

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
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HAVANT
HAMPSHIRE P09 2AX



Havant
BOROUGH COUNCIL

Telephone: 023 9247 4174
Fax: 023 9248 0263
Website: www.havant.gov.uk

PLANNING COMMITTEE AGENDA

Membership: Councillor Crellin (Chairman)

Councillors Fairhurst, Milne, Linger, Munday, Stone (Vice-Chairman) and Tindall

Meeting: Planning Committee

Date: Thursday 9 June 2022

Time: 5.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Kim Sawyer
Chief Executive

30 May 2022

Contact Officer: Mark Gregory 023 9244 6232
Email: mark.gregory@havant.gov.uk

Can Councillors Please Submit Any Detailed Technical Questions On The Items Included In This Agenda To The Contact Officer At Least 4 Hours Before The Meeting Starts.

	Page
1 Apologies for Absence	
2 Minutes	1 - 30
(a) To approve the minutes of the meetings of the Planning Committee held on 14 and 28 April 2022; and	
(b) receive the minutes of the last meeting of the Site Viewing Working Party.	

3	Declarations of Interests	
4	Matters to be Considered for Deferment or Site Viewing	
5	Applications for Development	31 - 34

Part 1 - Applications and other matters viewed by the Site Viewing Working Party

5(a)	APP/20/01221 - Land to the west of B&Q, Purbrook Way, Havant	35 - 80
	Proposal: Erection of retail foodstore with associated car parking, access, landscaping and engineering works.	

[Additional Documents](#)

Part 2 - Applications submitted by Havant Borough Council or affecting Council owned land

5(b)	APP/22/00296 - Mengham Park, Rails Lane, Hayling Island	81 - 100
	Proposal: Installation of bunds, swales and boulders around the perimeter of Mengham Park.	

[Additional Documents](#)

6	Appointment of the Site Viewing Working Party	101 - 102
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GENERAL INFORMATION

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Public Service Plaza
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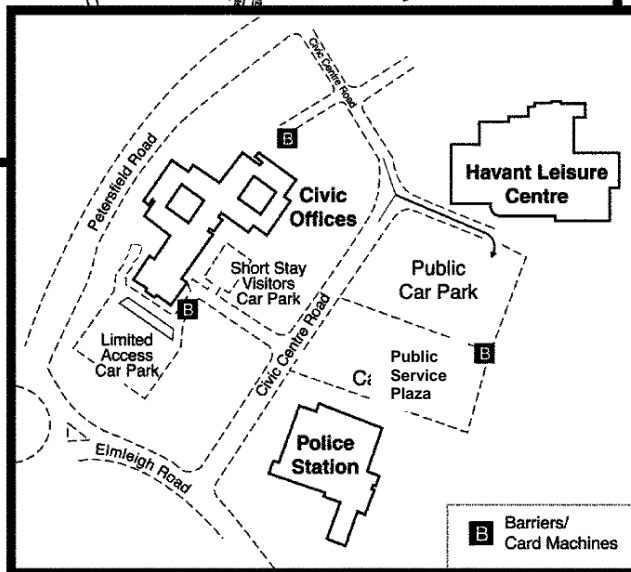
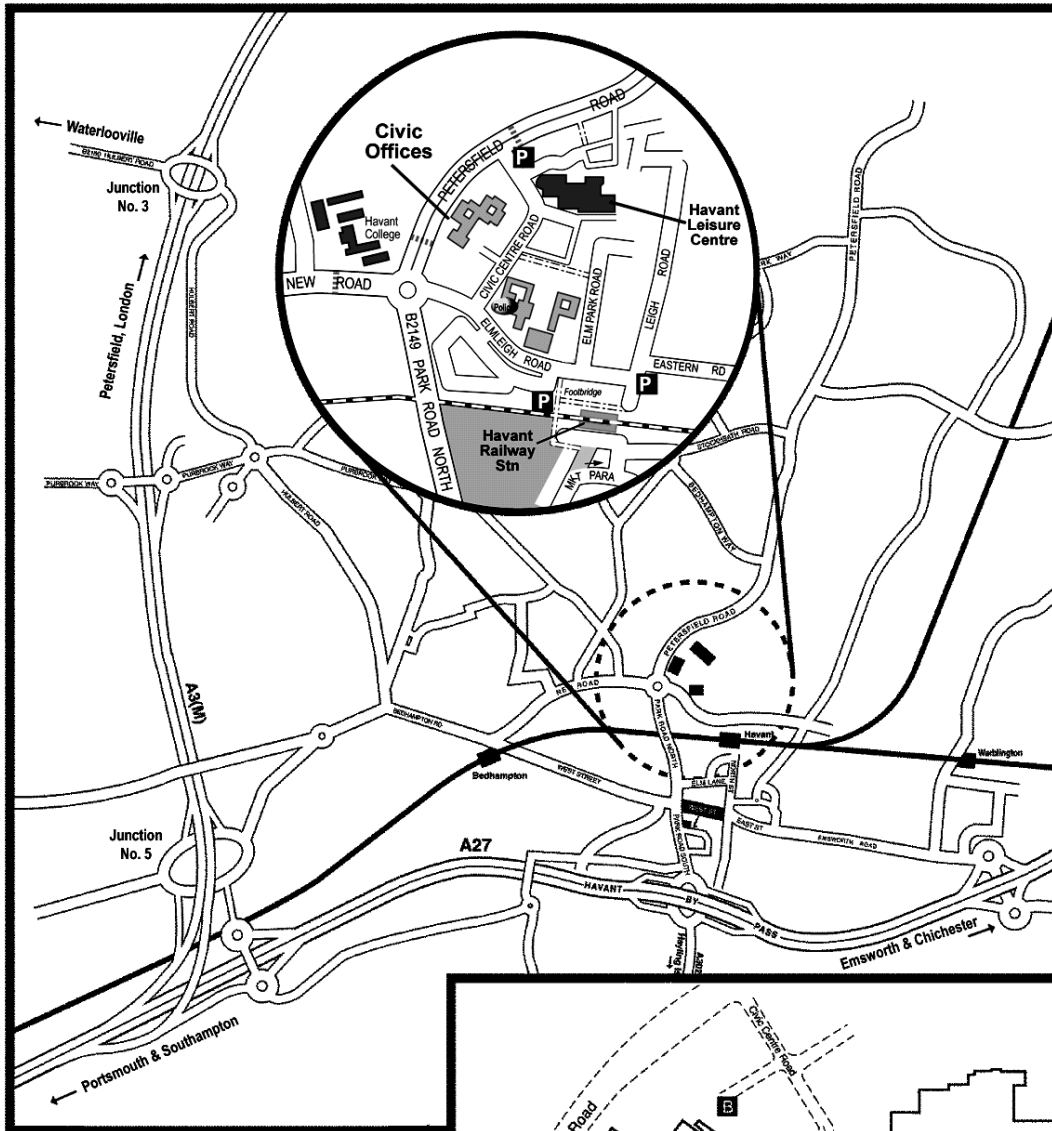
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HAVANT BOROUGH COUNCIL

