unclear. Unacceptable risks to future employees of the site are possible. Soil gas has been shown to pose a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. This is in line with Policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 178-180 of the National Planning Policy Framework

Details submitted:

Remediation Strategy - Report No 770.04.01 (dated March 2023) - Uploaded on 31/05/2023

Reasons for approval

The details hereby approved are considered to be in accordance with the relevant adopted policies of the Council, in particular the policies contained within the Havant Borough Local Plan (Core Strategy) 2011.

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning Development Service at the Public Service Plaza or by telephoning 023 9244 6015.

Alex Robinson

Alex Robinson
Executive Head of Place
Date: 20 July 2023

Mr Thornton
Simply Planning Limited
Suite 204
Cheltenham House
Temple Street
Birmingham
B2 5BG

Our Ref: APP/20/01221
Direct Line: (023) 07799 894024
Ask For: Ms Ikrame Essalih
Email: planning.development@havant.gov.uk
02 August 2023

**Town and Country Planning (Development Management Procedure) (England) Order 2015
Discharge of Conditions Application**

Application Number: APP/20/01221

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

Description: Erection of retail foodstore with associated car parking, access, landscaping and engineering works (approved 2.12.22). Request to discharge conditions 3, 4, 12 and 15 (recd 4.5.23).

This decision relates to your request to discharge condition 4 which was valid from 04 May 2023.

Havant Borough Council as Local Planning Authority hereby APPROVES the submitted application as meeting the information requirements of the following Condition of Planning Permission APP/20/01221.

The condition in respect of which information has been submitted is:

Condition 4:

No development shall take place until a Construction Traffic Management Plan specifying the following matters has been submitted to and approved in writing by the Local Planning Authority:

The provision to be made within the site for:

- (i) construction traffic access routes
- (ii) the turning of delivery vehicles
- (iii) provisions for removing mud from vehicles
- (iv) the contractors' vehicle parking during site clearance and construction of the development;
- (v) a material storage compound during site clearance and construction of the development.
- (vi) adequate provision for addressing any abnormal wear and tear to the highway
- (vii) a programme for construction

Thereafter, throughout such site clearance and implementation of the development, the approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used as such.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due

regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Details submitted:

(Amended) Construction Traffic Impact Assessment - uploaded on 24/07/2023

(Amended) Construction Traffic Management Plan - uploaded on 24/07/2023

Reasons for approval

The details hereby approved are considered to be in accordance with the relevant adopted policies of the Council, in particular the policies contained within the Havant Borough Local Plan (Core Strategy) 2011.

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning Development Service at the Public Service Plaza or by telephoning 023 9244 6015.

Alex Robinson

Alex Robinson
Executive Head of Place
Date: 02 August 2023



Land adjacent to B&Q, Purbrook Way, Havant, PO9 3QJ

Planning and Retail Statement

Document 4

Sequential Test Proformas

Proposed Lidl Foodstore, Havant

Sequential Test Analysis

Site 1:	Nos. 23, 26 and 27 Bedhampton Road, PO9 3ES	
Sequential Status	In-Centre (Bedhampton).	
Current Use(s)	This site comprises 3no. separate commercial uses (Volvo – Cambridge Car Garage, newsagents/convenience store and National Tyres and Auto Centre).	
Relevant Planning History	There is limited planning history available on LPA's website. Most recent history relates to signs and external flagpoles (Ref. APP/17/00600) and works to modernise and refurbish existing car showroom (Ref. APP/17/00329), both of which were approved in 2017. The planning history shows that Volvo have recently committed to modernising the car garage which appears to signal their medium-long term commitment to the location.	
Planning Policy	This sequential test site is not subject to any site-specific planning policy designations/allocations. However, the site falls within the defined local centre boundary for Bedhampton and is also situated within an urban area where further development is considered acceptable, subject to the usual development criteria. Local Plan (Core Strategy) Policy DM3 seeks to protect existing employment land.	
Assessment	The first point to add in relation to this site is that there is no assertion whatsoever that the site is available for development. It currently comprises three individual businesses which are continuing to trade from the location. Therefore, the site is unavailable for sequential test purposes. Indeed, it cannot be said that the site is likely to become available in a reasonable period of time given the multiple businesses associated with the site and subsequent land titles. Site assembly is likely to be protracted – particularly compared to the application site (an undeveloped site within single ownership). Second, at c.0.6 hectares the site is significantly smaller than that of the application site and even if it were available (it is not), would neither be suitable for sequential test purposes. Furthermore, the site is located adjacent to residential properties to the immediate south, east and north, giving rise to potential residential amenity concerns. Indeed, the matter of residential amenity was considered during the assessment of a previous planning application associated with the site (Ref. APP/17/00329) with Environmental health recommending limiting hours of use of plant and machinery to trading hours of the existing Volvo garage (8.00am – 6.00pm). The issue of residential amenity, from both a servicing and operational perspective, would be of significant concern to the applicant. For the reasons prescribed above, the site is neither suitable, nor available, for sequential test purposes. It could not accommodate the application proposals, or a flexible form of them.	



Site 2:	Imperial Palace, Belmont Grove, Bedhampton	
Sequential Status	Out-of-Centre.	
Current Use(s)	Restaurant and associated car park.	
Relevant Planning History	A planning application (Ref. APP/20/00316) submitted seeking planning permission for change of use from Class A3 (restaurant) to Class A1 (foodstore), with single storey extensions and altered access. The proposals sought the creation of c.235m ² of retail floorspace. The application was granted on 09/12/2021. There have been a number of variation and discharge of condition applications on the site following this, none of which changed the proposed use or size of the unit.	
Planning Policy	No site specific policy designations.	
Assessment	The site has been occupied by Co-op Food since the above application and there is no indication that the site is available, or is likely to become available in the near future. The site is also, clearly, of insufficient size to accommodate the application proposals, or a flexible form of them, and has been discounted from the assessment on this basis.	



Site 3:	Centurion Public House, Crookhorn	
Sequential Status	Edge-of-Centre (Crookhorn District Centre).	 
Current Use(s)	Public House and associated car park.	
Relevant Planning History	An advertising consent application was granted on 02/11/2022 under the reference APP/22/00780.	
Planning Policy	Site is located adjacent to Crookhorn District Centre. The site is not subject to any site specific policy designations.	
Assessment	At just c.0.2 hectares this site is too small to accommodate the application proposals, or a flexible form of them. It also remains in active use as a public house. The site was also subject to a recent advertising consent application which demonstrates the ongoing active use as a public house. For these reasons the site is both unsuitable and unavailable for sequential test purposes and has, therefore, been discounted from the assessment.	

Site 4:	Community Centre and Church of the Good Shepherd (CoGS), Crookhorn District Centre		 
Sequential Status	In-Centre (Crookhorn District Centre).		
Current Use(s)	Church and Phoenix Community Centre.		
Relevant Planning History	Planning application 12/00840 sought change of use from public amenity land to enclosed beer garden and smoking area (part retrospective) and related to Phoenix Community Centre. It was approved in November 2012. Planning Application (03/55076/002) proposed a single storey extension to the CoGS and was approved in January 2004.		
Planning Policy	Both sites form the western extent of Crookhorn District Centre. Sites are not subject to any site specific policy designations.		
Assessment	In the first instance this site could not accommodate the application proposals, or a flexible form of them, being of insufficient size (c.0.5hectares). Both sites also remain in active use and are, therefore, unavailable within a reasonable time. In addition, the individual sites are in separate ownership and comprise an elongated shaped site which is not, in any way, capable of delivering the required footprint, or profile, of the application proposal. For these reasons, the site is both unsuitable and unavailable for sequential test purposes.		

Site 5:	Purbrook Masonic Centre, 10 Stakes Road, PO7 5LX	
Sequential Status	Edge-of-Centre.	
Current Use(s)	Former Methodist church now in use as Masonic Centre including meeting and function rooms.	
Relevant Planning History	Change of use of building from church (Class D1) to use as a Masonic Centre and community hall (Ref. APP/11/01802) was allowed in March 2012.	
Planning Policy	Site is not subject to any site specific policy designations.	
Assessment	Site is too small to accommodate the application proposals, or a flexible form of them. It has also benefitted from a recent refurbishment and is in active use as a Masonic Hall. Accordingly, it is unavailable and unsuitable for sequential test purposes.	



Site 6:	Purbrook Motor Company and Ladybridge Road Car Park	
Sequential Status	In-Centre/Edge-of-Centre.	
Current Use(s)	Local centre car park (c. 50 spaces) and used car business.	
Relevant Planning History	None.	
Planning Policy	Site is not subject to any site specific policy designations.	
Assessment	This sequential site comprises 2no. individual parcels of land including Purbrook Motor Company and car park. Whilst a prominent site on the corner of London Road and Ladybridge Road the site is too small to accommodate the application proposals, or a flexible form of them. Even with the inclusion of Ladybridge Road car park the total site would, clearly, remain of insufficient size. The two land parcels are also within separate ownership and separated by residential uses. It would not be possible to disaggregate a discount foodstore across both sites. Furthermore, both sites remain in active use and are unavailable for sequential test purposes.	



Site 7:	Brent House & 138 Purbrook Way	
Sequential Status	Edge-of-Centre (Middle Park Way Local Centre).	
Current Use(s)	Residential and offices for local charity (Off The Record – South East Hampshire), youth and community centre.	
Relevant Planning History	Application ref: APP/20/00735 for internal alterations to increase the number of flats from 26 to 29 was granted on 25/06/2021. There are no relevant applications available online for 138 Purbrook Way.	
Planning Policy	Edge of Middle Park Way Local Centre. No site specific designations. Core Strategy Policy DM2 states that development proposing the loss of any premises or land currently, or last used as a community service and facility, will only be permitted when it can be demonstrated to be no longer viable and/or no longer required for community use.	
Assessment	138 Purbrook Way is occupied by Off the Record, a local charity who use the site as a youth and community centre. Brent House has seen application ref: APP/20/00735 be implemented since permission was given and the flats are now occupied. Therefore, the site is not available in the first instance, nor is there any evidence that the site will become available in the near future. In any event, at just 0.29 hectares the site is too small to accommodate the application proposals, or a flexible form of them, and has been discounted for the purposes of the sequential test.	

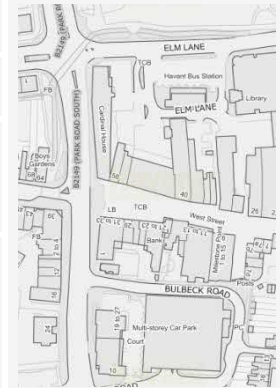


Site 8:	Crown Bingo, Somborne Drive, Leigh Park, PO9 5AN	
Sequential Status	In-Centre (Leigh Park).	 
Current Use(s)	In use as a bingo and social club.	
Relevant Planning History	No relevant planning history associated with this site. Previous application concern the change of use of ground floor from bingo/snooker/leisure use lounge to solely bingo hall (93/51296/007) and external smoking areas, etc. In the context of the application proposals, it is also relevant to have regard to planning application (Ref. 06/71971/001) granted 21st March 2007 and which allowed for demolition of existing office building and construction of a neighbourhood foodstore and two storey office and reception. The proposal is now built and trading directly opposite this sequential test site.	
Planning Policy	This sequential test site is not subject to any site-specific policy designations/allocation. However, the site falls within the defined local centre boundary for Leigh Park with the Allocations plan (2014).	
Assessment	The site is currently in use as a bingo and social club and is therefore unavailable for sequential test purposes. Furthermore, at c.0.6 hectares the site is significantly smaller than that of the application site and even if it were available (it is not), would not be suitable for sequential test purposes. For these reasons the site has been discounted from the sequential test assessment.	

