



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

9th September 2024

Ref. SP19-1085

Dear Kayleigh,

Planning Application Ref. APP/24/00330

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

Erection of Retail Foodstore with associated Car Parking, Access, Landscaping & Engineering Works.

I write in relation to the above planning application and further to our previous request substituting several of the original planning drawings/documents. As you will recall, the updated drawing package incorporated a revised pedestrian access arrangement. They removed the previous footpath, as originally proposed from Purbrook Way and sought to provide an alternative pedestrian/cycle route consisting of a shared link between the store entrance and the B&Q roundabout arm to the west. The reasoning for these amendments is provided within our cover letter of 18th July 2024. There is no merit in replicating that justification verbatim but would reiterate that this previous correspondence remains important in the context of this further submission.

The revised drawings have now been subject to re-consultation. Following that process and, further to discussions with yourself, including both email correspondence and a Teams Meeting, the salient outstanding points include:

Highways and transport;

Design matters;

Landscaping, trees and ecology; and

S106 contributions.

We address each of the above, below referring, where relevant, to updated technical information.

Highways and Transport

In response to the consultation response from Hampshire County Council [HCC] (August 2024), Mayer Brown have prepared a follow-up Technical Note (TN). This TN is appended to this letter and a copy has been provided directly to HCC. This makes the following observations:

HCC note that based upon the current application providing a marginally larger Lidl foodstore (2,185m²), equivalent to a 286m² (c.15%) increase in floor area, the associated secured contribution should be subject to a relative pro-rata increase to £143,175. Lidl agree to this contribution.

Whilst HCC raised no concern with the principal of the revised pedestrian/cycle route strategy, they believed the proposed short section of narrowing of the pedestrian/cycle route to 2m (past the existing B&Q totem signage constraint) was unacceptable. HCC indicated that the pedestrian/cycle access strategy should be revisited to provide a consistent 3.0m wide shared use route. This request has been accommodated. Updated site plans are provided within Appendix B of the accompanying TN.

Increasing the width of the shared pedestrian/cycle route has resulted in some minor alterations to the previously consented highway improvement strategy. A plan indicating the revised highway improvements is also contained within the TN (Appendix C). This includes a revised swept path analysis.

At the request of HCC updated Traffic Modelling has been undertaken. This assessment is presented within the TN. It demonstrates that the proposed revised B&Q Arm improvements have minimal impact upon junction operation when compared to the consented position.

An updated Travel Plan has also been submitted, alongside the TN, for consideration.

Accordingly, having regard to the foregoing, it is considered that the comments raised by HCC within their consultation response (Dated 19th August 2024) have been duly considered and addressed. There are no outstanding transport, or highway, matters which preclude the application moving towards a positive determination.

Design Matters

To aid your consideration of the scale, bulk and mass of the amended proposal, a series of overlay plans have been prepared (Drawing Ref. XX-XX-DR-A-02010 Elevation Overlay and Drawing Ref. XX-XX-DR-A-91020 Site Overlay). These indicate, in plan form, the modest increase in scale, bulk and mass of the proposal when compared to the fallback and consented position.

The proposals equate to a nominal increase of c. 286m². As the overlaid plans show the revised layout will deliver several operational benefits including, for example, a wider sales floor providing for a better end user experience and can cater for the latest Lidl merchandising strategy, optimisation of the ancillary/welfare areas and larger parking bays.

As shown on the elevational drawing any increase in scale is focused on the main customer entrance (north and south elevation). The western and eastern elevations remain wholly comparable to the consented position. Any increase in scale is thus imperceptible.

Accordingly, given the fall-back position, no credible objection could be sustained on design grounds. The amendments result in only a modest increase in scale.

Landscape, Trees and Ecology

In their consultee response regarding the amended plans (13th August 2024), the Council's Landscape Architect commented the following:

The loss of the pedestrian/cycle link is disappointing but given the constraints outlined this is understandable. The newly proposed access is appropriate in my opinion and will also ensure those accessing the foodstore from the west will not walk in the road.

We require further UK native tree planting within the landscape buffer between Purbrook Way and the foodstore. At present there is a loss of 45 trees with 37 being replaced, there is ample room to accommodate the lost trees. We have concerns with the lack of landscape screening on the southwest on the site as this area will be visually prominent when on the roundabout on Purbrook Way.

The Council's Tree Officer commented (4th September 2024), the following:

"In principle I have no objection to the works on arboricultural grounds; the trees to be removed, though numerous are all relatively small stature trees, and the larger pines will be retained which is important.

The removal of multiple trees must be mitigated more fully than is suggested with the replanting proposals as they currently stand.

If the planning officer is minded to consent the application can I request that more complete and robust mitigation must be agreed prior to commencement of works, and the tree protection measures must be fully employed and enforced throughout the development to reduce the risk of further tree loss"

Regarding arboricultural matters, it is important to note in considering the original application the Council's Arboriculture Manager at that time (Jamie Gargett) commented on the high standard of the original Arboricultural Impact Assessment (AIA). The Officer noted that it improved the overall arboricultural value of the site. The Officer also remarked that the landscaping proposed (including tree planting) had been well thought out and was considered a pragmatic and sympathetic proposal.