At a meeting of the Planning Committee held on 28 April 2022

Present

Councillor Crellin (Chairman)

Councillors Branson, Hughes, Lowe and Linger (Standing Deputy)

Other Councillors Present:

Councillor: Pike

69 Apologies

Apologies for absence were received from Councillors Diamond, Patrick and Weeks.

70 Minutes Of Site Viewing Working Party held on 21 April 2022

The Committee received the minutes of the Site Viewing Working Party held on 21 April 2021.

71 Declarations of Interests

There were no declarations of interests.

72 Matters for Deferment

There were no matters to be considered for deferment.

73 APP/21/00189 - Brockhampton West, Harts Farm Way, Havant

(The site was viewed by the Site Viewing Working Party on 21 April 2021)

Proposal: Outline application for the development of new employment units to provide up to 29,000 sq m (gross internal area) for flexible use across use classes E (light industrial), B2 and B8 with ancillary offices, car parking, service yards, drainage works, landscaping and associated works to prepare the site for development. All matters are reserved except the means of access to the site.

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

The Committee received supplementary information, circulated prior to the meeting which included:

- (1) written depositions submitted on by Ms Brooks, on behalf of Havant Friends of the Earth and Havant Climate Alliance, Mrs Buckley, on behalf of Havant Borough Residents' Alliance, and the applicant's agent;
- (2) the minutes of the Site Viewing Working Party held on 21 April 2022;
- (3) an update sheet;
- (4) a revised Appendix G; and
- (5) Appendix F.

The Committee was addressed by the following deputees:

- (a) Ms Brooks, Havant Friends of the Earth and Havant Climate Alliance, who reiterated the issues set out in her submitted written deputation (Ms Brooks failed to complete her deputation within the allotted time);
- (b) Mrs Buckley, who on behalf of the Havant Borough Residents' Alliance, reiterated the issues set out in her written deputation (Mrs Buckley failed to complete her deputation within the allotted time);
- (c) Mr Thomas, the applicant's agent, who supported the application by reiterating the issues raised in his written deputation.

In response to questions from members of the Committee, Mr Thomas advised:

- (i) that the internal height of the building would be 15m;
- (ii) that the external height of a building with an internal height of 21m would be 24.5m to the roof; and
- (iii) on the ground gas protection measures proposed.