Site 9:	79-81 Greywell Road, Havant, PO9 5AH		
Sequential Status	In-Centre (Leigh Park).		
Current Use(s)	Vacant retail unit.		
Relevant Planning History	A planning application for a new opening for a gate in the rear brick wall was granted on 07/02/2022 under the reference APP/21/01398		
Planning Policy	This sequential test site is not subject to any site specific policy designations/allocation. However, the site falls within the defined local centre boundary for Leigh Park with the Allocations plan (2014) and forms part of a Primary Frontage.		
Assessment	The site is currently vacant and therefore available for sequential test purposes. However, at c.0.6 hectares the site is significantly smaller than that of the application site and is not be suitable for sequential test purposes. In addition, there is no nearby or dedicated car park which would be vital for many customers doing their weekly shop. For these reasons the site has been discounted from the sequential test assessment.		



Site 10:	44-54 West Street, Havant
Sequential Status	In-Centre (Havant)/Primary Shopping Frontage.
Current Use(s)	Mixed retail and residential use.
Relevant Planning History	Planning approval (Ref. APP/10/00992) was awarded in February 2011 for the demolition of existing shops and flats and construction of a mixed use building providing in the region of 650m ² of retail (Class A1) and 14no. 2-bed flats. That permission has been implemented.
Planning Policy	Site forms part of primary shopping frontage whilst part of the site falls within Flood Zone 3.
Assessment	The site is unavailable for sequential test purposes, having recently been occupied by a number of retail stores at ground floor level, whilst the first and second floor appear to be occupied. Furthermore, the retail element of the scheme delivers just 650m² of A1 retail floorspace and is, clearly, of an insufficient size to accommodate the application proposals, or a flexible form of them. Accordingly, the site is both unavailable and unsuitable for sequential test purposes.



Site 11:	East Street, Havant Town Centre		
Sequential Status	In-Centre/Part of Primary Shopping Frontage.		 
Current Use(s)	Mixed use.		
Relevant Planning History	Various planning history associated with individual buildings including change of use applications, listed building consent, conversion of upper floors to residential purposes, demolition of existing buildings and erection of apartment led schemes, etc.		
Planning Policy	This wider site is identified as an allocated regeneration area situated in the eastern part of Havant Town Centre. In includes a range of buildings and land from 10 North Street southwards towards the White Hart Public House at 1 East Street, then eastwards from 3-17 East Street, 2-12 The Pallant, St Faith's Church House and Church Hall and the car parks at East Pallant and the Bear Hotel. Within the existing Allocations Plan (2014), the site is identified as a mixed use allocation under Policy HB3 (Havant and Bedhampton Mixed Use Allocations). The site (Ref. H22) is acknowledged as having a total site area of c.0.93 hectares with proposed uses including housing (40 dwellings), community uses, alongside main town centre uses. Policy H22 identifies a number of known constraints associated with the site including several listed buildings, St Faith's Conservation Area, moderate potential for archaeological deposits, ground quality issues and potential residential amenity concerns.		
Assessment	The area around St Faith's Church, now a Conservation Area, marks the historic core of Havant Town Centre. It is characterised by many small, local and independent businesses. As has become clear through a review of the planning history, many premises have been, or are in the process of, being converted to residential use. This shift appears to have taken place organically following a relaxation of planning policy. Indeed, the Authority have concluded, through a review of town centre boundaries (Havant and Waterlooville Retail and Town Centres Study – June 2016) that 'several units previously occupied by a mixed range of uses at the eastern end of East Street including shops and offices were converted into residential use between 2005 and 2015. As discussed in Section 10, this shift has taken place naturally following a decision to enable flexibility and opportunity in the market by removing the tertiary frontage in Policy TC8 of the 2005 Havant Borough District Wide Local Plan, when it was superseded by the Local Plan (Allocations) in 2014'. Accordingly, it has been concluded that East Street no longer performs a town centre function and should be removed from the town centre boundary. It is, therefore, expected that the area will remain the focus of residential-led regeneration. In sequential terms, it cannot be said that this site is available. Any mobilisation of the site (for foodstore purposes) would necessitate a complicated land assembly process which would not be feasible for a standalone discount foodstore compared to an alternative undeveloped site within single ownership. Furthermore, many of the buildings remain in active use and/or benefit from recent planning permissions. Acquiring this major site for a single discount foodstore would not be viable and would give rise to a number of heritage concerns. For these reasons alone, the site is discounted from the sequential test assessment.		

Site 12:	Town End House, Havant		
Sequential Status	In-Centre.		
Current Use(s)	Offices, associated buildings, open space and car parking.		
Relevant Planning History	None.		
Planning Policy	Site is identified under Policy HB3 (Allocations Plan – 2004) (Havant and Bedhampton mixed use allocations) as a potential mixed use site (including housing and main town centre uses). The policy indicates a site area of 0.49 hectares and potential capacity for in the region of c.19 dwellings. In describing the site, Policy H72 remarks the following ‘the site includes Town End House (vacated by Hampshire County Council and surplus to their use), associated buildings, open space and car parking’. Mature vegetation lines the southern and eastern boundaries of the site and The Spring Arts Centre (former Town Hall) is located to the east. The land used as a public car park does not form part of the allocation. A number of known constraints are identified with the site including conservation area, potential for archaeological deposits and retention of, and no negative impact on, the protected open space. Furthermore, one of the site specific development requirements identified by Policy H72 is to utilise the existing access onto East Street.		
Assessment	In the first instance this site at c. 49 hectares is too small to accommodate the application proposals, or a flexible form of them. It is a complicated site adjacent to public open space and town centre car parking, alongside The Spring Arts and Heritage Centre. It would not be able to deliver the required car parking and servicing and can in no way be considered suitable for food retail purposes. The shared access from East Street would also not meet the commercial operator requirements of Lidl. In addition, the site appears in active use and is, therefore, unavailable for sequential test purposes and has been discounted from the assessment on that basis.		



Site 13:	Post Office, Delivery Office, Havant, PO9 1QR
Sequential Status	Edge-of-Centre (Havant).
Current Use(s)	Royal Mail Delivery Office.
Relevant Planning History	None. Historic planning application (Ref. 92/54697/001) regarding alterations to main elevation appears the only planning record.
Planning Policy	Site is not subject to any site specific designation. The site was put forward through Council's Strategic Housing Land Availability Assessment (August 2020) Site Ref. HB39. However, it was discounted due to its availability. The site was also a former housing allocation, which was not taken forward into the current Allocation Plan (2014), as the site was considered no longer available for development.
Assessment	This site is too small to accommodate the application proposals, or a flexible form of them. Furthermore, the site remains in active use as a post office sorting office and is, therefore, unavailable (consistent with the conclusions reached through the Council's SHLAA – August 2020).



Site 14:	Market Parade, Havant
Sequential Status	In-Centre.
Current Use(s)	Mix of uses.
Relevant Planning History	Outline planning application with all matters reserved for demolition of existing buildings and redevelopment of site to erect 130no. apartments and 1,126m ² of ground floor commercial/retail space (Use Classes A1-A5 and B1(a)) (indicative height of building between 5 and 13 stories) was approved in August 2016. However, the permission has since lapsed.
Planning Policy	The Market Parade site is identified within Policy HB3 (Havant and Bedhampton Mixed Use Allocations) – Allocations Plan 2014, as a mixed use application (Site Ref. H10/BD30). The policy acknowledges the site to total c. 1.55 hectares and being suitable for a range of uses including housing (c. 200 dwellings, offices, 1,500m² alongside main town centre uses). The precise wording of the policy also identifies a number of constraints with the site including Flood Zone 3, St Faith's Conservation Area, whilst acknowledging that many of the commercial units remain in use. The site is considered a major development opportunity with Policy H10/BD30 advocating a coordinated approach to the delivery of the mixed use allocation, whilst recognising the potential to deliver transformational regeneration and a landmark building at an important gateway location to the town (adjacent to Havant Railway and Bus station).
Assessment	Market Parade is identified as a comprehensive regeneration opportunity within both the existing and emerging Development Plan. Bringing forward of the site of the form and type envisaged through planning policy, will require a complicated land assembly and coordinated approach to delivery. Many of the units remain in active use and there is no indication that the site is likely to be available within a reasonable period of time. It is also telling that despite benefitting from a favourable planning history there appears, to date, little progress in terms of realising the expectations of the allocation at this location. It would be entirely unreasonable to expect Lidl to bring this site forward for mixed use development. Only the provision of a single retail unit is within Lidl's remit. They are not capable of facilitating comprehensive development – and nor should they be expected to do so. For these reasons the site is both unavailable and unsuitable for the application proposals, or a flexible form of them.



Site 15:	Meridian Shopping Centre, Elm Lane, Havant
Sequential Status	In-Centre/Primary Shopping Frontage (Ground Floor).
Current Use(s)	Purpose built in-centre shopping centre.
Relevant Planning History	None.
Planning Policy	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 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 enhancements to the building and to seek a new mix of tenants. First floor occupancy remains a challenge and may warrant considering an alternative, non-retail approach. For example, a new leisure use such as a cinema or a gym, subject to a suitable and viable scheme coming forward.
Assessment	Following a site visit it was observed that there were a number of vacant units located within the Meridian Shopping Centre, principally at first floor level. Only one unit was observed as vacant at ground floor level. The largest of the vacant units equates to c.550m². Therefore, all available units within the Meridian Centre are, in the first instance, too small to accommodate the application proposals, or a flexible form of them. Furthermore, in commercial terms, it should also be noted that the upper floors of the Meridian Centre have proven unsuccessful in commercial terms for many years owing to poor levels of pedestrian footfall. The Council's own policies recognise that alternative and more flexible uses of the upper units should be sought. The available units do not benefit from high levels of visual prominence, tucked away in a peripheral area of the town (first floor is not highlighted as either primary or secondary frontage) and would not be suitable for the named occupier. Furthermore, the lack of suitable surface level car parking and servicing arrangements would render the site unsuitable in sequential test terms. Owing to the above, units within the Meridian Centre have been discounted from the sequential test assessment for reasons of suitability.