We firmly maintain that despite the comments from both the Landscape and Tree Officers, there is no opportunity to increase tree re-planting across the site. Accordingly, we do not intend to revise the submitted landscape plan. Our updated Landscape Plan (Drawing Ref. 5098-RPS-XX-EX-DR-L-9001P08) shows that by removing the pedestrian/cycle link several of the previous landscape comments have been addressed. A comprehensive landscape scheme will be delivered to Purbrook Way that is no longer "punctured" with a pedestrian/cycle link. This will strengthen further the existing Green Corridor. There is a significant betterment to the landscaping plan previously approved as part of the original application. Opportunities for tree planting have been maximised around the store, through the car parking areas and along the site boundaries. This is readily apparent when appraising the submitted landscaping plan.

The key visual impact of the development is from the A3(M) Purbrook Way roundabout. Invariably, the development results in the loss of several trees across the site. As such there would be direct impact upon a small and contained part of the landscape character area. However, this position has been firmly accepted in the determination and assessment of the original application.

The key outstanding matter appears one of increasing tree planting. On this point during the determination of the original application detailed negotiations took place with Local Planning Authority to improve the landscaping framework of the original proposal, both in terms of ensuring the retention and longevity of the tree belts alongside Purbrook Way whilst delivering additional landscape benefits.

The application proposes a landscape strategy that includes the planting of native specimen tree planting along the southern and western boundaries, adjacent to the access from the current B&Q access road. Furthermore, on the boundary of the access road, which follows the site boundary round to provide access to the B&Q store, given the level changes, retaining walls were originally proposed.

However, the landscaping scheme was revised (at the original application stage) to provide a timber crib retaining wall, softened further with landscaping. The approved landscape strategy was considered to filter views from a local level whilst lessening the visual impact of the proposal. In addition, tree planting was proposed along elements of the other boundaries to the site, to further assist in mitigating the impact of the development.

On balance, whilst there would be a loss of trees on the site, when considering the landscape character area, the proposed development would not result in an overall significant adverse impact upon the local landscape character type. Every opportunity has been taken to maximise landscaping borne from previous and extensive discussions with officers.

In the wider planning balance exercise no objection could be substantiated in relation to the application proposals from a landscape perspective. The landscaping strategy is wholly consistent to that previously approved.

In terms of tree removal/replacement, the submitted Arboricultural Impact Assessment (paragraphs 5.11 and 5.12) concludes that 30no. trees will require removal to facilitate the revised development. It is not clear where the higher number (45no.) suggested by the Landscape Officer has originated from. Further, most of the individual trees are to be retained.

It should also be noted that the majority of the trees to be removed are of lower quality with 61% of the removals being Category C, or lower. A total of 37no. new trees are to be re-provided for across and within the site. Again, this is consistent with the original approval.

We contend that all opportunities for landscape enhancement and tree re-provision have been taken. Despite comments raised by the landscape officer there are significant constraints associated with the Purbrook Way boundary which preclude additional tree planting in this part of the site. Namely, this includes the presence of a high-pressure gas main and subsequent easements together with the requirement to maintain highway visibility splays.

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

S106 Agreement

The original planning application was subject to a Section 106 Agreement (Dated 30th November 2022).

This contained obligations relating to the following:

- Payment of a Travel Plan Bond, Monitoring Fee and Approval Fee.

- S106 monitoring fee.

- Management and maintenance plan for the lifetime of the development for SuDs and bond.

- A contribution in relation to traffic management (max. £7000).

- Employment and Skills Plan.

- Travel Plan (HCC).
- 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.
- Enter a S278 Agreement with the Highways Authority to secure works to roundabout and the pedestrian/cycle link from the site to Purbrook Way

Our client has accepted the revised Highway Works contribution (£143,175). Accordingly, there is no reason why a new S106 cannot be drafted and signed expediently. On this basis and, for ease, our Solicitor details are as follows:

Amardip Healy
Legal Director
Blake Morgan LLP
Amardip.Healy@blakemorgan.co.uk

I trust that you are now able to make the necessary arrangements to progress with the drafting of the S106 Agreement for circulation and signing.

Overall, planning permission has already been granted for a discount foodstore at this location. This provides an important fall-back position. There has been no material change in circumstance since the time of the original approval which warrants, in any way, an alternative decision now being taken. Indeed, having reviewed the latest consultee comments received, no significant concerns have been raised with the proposal. This is not unexpected given the favourable planning history.

The application is entirely comparable to the consented position both in terms of tree loss and wider approach to landscaping across the site. Any increase in scale will be imperceptible both in the street scene and importantly, when compared to the consented position.

Further and, in the interest of brevity, our client has accepted the revised s106 contributions as suggested by HCC. On that basis, we see no reason why we cannot now move forward with a positive and, preferably, delegated approval.

We look forward to confirmation to this effect in due course. However, should you have any queries, or concerns, with the application in the meantime, please do not hesitate to contact me.

Yours sincerely,

A large black rectangular box redacting the signature of Alastair Thornton.

Alastair Thornton

Director