Site 16:	Portsmouth Water Headquarters, West Street, Havant, PO9 1LG		
Sequential Status	Edge-of-Centre.	 	
Current Use(s)	Office Headquarters (Portsmouth Water).		
Relevant Planning History	No relevant planning history associated with this site.		
Planning Policy	Site is identified for residential development with the Allocations Plan (2014) (Policy HB1 Site Ref. H:14). The policy considers the site as having the potential for c.120 residential units. The respective site proforma notes that Portsmouth Water Company intend to relocate their offices to an alternative location. A number of constraints are identified for their site including TPO's, Brockhampton Conservation Area, listed building and Buildings of Local Interest. The site is also identified in the Pre-Submission Havant Borough Local Plan (Policy H17), as a residential allocation, with potential to accommodate c.135 dwellings.		
Assessment	This site currently remains in active use for an office headquarters development and is, therefore, unavailable in the first instance. The site is also a longstanding residential allocation which is expected to come forward as part of a masterplanned approach. The emerging policy does not include any provision for retail purposes. We are aware that the site is being promoted for residential purposes consistent with the existing and emerging Development Plan and, therefore, a retail proposal would be contrary to adopted policy and future aspirations for the site. Accordingly, the site is both unavailable and unsuitable for sequential test purposes and has, therefore, been discounted from the assessment.		

Site 17:	Unit 1, Dukes Walk, Waterloooville, PO7 7HS (Former Waitrose Unit)	
Sequential Status	In-Centre/Primary Shopping Frontage.	
Current Use(s)	Vacant (former Waitrose foodstore).	
Relevant Planning History	Various planning records associated with the site including most recently, planning application Ref. APP/14/00235 which sought a variation of Condition no. 1 of planning permission 00/53856/008 to allow deliveries between 06:00 – 22:00 Monday to Saturday and 08:00 – 20:00 on Sundays. That application was allowed in May 2014. The former Waitrose was originally approved under planning application Ref. 98/53856/003, which permitted demolition of no. 29 Stakes Hill Road, nos. 3, 5 and 7 Spur Road and the Tavern Public House and construction of 15no. food and non-food retail outlets (9,684m ²), first floor leisure use and c. 250car parking spaces.	
Planning Policy	This sequential test site is not subject to any site-specific planning policy designations – other than falling within Waterloooville Town Centre as defined by Policies CS4 and AL3 of the adopted Local Plan. These policies seek to promote main town centre uses including A1 retail shops to protect and enhance the vitality and viability of the town centre. Emerging planning policy confirms Dukes Walk as one of the primary shopping areas in the centre.	
Assessment	Unit 1A, Dukes Walk is a large purpose-built retail unit that was previously occupied by Waitrose. It is located at the corner of Dukes Walk and Stakes Hill Road and forms part of the Dukes Walk Shopping Parade – a relatively modern retail complex located within Waterloooville Town Centre. This includes a shared car park accessed from either Curzon Road or Stakes Hill Road. The former Waitrose unit has a service yard, located to the south-east of the store which takes access from the car park access road closest to the Stakes Hill Road entrance. It is our understanding that Waitrose vacated the unit in the summer of 2020. Dukes Walk Shopping Centre consists of a terrace of 11 retail units, alongside the former Waitrose and Wilko. These two large units, in effect, anchor the shopping centre either side of the smaller retail terrace. All units overlook the shared surface level car park. Having utilised Promap data, an estimate of the gross areas of the units, forming part of the Dukes Walk development, are as follows: Former Waitrose – 2,692m². Wilko – c.1,600m². Units 1 – 11 (Dukes Walk) – c.2,195m². It should also be noted these estimations relate to ground floor gross areas only (as measured from Promap) and do not include first floor uses such as, for example, the Pure Gym (above the Wilko). The former Waitrose unit totals 28,972ft² (gross area/c.2,700m²). However, this is just the ground floor sales area. It does not include various back of house areas at both lower ground and first floor levels, which add to a total of 42,680ft². Therefore, when viewed in isolation, the ground floor of the former Waitrose is c. 80% larger than the sales area proposed for the application proposals (c.1515m²) and c.161% larger, than the entire gross internal area for the application proposals, when incorporating back of house accommodation (1002m²). Even when allowing for appropriate flexibility, in respect of format and scale, there can be no credible assertion that the former Waitrose unit is suitable for the broad type of development which is proposed. It is a store that has, clearly, not been designed for discount food retailing. Alongside the excessive size of the unit, when compared to the application proposals, its configuration also means it is unsuitable for the application proposals, or a flexible form of them. It is of an irregular footprint with excessive ancillary and back of house accommodation	



Assessment cont.

arranged over multiple levels. The former Waitrose takes the form of an anchor destination store, rather than a modest neighbourhood store as proposed. Put simply, the Waitrose unit is far too large for Lidl to take occupation and far surpasses their identified 'need' for the catchment.

In considering the suitability of the Waitrose store, for sequential test purposes, we have visited the site and studied available store layout plans. In addition to the unsuitability of the unit from a sales area perspective, it is also notable that the unit takes the form of a multi-level store. Importantly, having regard to the Lidl operation, the service yard is at a lower ground floor level, along with the main warehouse and back of house spaces. Additional accommodation (including staff welfare/ancillary facilities and offices) is provided at first floor level. From an operational perspective, the servicing and delivery arrangements of the unit would not be acceptable to the retailer. As articulated throughout the submission, Lidl require level access from back of house accommodation direct to the sales floor. This is a prerequisite to allow for their efficient stock handling procedures, including the moving of palletised goods. The former Waitrose unit, arranged over several levels, does not provide for level access for deliveries. Therefore, alongside the size of the unit, its configuration also renders it unsuitable for the application proposals, or a suitably flexible form of them. It is of an irregular shape with multiple columns across the sales floor, prohibiting the efficient display of goods and merchandising.

Delivering the LAD business model has implications for the design and layout of Lidl's stores. A critical component of which is the size and configuration of a store which is capable of supporting Lidl's stock handling procedures and the ability to stock its standard product lines in sufficient depth (to both minimise servicing costs and maintain product availability for customers). The restriction that this places on the ability of Lidl to be 'flexible' in its format is, therefore, relevant to the application of the sequential test. Indeed, this has been accepted by the SoS and Inspectors through various appeal decisions. In short, there are inherent characteristics of the LAD business model that limit the scope for flexibility. Such characteristics have been identified as (1) a store of a size that may accommodate all functions that form the business model, (2) the need for a high proportion of sales relative to storage space, (3) a need to enable efficient movement of palletised goods and (4) the fact that Lidl concentrate on selling a limited range of primarily convenience goods. The former Waitrose unit falls on a number of these fundamental operating requirements.

Furthermore, the reliance upon a shared pay and display car park would not be acceptable to Lidl, from a commercial operation perspective. As set out in Havant Parking SPD, the car parking requirements for A1 non-food and A1 food use are 1 space per 20m² and 1 space per 14m² respectively. On this basis, the sales area of the former Waitrose Unit alone would generate a parking requirement in the region of 200 car parking spaces. In comparison, the Wilkinsons and Units 1 – 11 Dukes Walk (inclusive) would generate an additional requirement of 190 car parking spaces. On this basis, the total level of car parking available at Dukes Walk (251) is c.64% of the minimum parking spaces, as prescribed within the SPD. Available car parking at Dukes Walk is likely to be less than this, when taking into consideration the individual parking requirements of other uses including the Pure Gym, Public Library and Waterloo town centre generally.

Access to sufficient customer car parking is a prerequisite for discount food retailing purposes. They require ample surface level car parking adjacent to the store and for which they retain absolute control. A chargeable car park which has limited capacity would place Lidl at a significant trading disadvantage when compared to their competitors.

In addition to the fundamental operational deficiencies with the former Waitrose unit for discount food retail, it is also important to note that this location has already failed in commercial food retail terms with Waitrose having taken the corporate decision to cease trading from the location. In part, this may be afforded to the peripheral location of the unit which faces away from the centre and which does not appear to benefit from strong pedestrian flows.

Within the submission of the previous application, the Council sought independent retail advice from Stantec. Stantec concluded that:

"We reluctantly accept that the former Waitrose unit is probably not suitable for the development proposed. On the face of it, a former foodstore unit in a town centre should be able to physically accommodate a LAD (Limited Assorted Discounter) foodstore of a smaller footprint. Having given this issue considerable thought, we have concluded that despite there potentially being a solution to the car parking issue and other compromises could potentially be reached, the applicant's supplementary submission does provide compelling reasons which demonstrate that the former Waitrose unit is not suitable for the proposed development."

Assessment cont.

In regard to redevelopment of the site, the freehold to the site is not available and it would not be within the remit of the leaseholder to demolish and rebuild. Even were the freehold to become available, there would be a significant premium on the purchase due to the presence of the existing building. The site, at 0.36ha, is significantly smaller than the application site and therefore, any future redevelopment would need to adopt the split-level format of the Waitrose unit, which is precisely the issue that cannot be overcome by retaining the existing unit. Redevelopment of the site would also not resolve the parking issue identified above.

The inability to use this store for LAD retailing was accepted by the Council for the previous application, as it was also accepted by the Council for application reference APP/21/00399 for an Aldi store at Land at Waterloo Park, Elettra Avenue, Waterloooville.

Accordingly, the former Waitrose Unit is considered unsuitable for sequential test purposes. It has been discounted on the basis that the unit is clearly unsuitable for discount food retail of both the form and scale of the proposals, as presented through this application, or a flexible form of them.

Site 18:	Wellington Way, Waterloooville	
Sequential Status	In-Centre/Primary Shopping Frontage.	 
Current Use(s)	Purpose built 1970's shopping parade with high vacancy rate (including vacant units fronting London Road).	
Relevant Planning History	The site was previously subject to a planning application (Ref. APP/18/00234) which sought planning consent for demolition of existing shopping parade and redevelopment of the site to provide a nine storey building consisting of 264no. 1-bed/studio build to rent apartments and associated amenity facilities, an A2 unit (Financial and Professional Services), together with associated parking and landscaping. A further application (APP/19/00513) sought approval for the erection of a multi-storey car park to provide 263 car parking spaces on the existing Wellington Way car park was also submitted to the Authority. Both applications were withdrawn in February 2023.	
Planning Policy	Wellington Way (including retail parade) is the subject of allocation Policy W110 'Wellington Way' within the Council's adopted Allocations Document (2014) which identifies the site as forming part of an allocation to improve the viability and vitality of the town centre and accommodate residential development. It is also identified as providing a development opportunity to contract the retail offer and introduce high density residential development.	
Assessment	Whilst Wellington Way contains a high number of vacant units, none are of an appropriate size to accommodate the application proposals or a flexible format of them. Bringing forward a scheme which demolished these units and brought forward a comprehensive redevelopment on the site would require a complicated land assembly and coordinated approach to delivery. Some of the units remain in active use and there is no indication that the site is likely to be available within a reasonable period of time. The withdrawn applications on the site, following nearly 3 years of negotiation with the Council, demonstrates that there would be viability issues with such an approach. It would be entirely unreasonable to expect Lidl to bring this site forward for such comprehensive redevelopment as only the provision of a single retail unit is within Lidl's remit. They are not capable of facilitating comprehensive development – and nor should they be expected to do so. For these reasons the site is both unavailable and unsuitable for the application proposals, or a flexible form of them.	

Site 19:	Asda/Community Centre, Portland Road, PO7 7XR	
Sequential Status	In-Centre.	
Current Use(s)	Asda Foodstore and Waterloooville Community Centre.	
Relevant Planning History	Various planning applications associated with long-standing retail use of the site. Application for extension to community centre (Ref. APP/18/00630) for use as a post office (APP/13/00126).	
Planning Policy	This sequential site relates to Waterloooville Community Centre, Asda car park and adjacent Asda foodstore. The site falls within the defined town centre (Waterloooville) and is also part of Allocation W109 under Policy WA2 for Waterloooville mixed use allocations. These consider the site being suitable for housing and main town centre uses. The site was identified through the Waterloooville Town Centre Framework SPD and considered to represent an important redevelopment opportunity for the town centre that has the potential to transform it in terms of urban design and shopping facilities. The Waterloooville Major Development Area (MDA) to the west represents an opportunity for interaction with the east of the town centre. One of the site specific development requirements for bringing the site forward includes the relocation of the existing Asda store, or re-provision if required. The allocation is taken forward through Policy KP2 'Waterloooville town Centre' which notes the following 'if this area becomes available for development, a comprehensive approach should be taken which considers residential, community, leisure and retail redevelopment. Development is expected to re-provide community centre, provide a comprehensive mixed use development and improve pedestrian and cycle connectivity'.	
Assessment	This site is not available for sequential test purposes and remains in active use. Nor can it be said the site will become available within a reasonable period of time. There are no indications existing occupiers are in the process of relocating and, owing to the requirements to deliver a comprehensive development at this location, this is not likely to be achieved in the short-medium term. Furthermore, to bring forward a discount foodstore at this location would require the re-provision of the existing Asda foodstore. There is no indication the site is available for this purpose, nor is it realistic that such a proposition would be supported by Asda to directly benefit one of their competitors.	





Land adjacent to B&Q, Purbrook Way, Havant, PO9 3QJ

Planning and Retail Statement

Document 5

SPL Rebuttal Letter to LPA



Lewis Oliver
Principal Planning Officer
Planning Services
Havant Borough Council
Public Services Plaza
Civic Centre Road
Havant
PO9 2AX

26th October 2021

Dear Mr Oliver,

Planning Application APP/20/01221 – Land to the west of B&Q, Purbrook Way, Havant

I write in relation to the above planning application and in response to the Retail Audit (RA) prepared by Stantec, received 19th August 2021.

Following a review of the RA, the following conclusions may be drawn:

The catchment area of the proposal (approximately a 5-minute drive-time) is acceptable. This includes (part of) Havant and Waterlooville Town Centres.

Stantec agree the majority of identified sequentially preferable sites are neither suitable and/or available. They warrant no further consideration.

There is no requirement for undertaking a Retail Impact Assessment (RIA).

Unit 1 (Dukes Walk, Waterlooville PO7 7HS) (the former Waitrose Unit) requires further consideration for the proposal to pass the sequential test.

This letter responds with additional information regarding the suitability, availability, and viability of the former Waitrose unit for sequential test purposes. It does so under several headings and concludes the application proposals pass the sequential test. There is no reason why planning permission should not be granted on this basis. This letter is supported by the following information:

Feasibility Plans (drawing ref. AD_001 and AD_002), prepared by One Design (Document 1).

Occupational Review of Former Waitrose Unit (dated 13th October 2021), prepared by ESH Property Advisors (Document 2).

Letter from Mr James Mitchell, Regional Head of Property for Lidl (Document 3).

Background

Whilst application of the sequential test is a matter of planning judgement, its meaning is not. The requirement for undertaking a sequential test is made clear in paragraph 87 of the NPPF (last updated on 20th July 2021). This confirms the 'town-centre first' approach and is worded as follows:

"Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. 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.”

Paragraph 91 then states that where an application fails the sequential test, it should be refused.

The sequential test is an express recognition, in national policy, that alternative sites are not always readily available, suitable, or viable within town centre boundaries. The purpose of the test is to direct retail developments to town centre locations where possible having regard to commercial and practical considerations etc.

In summary, applying the sequential test means:

1. First assessing whether there are available sites that are suitable in sequentially preferable locations which are likely to be available within a reasonable period of time.
2. Acknowledging the market and locational requirements of the uses concerned.
3. Ensuring the assessment is proportionate and appropriate to a proposal.
4. Being flexible to demonstrate whether more central sites have been fully considered.

Interpreting the need for flexibility the Supreme Court in *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13 held that in defining the term ‘suitable’, reference should be made to the design of the developer’s proposals, subject to a demonstration of flexibility and realism. An assessment must reflect the fact that a retailer operates in the real world. The question is whether an alternative site is suitable for the proposed development, not whether the proposed development could be altered, or reduced, so that it can be made to fit an alternative site.

The principles underpinning the suitability of an alternative site were discussed in the case of *R (on the application of Zurich Assurance Ltd t/a Threadneedle Property Investments) v North Lincolnshire Council* [2012]). At paragraph 62 of the judgement the Court held:

“Working in the real world, the committee were entitled (and indeed, bound) to take into account the evidence that any arrangement in which Marks and Spencer used the TJ Hughes unit (the only available unit in Scunthorpe town centre) would not be commercially viable, and that, because of that lack of viability, Marks and Spencer would not locate to Scunthorpe town centre in the event that this Application for the site was refused.”

These judgements, in effect, establish two key principles when interpreting planning policy:

1. Decision makers cannot interpret planning policy in any way they choose, subject to only the limits of rationality. Interpretation of planning policy is a matter of law and policy statements should be interpreted objectively in accordance with the language used, read always in its proper context (Lord Reed, paragraph 18 in *Tesco Stores Ltd*).
2. Whether a town centre site is ‘suitable’ refers to the suitability of sites for the development specifically proposed yet applying suitable flexibility (paragraph 25 of *Tesco Stores Ltd*).

In a claim for Judicial Review of an out of centre store in Gloucestershire (*Warners Retail (Moreton) Ltd v Cotswold District Council and Others* (2016)), the Court of Appeal considered reasonableness in terms of flexibility, concluding that flexibility is determined on a case-by-case basis. The court held that format and scale inevitably depend on the facts and circumstances, as well as the applicant’s preferences and intentions. However, the sequential test should not become a self-fulfilling activity, divorced from public interest.

The High Court Judgement (Threadneedle Property Investments and Simons Developments Ltd v North Lincolnshire Council (CO/4764/2021)) further considered the Supreme Court interpretation. It confirmed the need to take account of the operator's commercial requirements. In the case considered by the High Court, the Court came to the view that 'operator specifics' were relevant in applying the sequential test.

The rulings are clear that there must be realism applied to the sequential test, having regard to the business model of the applicant, commercial realities, and business decisions.

The 'Mansfield Judgement' (Aldergate v Mansfield District Council & Anor 2016) clarified further that the sequential test should be considered based on the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale.

The Judgement confirms that, in applying the sequential test, the decision maker will generally be required to consider the type and format of the proposed development, rather than the requirements of any specific named operator. It identifies that the area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content.

Reference has been made to an appeal decision known as Mansfield Road, Sutton in Ashfield (Appeal ref. APP/W3005/W/20/3265806). In that case, Asda owned a town centre site known as Northern Bridge Road (NBR) which, they maintained, was sequentially preferable and was both suitable and available. By way of background, it was accepted operationally that, in principle, the NBR site could accommodate the proposed development. Rather, its suitability focused on whether the proposed development would run contrary to a Town Centre Masterplan. This is an important distinction when compared to the application proposals. Furthermore, it is important to acknowledge that each sequentially preferable site, subject of these two appeal decisions represented unconstrained development sites. This is again an important distinction.

Against this background, the parameters of the sequential test should be established having regard to the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale whilst considering the commercial realities of the respective business model, which in this instance is for a Limited Assortment Discounter (LAD) store. This remains a key consideration in applying the sequential test.

Proposed Development and Site Requirements

The proposed retail unit extends to c.1,899m² gross with a net sales floorspace of c.1,256m², together with car parking for in the region of 131 vehicles. The company's standard store format is c.1,414m² net with c.120 car parking spaces. The proposal for Havant is for a slightly modified (smaller) version of Lidl's standard format. It follows, therefore, that Lidl are already demonstrating an element of flexibility in unit size.

Delivering and maintaining the LAD business model has consequences for the design and layout of Lidl's stores, and therein, their site requirements. To be suitable a site must be capable of delivering a store which can stock Lidl's full product range, carry that range in sufficient depth so that products do not run out and provide for Lidl's stock handling requirements. All are key components of the LAD model.

The restriction a LAD business model places on the ability for Lidl to be 'flexible', in its format remains critical in applying the sequential test. It can't simply be ignored. The Court judgements (Tesco Dundee) affirm this.

There is and remains a distinction between a LAD foodstore and other foodstore operators who may have greater ability to be flexible in both their format and scale for sequential test purposes. In terms of site requirements, these

are set out within our Planning and Retail Statement (2020). For ease, they are replicated below:

Prominent sites with main road frontage serving a compact catchment.

A regular shaped site area (ensuring adequate product display and movement of products).

Accessible sites with strong pedestrian and/or traffic flows.

Sites that can deliver the following:

- A customer orientated layout with simple, straightforward access.
- Car parks which are located close to the store and at ground level for ease of access.
- Parking spaces which are generously designed and clearly marked.
- Spacious sales areas with wide aisles for a more comfortable shopping experience.
- Ample and operationally efficient warehouse space to ensure constant product availability.
- Logical store layouts with simple merchandising ensuring customers can find the same products in the same place in each store.
- Sites must be capable of being serviced by an HGV which can enter and leave the site in a forward gear.

Fundamentally, it is necessary for the proposed development to have adequate servicing arrangements, floorplates should not be unduly restricted by columns, the arrangement of the store should allow for appropriate trolley management and security arrangements, stores should also benefit from a high level of store visibility, footfall, and extensive public transport connections. There must also, of course, be confidence in the long-term commercial viability of any location.

The former Waitrose unit simply does not meet, or satisfy, these key criteria. If it did meet the key LAD criteria Lidl, or their competitor Aldi, would have no doubt pursued the store. It is highly telling that neither have sought to do so despite both having requirements in the area and progressing live planning applications for alternative locations. In this respect, correspondence recently placed on the planning file for the Aldi application (ref. APP/21/003991) from Harris Lamb, confirms that Aldi have no interest in taking the Waitrose unit as it does not meet their floorspace needs nor their store configuration or customer car parking criteria.

Accordingly, it is not just Lidl who are saying the Waitrose unit is unsuitable for LAD retail. Their principal competitor, Aldi, clearly thinks likewise. Had the Waitrose unit presented a realistic and suitable option to deliver a LAD store Lidl, or Aldi, would have pursued it to steel a march on the other. This assumes greater importance given the expansion plans being pursued by both Lidl and Aldi. They have not chosen to do so which speaks volumes about its suitability, or more accurately, its unsuitability.

None of the LAD key operating criteria present favourably when considering the former Waitrose unit, Dukes Walk, Waterlooville. The same commercial constraints are applicable to any LAD.

Suitability/Availability

There are two distinct stages to the sequential test. The first stage is whether a site is suitable. Only if a site is

suitable is there a requirement to undertake an assessment of availability.

Although the meanings of 'suitable' or 'available' are not defined in the NPPF, guidance is provided in the Judgement of Ousley J in the Aldergate Properties Case. Suitable and available generally means suitable and available for the broad type of development proposed in terms of approximate size, type, and range of goods. However, the 'developer blind' approach is not an absolute rule and neither does it foreclose the exercise of judgement where circumstances may warrant a departure. This was made clear by Ousley in paragraph 43 of his judgement:

"...identity may matter, notably where the town centre needs representation by different retailers, or where town centre sites are being hoarded by developers/retailers who refuse to develop them, but also refuse to sell them...There may be other good reasons too, why a court interpretation of policy should not be expressed in terms which are too rigid."

The suitability of the former Waitrose unit has not, at any point, been excluded from the sequential assessment on the basis that the occupier is Lidl but, rather, on its inherent unsuitability for any form of LAD retail. This is a subtle, yet important, distinction in applying the sequential test.

The 'suitability' and 'availability' of the former Waitrose unit (Dukes Walk) is reconsidered below.

Suitability of Former Waitrose Unit (Dukes Walk)

Our original sequential test appraisal is clear as to the reasons why the former Waitrose unit is not 'suitable' for the application proposals, or a flexible form of them.

There is a world of difference between the suitability of a site and its mere physical ability to accommodate a proposal. The ability of a sequentially preferable site to accommodate a development does not routinely render it suitable for the purposes of the sequential test.

On this point, Stantec comment that "a purpose-built retail unit formerly occupied by a foodstore operator in a unit larger than the development proposed – with a shared, surface-level car park sounds like it should be suitable for the foodstore proposed". This takes a very narrow view of the matter and appears to dismiss the commercial and operational realities of LAD retailing.

Unit Size

We disagree with Stantec that the respective size of the unit is not a strong reason why the former Waitrose unit cannot be considered suitable. It is clear the unit has been designed to form an anchor to Dukes Walk. Based on information available within the public domain the unit has a sales area of c.23,339ft² (c.2,168m²). The sales area is c.9,817ft² (c.912m²) larger than that proposed. Even when allowing for appropriate flexibility in respect of format and scale, there can be no credible assertion the former Waitrose unit (as existing) is suitable for the broad type of development proposed. It far surpasses the modest operational requirements of a LAD.

Stantec appear to acknowledge this point within their letter commenting as follows:

"The applicants first point on suitability is that the former Waitrose unit is larger than that proposed by the application proposal. We are of the view that this is not a strong reason as to why the former Waitrose is not suitable for the development proposed. We understand that the landlord is open to discussing how they can make the unit, or part of it, be reconfigured or adopted to meet the occupier's specification and requirements, including those of a supermarket operator."

The subdivision/reconfiguration point is considered below.

Subdivision

The only basis in which a LAD could, theoretically, occupy floorspace within the former Waitrose is on the assumption the space is successfully subdivided.

In this regard, feasibility plans have been prepared by One Design and are provided at Document 1 (drawing refs. AD_001 and AD_002). Given any operator would require maximum retail prominence, occupation is focused on the main entrance to the former Waitrose unit.

The following conclusions may be drawn in relation to the physical inability of the former Waitrose unit in accommodating the application proposals, or a flexible form of them, and following the necessary reconfiguration and/or subdivision.

Proposed Store Layout Drawing No. AD_001 (Option 1)

Drawing No. AD_001 shows a proposed Lidl foodstore with a ground level sales floor of c.13,627ft²/1,266m² plus ancillary areas, together with a surplus ground floor Unit (Unit 2) totalling c.7,965ft²/740m² GIA sales floor. The layout shows a lower ground warehouse for Unit 2 of very linear configuration and highly convoluted access arrangements. This space would likely prove impractical for any future retailer.

The configuration, as shown on Drawing No. AD_001, is unsuitable for the following principal reasons:

The unloading/shared areas are not suitable for a LAD in this arrangement. Their operational efficiencies are significantly reduced owing, in part, to the location of chillers, freezer and bakery preparation areas across multiple floors.

The shared unloading area affords no storage space for stock handling in contrast to the application proposals.

Split level servicing does not allow for operational efficiencies in stock handling and staffing levels.

There is no opportunity for palletised goods to arrive direct to the sales floor (as there is with the application proposal). Rather, servicing and delivery arrangements are convoluted with goods stored and waste processed on different levels.

Overreliance on shared goods lifts and shared servicing areas (of which a LAD retailer would not retain full operational control).

Staff access to the bakery preparation area can only be taken direct from the sales floor (rather than a separate and direct access from the delivery area).

Cash handling procedures are far from ideal in that access would have to be taken across the length of the sales floor to back of house office areas. New stores are designed to avoid this scenario.

The proposed sales floor is constrained by numerous structural columns. This is not a suitable arrangement for a LAD retailer. LAD retailers require unrestricted trading floorspace, as far as practicable, for operational efficiency and store planning purposes. Multiple columns will lead to operational and merchandising issues.

There is no requirement for a LAD foodstore to occupy any ancillary space at first-floor level. This would likely be rendered obsolete by proposals for subdivision.

Owing to the need to achieve the required sales floorspace, or a flexible form of it, an irregular sales floor layout is provided which includes a step in the trading floor. This will compromise merchandising layouts.

Unit 2 would not benefit from any meaningful retail prominence. Rather, it will face directly onto an existing service yard (Dukes Walk).

The main sales floor of Unit 2 is of an irregular L-shaped configuration with a disproportionately narrow frontage.

Unit 2 would have little or no visibility from the main shared customer car park.

Unit 2 has minimal back of house space (c.100m²) only accessible from shared areas within the unit.

The shared loading yard for Unit 2 is set at a lower level to, and disjointed from, the sales floor and would require a convoluted route to transport goods through shared internal handling areas, up a shared goods lift, through another shared corridor and then finally into the rear back of house area. This applies equally to both layout options.

The subdivision arrangements are far from ideal and certainly not common for modern retailing purposes. It results in a far greater risk to items being damaged, or stolen, as well as requiring additional staff to manage deliveries. This is likely to significantly hamper the occupational demand for Unit 2.

Drawing No AD_002 (Option 2)

Drawing No. AD_002 shows a smaller proposed Lidl foodstore with a sales area at ground level of c.11,183ft²/1,039m² GIA plus ancillary areas, alongside a surplus "Unit 2" of c.10,452ft²/971m² GIA with a back of house area located to the rear corner. Like Option 1, the plan shows a lower ground warehouse for Unit 2 of very linear configuration and highly convoluted access arrangements via a shared corridor area at both ground and lower levels.

Whilst the proposed Lidl in Option 2 has a smaller floorspace both units appear of a more regular and rectangular shape. Unit 2 is afforded a wider frontage, yet still lacks any meaningful prominence.

The resultant sales floor of the Lidl in this option would total 1,039 m². It is some 217m² smaller than the application proposals equating to a percentage reduction of over 17%. Even allowing for an element of flexibility, such a reduction in floorspace would not be suitable for the application proposals which, themselves, represent a smaller version of Lidl's standard format. This option would result in a very limited non-food operation with the layout and size precluding a full product range. For this reason alone, the size of the unit renders this configuration unsuitable for sequential test purposes. Many of the constraints identified above apply equally to Layout Option 2.

Together with the unsuitability of the Waitrose in accommodating the application proposals any surplus retail floorspace would not meet with the needs of future retail occupiers. Subdivision to accommodate a LAD (if possible) invariably limits the attractiveness of any remaining retail/commercial floorspace (inc. resultant irregular shaped footprints and extremely poor retail prominence etc). Such deficiencies would be reflected in subsequent passing rents. This matter is considered further within the commercial retail opinion provided by ESH, and which is appended to this letter (Document 2). In summary, this makes the following observations:

There are very few live retail and restaurant requirements for Waterloo with the majority including trade or retail park specific requirements.

The lack of visibility of Unit 2 is a significant commercial disadvantage, particularly given the locational characteristics of competing locations (i.e., Wellington Retail Park).

The presence of adjoining leisure operators limits the attractiveness of this location to future leisure operators.

The level of demand for the nature of space proposed in either scenario would be very weak from a national level.

Coupled with impractical reconfiguration of the unit, and lack of visibility, it is the opinion of ESH that any proposed 'surplus' space would be effectively unlettable. At the very least, it would remain vacant for a sustained period.

The proposed space would only likely appeal, at best, to a regional or local covenant, who would be unlikely to offer the financial surety required to justify spending the capital outlay necessary to repurpose the floorspace, following occupation by Waitrose.

Rental terms would reflect lack of demand from the retail marketplace.

In summary, ESH have appraised the former Waitrose from a commercial perspective and with regard to subdividing the floorspace in the manner suggested. It is the opinion of ESH that commercial terms will significantly reflect the relative lack of operator demand for floorspace at this location. ESH suspect, therefore, that a reason for their company having not seen any marketing details for the former Waitrose unit reflects both the relatively high level of rent passing for the remainder of the Waitrose lease as well as, in Waitrose's case particularly, an acknowledgement that there is unlikely to be either appealing or financially viable options for this space.

Provision of Customer Car Parking

On the matter of parking Stantec appear dismissive of the point. They comment that "the applicant argues that the limited pay and display car parking would put Lidl at a significant trading disadvantage when compared to its competitors." The advice from Stantec continues by acknowledging that "whilst not ideal, we are of the view that car parking is not a compelling reason to argue that the former Waitrose unit is not suitable for the development proposed. For example, a foodstore operator may be able to introduce an arrangement whereby customers can claim a refund for parking at the checkouts. We understand from the landlord that the current parking arrangement is under review and that the payment system may be removed all together. According, to the landlord, any occupier of the unit could benefit from a parking payment exemption for their customers as was the case with Waitrose"

Whether Lidl customers could potentially be exempt for paying parking charges would not make this location suitable. Rather the key point is there is no opportunity to provide a dedicated car park for the sole use of Lidl customers. At the current time, customers must rely on a pay and display car park. Without dedicated spaces within the control of the applicant, there is a high-risk shoppers would be deterred from using the store whilst others wishing to use the car park (shared with Dukes Walk and serving the town centre), might also be deterred because the car park is full.

Even allowing for an element of flexibility, it is not feasible to provide dedicated car parking spaces whilst maintaining the requisite public spaces. Sufficient customer car parking is a prerequisite for LAD retailing. This was

a key reason as to why previously vacant units (No. 4 and 5) on Solent Retail Park were dismissed from the sequential test.

In that example, existing parking on the relevant part of Solent Retail Park (c.200 spaces) was shared across 7 individual units. As set out in Havant Parking SPD, the car parking requirements for A1 non-food and A1 food use are 1 space per 20m² and 1 space per 14m² respectively. The level of car parking available at Solent Retail Park is, therefore, c.49% of the minimum parking standards. There a clear and recognised under provision of car parking at this location. Concerns regarding parking were raised in relation to planning application APP/20/00688, which led to that application, seeking to increase the floorspace afforded to food retail, being refused. The application proposals provide in the region of 130 car parking spaces – 65% of the total car parking available on this part of Solent Retail Park (shared across 7 units). It is a location that is grossly underprovided for in terms of car parking to the point it is unacceptable for a food retailer. Accordingly, it is telling that Home Bargains have since taken occupation of the unit.

These arguments apply equally to the former Waitrose unit at Waterloooville. Based on a gross floorspace of c.42,000ft² (c.3,901m²) the former Waitrose would generate a parking requirement of c.278 car parking spaces (1 space per 14m²). The Wilkinsons and Units 1 – 11 Dukes Walk (inclusive) would generate an additional requirement in the region of c.190 car parking spaces. The total level of car parking available at Dukes Walk is just 251. Taking into consideration the individual parking requirements of other uses including the Pure Gym, Public Library and Waterloooville town centre generally the parking capacity of this location is likely to be further underprovided for having regard to the Council's own parking standards. To the contrary, the application proposals are largely policy compliant in terms of car parking provision, having regard to the Council's own parking standards.

SPL consider the provision of an adequate amount of car parking spaces which have a functional and relatively unimpeded relationship between the car park and the trading floorspace a fundamental component of a LAD business model. Given the high proportion of shopping trips undertaken using trolleys, if insufficient accessible car parking is provided then the commercial realities of the LAD business model would not be achieved. For a LAD store to be commercially successful, relative to their competitors, there also needs to be certainty for shoppers that car parking spaces with trolley access to the trading floorspace will be available when they undertake a shopping trip. If there is uncertainty about the availability of car parking spaces, then shoppers are likely to undertake a shopping trip elsewhere.

Put simply, the quantum of car parking available remains unsuitable to accommodate the operational requirements of the proposed development, even allowing for appropriate flexibility in format and scale.

Availability of Former Waitrose Unit (Dukes Walk)

Paragraph 87 of the NPPF states in applying the sequential test to planning applications, only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Planning Practice Guidance confirms that when considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town, or edge of centre sites, should be taken into consideration.

The proposed application scheme, if permitted, could realistically be delivered within a 12-month period. Lidl have a secured position on the site and, subject to receiving planning permission, there are no constraints to its delivery.

Commenting on the matter of availability, the RA prepared by Stantec suggests that it is “clear that the former Waitrose is available for the development proposed, with the owner of the unit seeking a foodstore operator to occupy the unit”.

The RA refers to a letter from Columbia Threadneedle Investments, the owner of the unit and which appears to suggest they are working with the leaseholder to identify a new tenant for the premises. The owner is of the view that the unit is suitable for occupation by a supermarket operator either as a whole or in part.

The subtle wording of this letter warrants further scrutiny in the context of the application proposals and to which reference has not been made by Stantec. Importantly, the letter remarks the following:

“Given a commercially viable option we would surrender the existing lease and grant a new lease on market terms.”

The unit is far from “clearly” being available for the development, on the assumption it is suitable (it is not).

The existing Waitrose lease runs until 23rd January 2026. It has over 4 years left on the term. The lease is also subject to 5 yearly rent reviews, with the last one having taken place in January 2021. The initial rent was set at a rent of £533,400 per annum. It is our understanding this increased to £675,000 per annum (Trevor Wood Database) at the last rent review.

The commercial reality of the situation is outlined within correspondence from Mr James Mitchell (Lidl Regional Head of Property), and which has also been appended to this submission. This unambiguously concludes the location is not only not suitable for a LAD operator, such as Lidl, but also that there is no plausible prospect of the unit being available within a reasonable period of time. There is no way for Waitrose to exit the unit without the cooperation of the landlord Columbia Threadneedle. There is no prospect of Lidl combined with any second tenant being willing to offer a rent at anything like the current passing rent. There is no commercial logic to the landlord accepting such a reduction in income given its responsibilities to its investors and shareholders to maximise returns.

The former Waitrose cannot, in any way, be said to be viable for the application proposals, or a flexible form of them. Nor is it considered that the unit will be available (i.e., any lease surrendered) within a reasonable period. Put simply, there is absolutely no incentive for the freeholders of the site to surrender the existing lease at the current time. Thus, there are also practical terms that would preclude the ability of Lidl, or any other LAD retailer, to trade from this opportunity – certainly within a reasonable period. It is, therefore, SPL’s planning judgement that the unit cannot be expected to be available within a reasonable period for the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale and considering the commercial realities of the applicants’ business model (LAD).

Conclusions

Having regard to the requirements of the NPPF to demonstrate flexibility on issues such as format and scale, we conclude that given the cumulative constraints which are numerous and apparent in delivering a LAD operator in the former Waitrose Unit (Dukes Walk, Waterloooville), it is considered that that the unit is unsuitable for the broad type of retailing proposed having regard to commercial realities.

It cannot be said, in any way, that the former Waitrose 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 due

regard to the commercial realities of the LAD business model. This is fundamental for application of the sequential test.

Stantec note within their response that “the applicant sets out a number of fundamental operational requirements of Lidl. It should be reiterated that for a site to be considered suitable, the site does not need to be suitable for the requirements of a specific operator. In any event, we consider that a foodstore operator should be flexible enough on the specific requirements raised which would enable a foodstore unit to occupy the former Waitrose unit.”

As discussed in the introductory sections of this note, ‘Operator specifics’ are 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 at this location. This goes above and beyond what can be considered reasonableness in terms of flexibility. There are multiple reasons as to why the former Waitrose is unsuitable for the broad type of retailing proposed and having regard to the commercial realities of LAD retailing. These include:

The floorspace is far too large for the need the development is expected to serve. Accordingly, the only basis on which Lidl, or any other LAD retailer, could theoretically trade from the unit would be on the assumption the floorspace is subdivided.

Subdivision does not result in suitable layouts and has a significant detrimental impact upon the commercial attractiveness and, therein, passing rents of any surplus floorspace.

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

Prohibitive passing rents would impact the deep discounter model.

The physical inability to sub-divide the unit in a suitable manner for any LAD retailer, whilst delivering appropriate surplus retail floorspace attractive to the marketplace – evidenced by the store layout plans and commercial opinion provided by ESH.

It would not, in any way, be viable or practical for a LAD to occupy the entire unit.

Overreliance on shared goods lift and servicing areas.

Absolutely no guarantee that parking would be free.

Proliferation of structural columns within any sales floorspace – a significant and prohibitive constraint for discount retailers who are reliant on all the space being available for product display.

Inefficient warehousing/servicing space arranged over multiple floors.

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

Concern regarding the general level of car parking provision at this location, having regard to the Council’s own Parking SPD.

Visibility of a store in this location does not, in any way, have comparable profile as a standalone store on a prominent road frontage (such as the application site).

Therefore, whilst the former Waitrose may be physically and practically able to accommodate the proposed business model, allowing for flexibility in format and scale, 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. 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 has been demonstrated by the acknowledged commercial failure of the former Waitrose store.

Alongside the suitability, or not, of the unit there are also significant question marks over the availability of the unit certainly within a reasonable period of time.

As such, it is not considered that the former Waitrose unit is a sequentially preferable site, in the context of paragraph 87 of the NPPF and the application proposals wholly satisfy the matter of the sequential test.

Should the Council opt to refuse the application on retail policy grounds this will not have the presumably intended consequence of redirecting this investment to Dukes Walk. Our client cannot countenance the occupation of the unit for a myriad of reasons. To refuse the application will simply deny the local community the many benefits the scheme affords and prevent economic job creating development coming forward.

Yours sincerely,

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

Alastair Thornton

Director

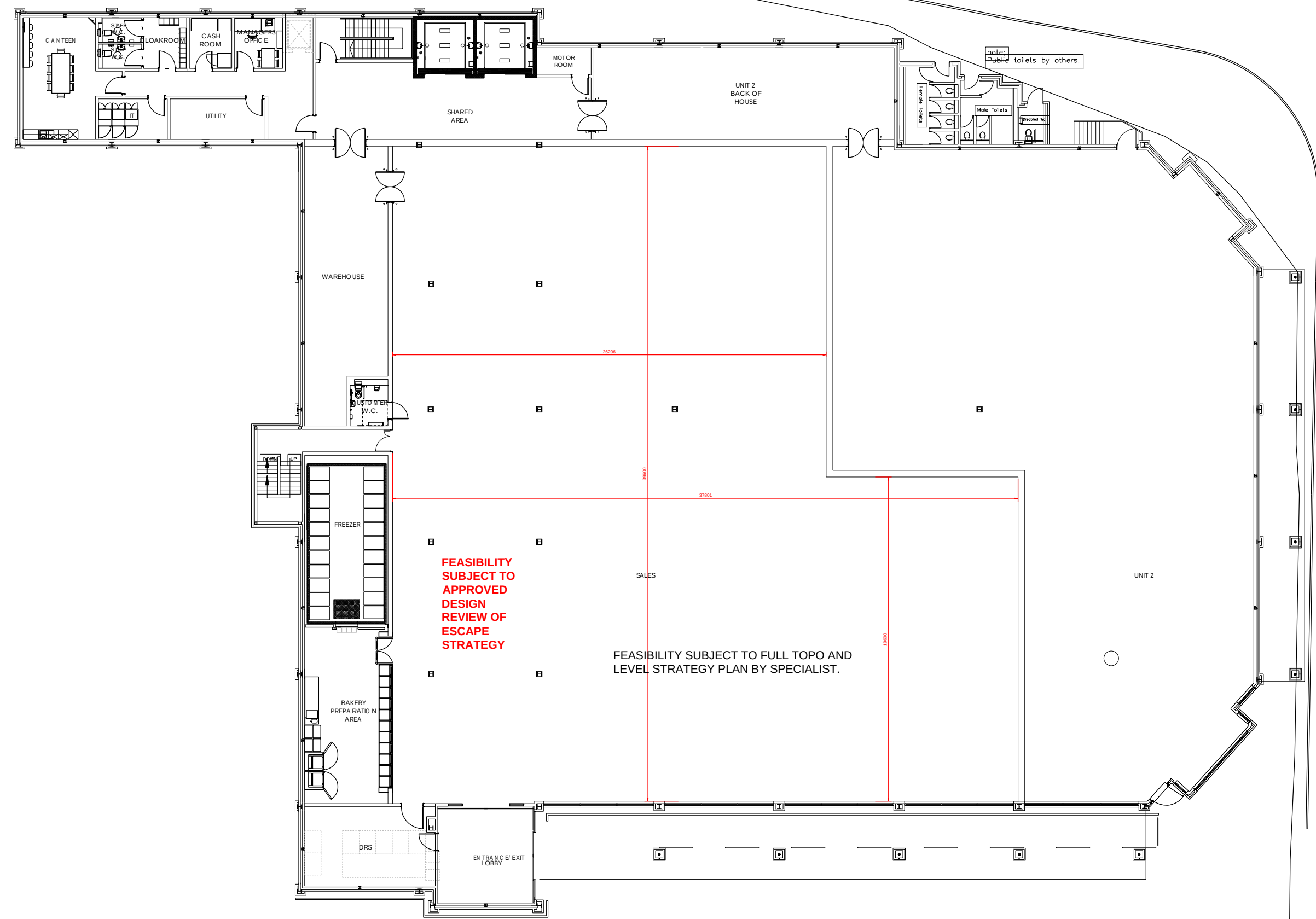
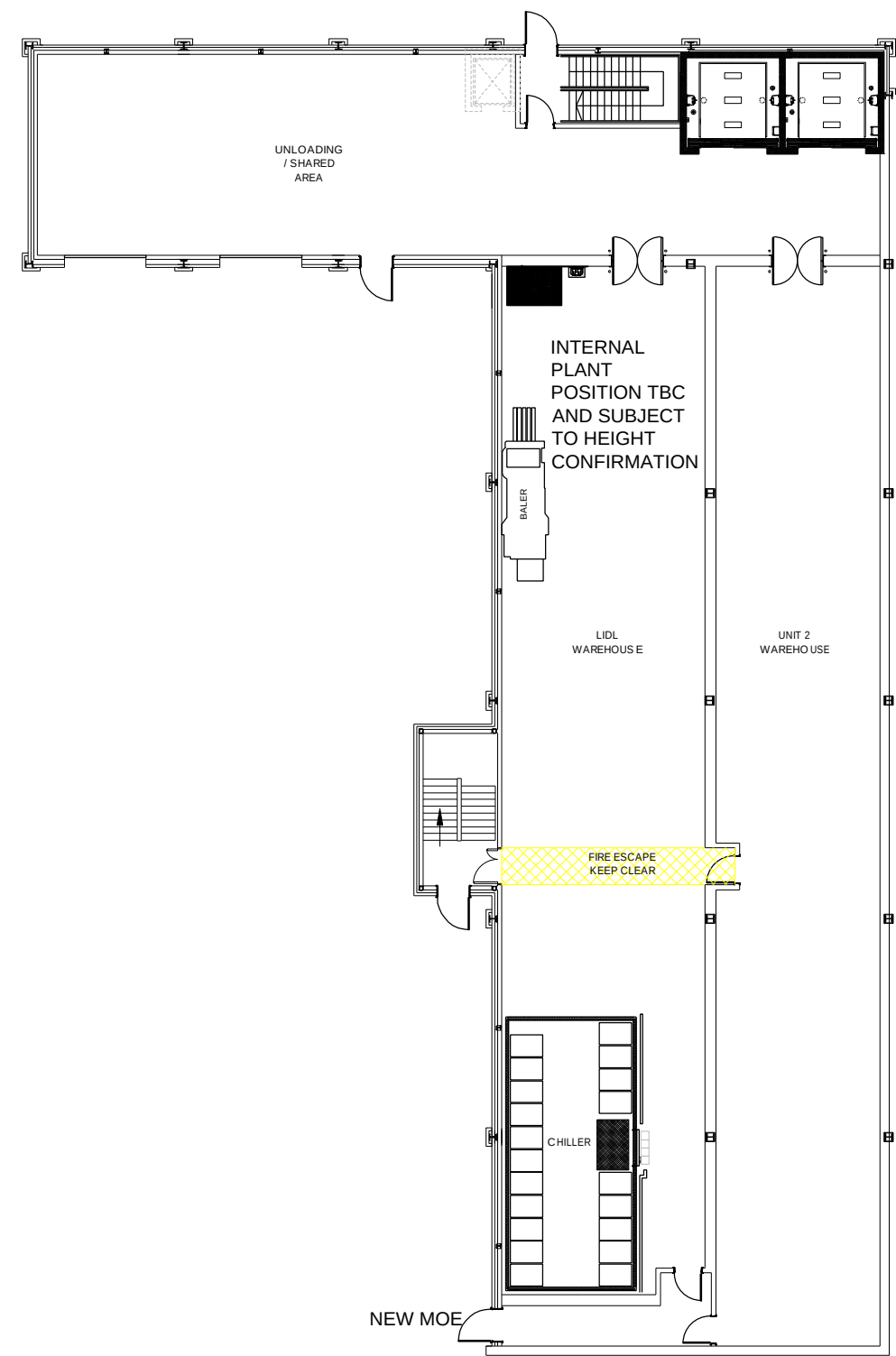
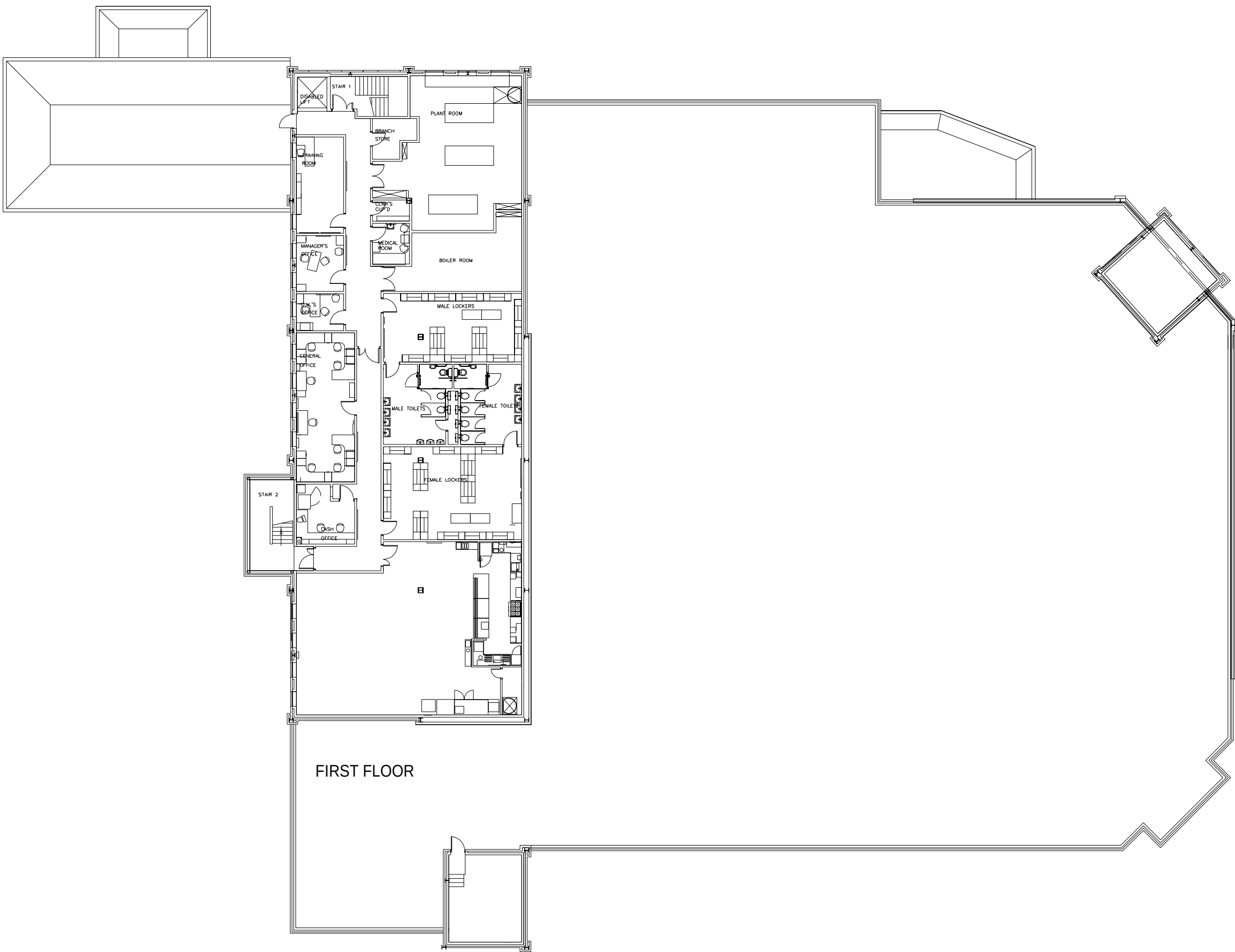
Encs.



Land to the west of B&Q, Purbrook Way, Havant
Planning Application APP/20/01221

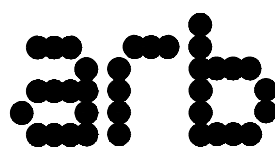
Document 1

Feasibility Plans (drawing refs. AD_001 and AD_002)



SCHEDULE	
LIDL	
LOWER GROUND FLOOR	
Warehouse (Inc. Freezer/Chiller & Storage)	280 m ²
Shared Areas inc. delivery & vertical circ.	250 m ²
Unit 2 Warehouse	236 m ²
GIA INCLUDING INTERNAL WALLS	796 m ²
GROUND FLOOR	
Sales Area	1266 m ²
Warehouse (Inc. Freezer/Chiller & Storage)	167 m ²
Ancillary	217 m ²
Shared Areas inc. vertical circ.	132 m ²
Unit 2 Sales	740 m ²
Unit 2 Back of House	100 m ²
GIA INCLUDING INTERNAL WALLS	2689 m ²
FIRST FLOOR OFFICES	
GIA INC. VERTICAL CIRC. & INT WALLS	566 m ²

RIBA
Chartered Practice



Architects
Registration
Board



DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO START OF WORKS AND ODA TO BE INFORMED OF DISCREPANCIES IMMEDIATELY. NO DIMENSIONS TO BE SCALED FROM THIS DRAWING.
ALL MATERIALS AND WORKS ARE TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST REVISION OF THE APPROPRIATE BRITISH STANDARDS OR EURO CODE. PLANNING APPROVAL, CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE.
PARTY WALL ACT - NOTICES UNDER THE PARTY WALL ACT ARE TO BE SERVED BY THE PROPERTY OWNER OR APPOINTED THIRD PARTY BY PROPERTY OWNER. HEALTH AND SAFETY - CDM 2015 REGULATIONS APPLY TO ALL CONSTRUCTION WORKS TO BE CARRIED OUT AND APPLY TO DESIGNERS, CONTRACTORS AND THE CLIENT. AS SUCH ALL PARTIES HAVE DUTIES UNDER THESE REGULATIONS.

Notes



Rev	Description	Date	Rev by	Chk by
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Revisions

Client
LIDL GREAT BRITAIN LTD. Foxes Park,
Brownhill Way, Nursling,
Southampton, SO16 0AW.
Project
WAITROSE, WATERLOOVILLE

Drawing
PROPOSED BUILDING PLANS

Project No:
21196

Drawing No:
AD_001

Purpose of Issue
SKETCH SCHEME

Scale @ A1
1:250

Drawn
LMC

Checked

Revision

Date

SEPT 2021

DO NOT USE FOR CONSTRUCTION



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West Yorkshire, BD17 7DB
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Registered in England & Wales No: 08355643

Architectural



Land to the west of B&Q, Purbrook Way, Havant
Planning Application APP/20/01221

Document 2

Occupational Review of Former Waitrose Unit
(dated 13th October 2021)

Mr J Mitchell
Lidl Great Britain Ltd
Foxes Park
Brownhill Way
Nursling
Hants
SO16 0AW

13th October 2021

Dear James

RE: WATERLOOVILLE – FORMER WAITROSE FOODSTORE – OCCUPATIONAL VIEW

I have carried out a desktop appraisal and provide our views on the likely demand and terms that would be achievable in the current market, should the former Waitrose unit be subdivided to provide space for a Lidl, if considered suitable, with a surplus unit being created alongside. You have provided me with two subdivision options (Drawings “AD001” referred to as “Option 1” and “AD002” referred to as “Option 2” for the purpose of this note).

Context:

I have appraised the former Waitrose unit using our market knowledge and usual tools/records at our disposal. These include Google street view; subscription services to our occupier requirement database, retail warehouse supply database and Promis/PMA town reports. The subject property is generally a poorly located, edge of town centre retail parade. It is situated to the southern end of the town centre and doesn't have prominence onto any major routes, being accessed via Curzon Road to the north and from Stakes Hill Road to the south. By contrast, the successful Wellington Retail Park on the northern edge of the town centre has the benefit of fronting the main roads (the A3 and Hambledon Road) and roundabout junction. On the subject scheme, the main parade of smaller shops aren't particularly visible from the scheme's car park given the design which incorporates a covered walkway that screens much of the tenant signage. Waitrose, as the former anchor tenant, has also ceased trading. I understand from press reports at the time this was due to the store not being commercially sustainable to maintain. The car park also operates as a Pay & Display with a maximum 2hr limit, whereas Wellington Retail Park offers free parking for up to 3 hrs. There are pedestrian routes into the town centre from both ends of the subject scheme. The streets immediately to the rear of the scheme, however, are largely service roads for the town centre shops and other commercial units as well as for the subject scheme.

Potential Waitrose Subdivision:

We've been provided with two subdivision option drawings:

“**Option 1**” shows a Lidl foodstore with a ground level sales floor of 13,627 sq ft GIA plus ancillary area, with ancillary area at lower ground levels alongside a surplus ground floor unit (“Unit 2”) of 7,966 sq ft GIA sales floor with a back of house area immediately alongside, albeit offset to the rear corner, of 1,076 sq ft, providing 9,042 sq ft level footprint overall. Whilst this plan shows a small lower ground warehouse area

Partners:
Nicholas Howe MRICS
Tim Hornor MRICS ACI Arb
David Cooke MRICS

Adam Patrick MRICS
Jamie Naughton MRICS
Karl Norman MRICS

Associates:
Lauren Chew MRICS
Tim Wagstaff MRICS
Chris Fenton MRICS
Giles Pickford MRICS

for Unit 2 of 2,540 sq ft GIA we have largely discounted this due to its very linear configuration and highly convoluted access arrangements via a shared corridor area at both ground and lower levels, meaning that this space wouldn't be entirely secure nor convenient for operators to use.

The main sales floor of Unit 2 is of an irregular "L-shaped" configuration with a proportionately narrow frontage and would, therefore, have only minimal visibility if any onto the important car park. The unit would therefore only likely be visible from the relatively low footfall offered by the pedestrian walkway.

"Option 2" shows a smaller Lidl sales area at ground level of 11,184 sq ft GIA plus ancillary area, with further ancillary area at lower ground level alongside a surplus "Unit 2" of 10,452 sq ft GIA with back of house area immediately alongside, again offset to the rear corner, of 1,076 sq ft, providing a unit of 11,528 sq ft GIA level footprint overall. Again, we've discounted the lower ground warehouse area for Unit 2 for the same reasons above.

The main sales floor of Unit 2 on this option is of more regular, rectangular shape and has a wider frontage than Option 1 above, but even so, we estimate that Unit 2 would still lack any visibility from the customer car park.

It is important to mention that on both subdivision options for Unit 2, the shared loading yard is set at a lower level to, and disjointed from, the sales floor and therefore would require a very convoluted route to transport goods from the waggons through a shared internal handling area, up a shared goods lift(s), through another shared corridor area and then finally into the rear back of house area within the demise of Unit 2. Clearly this is far from ideal and certainly not common for modern retailing purposes. It results in a far greater risk to items being damaged or stolen as well as requiring at least one, if not more, members of the store staff to take considerable time to manage goods deliveries, which in practice means a significant combined loss of time away from the shop floor not selling items, helping customers and/or restocking shelves. This alone is likely to significantly hamper the occupational demand for Unit 2, particularly regarding retailers.

Likely Demand:

There are very few published live retail and restaurant requirements for Waterlooville, the majority being trade or retail park specific requirements from the likes of Toolstation, Connection Flooring, Formula One Autocentres, B&M Bargains and KFC drive-thru. Whilst B&M have been known to take high street/district centre format units elsewhere we believe in this instance they would be put off by the lack of visibility Unit 2 would have and the presence of stronger competition provided by the dominant Home Bargains on the Wellington Retail Park nearby. Even with the presence of additional way-finding or elevational signage, we do not believe this would sufficiently incentivise the likes of B&M to occupy Unit 2 and they rarely now take new units that are as small as that proposed either.

There are leisure requirements from Snap Fitness and JD Gyms, but these can be discounted for this exercise given the presence of a modern Pure Gym which would preclude those national gym operators from setting up right next to such dominant competition.

British Heart Foundation have a published requirement for a large format charity shop and theoretically might be persuaded to consider space within the subject scheme where it technically available and typically seek units of 5,000-15,000 sq ft GIA. They are however already situated in a small store on The Precinct immediately to the rear of the subject scheme which may influence their corporate decision to relocate.

We are of the opinion that the level of demand for the nature of space proposed on either option above would be very weak from a national level. When combined with the awkward configuration of Option 1 above and/or the lack of visibility offered by both Options 1 & 2, we believe the proposed space would be effectively unlettable or at least vacant for a considerable time, likely years, if it were speculatively created.

We believe the proposed space would only likely appeal, at best, to a regional or local covenant, who would be unlikely to offer the financial surety that any landlord/head lessor would need to warrant spending the capital outlay required to construct the proposed Unit 2.

Likely Terms:

Given our views outlined above, the likely commercial terms will significantly reflect the relative lack of demand for Unit 2. However, in the event an occupier such as British Heart Foundation could be persuaded to take the relatively better configured "Option 2" then we would estimate best terms would likely be: a 10-year internal repairing and insuring lease subject to a schedule of condition; inclusion of a 5-year tenant-only break option (possibly incorporating an additional tenant break option at the end of year 3, given the uncertain trading environment offered by the unit's poor location, prominence and loading arrangements); a rent in the region of £5.00/£5.50 per sq ft exclusive of business rates, service charge and insurance i.e. approximately £60,000 pa exclusive and would require a minimum initial rent free period in the region of 12-18 months.

Beyond this, from a local/regional demand perspective, we'd be assuming demand would be limited to operators such as a soft play centre, health clinic, community leisure or charity occupier who would typically pay lower rents than outlined above and offer a weaker financial covenant.

We suspect that a reason for our company not having yet seen marketing details from the current scheme owners reflects both the relatively very high level of rent passing for the remainder of Waitrose' lease as well as, in Waitrose' case particularly, an acknowledgement that there is unlikely to be either appealing or financially viable options for this space on a subdivision basis given its location and awkward configuration.

I trust this is of assistance but if you would like to discuss the above any further, please let me know.

Yours sincerely,



ADAM PATRICK
Partner



Land to the west of B&Q, Purbrook Way, Havant
Planning Application APP/20/01221

Document 3

Letter from James Mitchell, Regional Head of
Property for Lidl



Strictly Private and Confidential

Mr L. Oliver
Principal Planning Officer
Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Lidl Great Britain Limited

Foxes park
Brownhill Way
Nursling, Southampton
SO16 0AW
www.lidl.co.uk
22nd October 2021

Dear Mr Oliver,

RE: Planning Application APP/20/01221– Land to the West of B&Q, Purbrook Way, Havant

My name is James Mitchell and I am the Regional Head of Property for Lidl GB responsible for the Havant application. I have worked on the development of food stores for Lidl for 18 years.

This letter supplements a piece of work provided by our consultants Simply Planning which seeks to respond to the Policy Team objection to the application on sequential test grounds, namely the presence of the vacant Waitrose unit at Dukes Walk.

Simply Planning's work strongly reiterates the myriad of reasons why we consider the Waitrose unit unsuitable even demonstrating a reasonable degree of flexibility. It is perhaps telling that despite the presence of a vacant town centre located former food store both Lidl and Aldi are currently pursuing alternative locations within the same catchment. This in itself is evidence of the fundamental unsuitability of the unit for limited assortment discounter occupation.

I will not go over the same points in this correspondence as this letter is more intended to detail the commercial reality / availability constraints of the unit as I see them.

Waitrose vacated the unit in June 2020 citing the site as no longer commercially viable. Media reports carried the following comment from Waitrose;

Waitrose & Partners regional manager, David Coltman, said: 'We have taken great pride in being part of the Waterlooville community so the closure of the shop is not something we take lightly, but have sadly not been able to find a way to make the shop commercially sustainable in the long term. 'Our priority is our partners working there who will be fully supported throughout the process and we will identify opportunities for those wishing to remain with the business wherever possible.'

In essence the location failed to the extent of Waitrose closing the store.

Since that time the unit has been vacant with no marketing and no evidence of any redevelopment plans. Despite being vacant Waitrose are of course still bound by the terms of their Lease and will continue to bear the cost of the unit. The key Lease details are noted below;

Current Rent - £675K pa.

Expiry Date - 23/01/2026.

No remaining break options.

There is no way for Waitrose to exit the unit without the cooperation of the Landlord Columbia Threadneedle. The Landlord will stand to benefit from just under £3M of rental income between now and Lease expiry as well as the Tenant being liable for all other outgoings and business rates.

It is telling in the Threadneedle letter attached to the Policy Team consultation response that they choose their words very carefully in speaking about a willingness to surrender. They say;

'Given a commercially viable option we would surrender the existing lease and grant a new lease on market terms'.

In terms of commercial viability, it is my informed view (and that of expert agent ESH) that the unit is significantly over rented. The plausibility of taking a surrender and being able to sub-divide and relet the unit and achieve a similar annual rental income is remote at best. When you add to this the capital investment required to bring this tired unit up to full 'FRI' condition as well as sub-divide for reoccupation this prospect becomes even more fanciful. I would estimate based on experience Landlord costs of £1.5M - £2M to carry out required works.

As we have been at pains to point out this unit is not considered suitable but if we imagine for a moment it is there is no prospect of Lidl combined with any second tenant being willing to offer a rent at anything like the current passing rent. Indeed, I would estimate that would be less than half the £675K pa the Landlord currently benefits from. There would be no commercial logic to the landlord accepting such a reduction in income given its responsibilities to its investors and shareholders to maximise returns.

This is a failed unit and location for food retail, the unit is unsuitable for many reasons as well as being too large. Any second unit has significant limitations as detailed in the ESH letter with few retailers having a requirement for Waterlooville and certainly not for this specific unit.

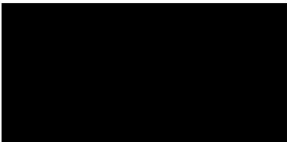
For the reasons above it is my view that the Landlord will take the Waitrose rent for the remainder of the term (quite understandably) and will only actively seek to remarket or redevelop near the Lease expiry date.

The Lease does not expire for over 4 years so even if a redevelopment was possible any revised unit/scheme is not likely to be available for 5/6 years, certainly not a reasonable period of time.

I would therefore reinforce our position that this unit is not only unsuitable but also unavailable. There are no circumstances where Lidl will occupy this unit. Should our application be refused this will not have the effect of redirecting the planned expenditure to Waterlooville town centre, rather this will be lost along with the many other economic, social and job creating benefits of our proposed scheme.

I trust you will take my thoughts in to consideration in your ultimate determination of the application and would welcome the opportunity to discuss should you wish.

For and on behalf of Lidl Great Britain Limited



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