In response to the issues raised in the written depositions and deputations made at the meeting, the officers advised that:

- The conditions requested by the ecology consultant were included in the recommended conditions set out in the report
- A contractor, who would be responsible for ensuring the development was built in the appropriate manner, would be appointed by the developer
- The issue of using the site for recreation was covered in the report
- The site was not included in the Council's Play Strategy

In response to questions from the Committee, officers:

- Advised that the previous use of the site for recreation had raised safety concerns.
- Referred to the update sheet, circulated prior to the meeting, which corrected the terminology used for the height of the proposal in paragraph 3.6 of the submitted report.
- Advised the Committee of the heights of the proposal as set out in page 40 of the submitted report.
- Advised that Mr Thomas's reference to the potential for the building to be 21 metres in height did not form part of this application
- Advised that the wire diagrams would be at finished floor height plus the height of the building.

- Reported that vehicles using the access to the west would be able to turn left and right

The Committee was reminded that this was an outline application for all matters reserved except the access. The Committee considered that, as the application complied with the Council's policies and the Highway Authority had raised no objection to the proposed access, it could not find reasons to refuse this application. The Committee noted that concerns such as the proposed height of the development and ease of access to the site would be dealt with more fully at the reserved matters stage.

RESOLVED that application APP/21/00189 be granted outline consent subject to:

- (A) the completion of a Section 106 Agreement under the Town & Country Planning Acts, to secure the matters as set out in paragraph 7.148 of the submitted report; and
- (B) the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision).

General

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of three years from the date of this permission; or
 - (b) The expiration of three years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development hereby permitted shall commence (with the exception of site clearance, erection of site hoarding and provision of site welfare units) until plans and particulars specifying the detailed proposals for all of the following aspects [herein called "the reserved matters" and "other matters"] have been submitted to and approved in writing by the Local Planning Authority.
- (i) The reserved matters:
- (a) Appearance, to include external appearance, materials, decoration, lighting, colour and texture;
 - (b) Landscaping including a landscape design showing the planting proposed to be undertaken, including tree replanting and tree protection measures, how species rich grassland consistent with that currently on site would be provided within the landscape scheme, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels; the intended timing of completion of the landscaping work, with specific reference to the bunds; and arrangements to be made for the future maintenance of landscaped and other open areas;
 - (c) Layout; including a parking strategy to identify the provision to be made for the parking, turning, loading and unloading of service vehicles and all vehicular parking and turning areas and cycle storage on the site for the uses applied for, in accordance with the Parking Standards in Havant's Car Parking SPD; and
 - (d) Scale, to include height, width and length of each building.
- (ii) Other matters:
- (e) Access facilities for the disabled;
 - (f) The provision to be made for the storage and removal of refuse from the premises;
 - (g) Phasing details for the development implemented.

The development shall be implemented in full accordance with the approved details.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

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

Plans

Site Location Plan – Drawing No. 31383/PL/200
 Parameters Plan – Drawing No. 31383/PL/201C
 Swept Path Analysis – Accesses from west and east –
 16.5m Articulated Vehicle – Drawing No.
 205465/PD07/AT01
 Proposed Footpath & Toucan Crossing – Drawing No.
 205465/PD03G

Documents

Transport Assessment, including Travel Plan and Site
 Access Review Plan 205465/PD01 Rev A [
 Technical Note 1, Harts Farm Way, Havant – SRN
 Junction Model Review by WSP dated 20/7/21
 Email 2/8/21 from AndrewWard@vectos.co.uk

NB The decision also took account of the following
 documents and plans:

Indicative Layout Option 1 – Colour – Drawing No. 31383-
 PL-202A
 Indicative Layout Option 2 - Colour – Drawing No. 31383-
 PL-203A
 Indicative Layout Option 3 - Colour – Drawing No. 31383-
 PL-204
 Indicative Elevations – Unit 1- Colour – Drawing No.
 31383-PL-205
 Indicative Elevations – Units 2-3 – Colour – Drawing No.
 31383-PL-206
 Indicative Landscape Masterplan – Drawing No. P21-
 1528_13 Rev F
 Viewpoint 13 Existing View, Viewpoint 13 – Massing
 Model Photomontage (Year 1)
 Viewpoint 13 – Massing Model Photomontage (Year 15)
 Proposed Drainage Strategy – Drawing No. 21048-BGL-
 XX-X-DR-C-0250 Rev P1
 Proposed Footway & Toucan Crossing– Drawing No.
 205465/PD03 Rev G
 Proposed Footpath/Cycleway – Drawing No.
 205465/PD14
 Commercial Vehicle Tracking – Drawing No.
 205465/PD07AT01
 Highway Adoption Plan – Drawing No. 205465/PD14

Documents

Application Form
 Design & Access Statement Part 1
 Design & Access Statement Part 2

Planning Statement by Michael Sparks Associates dated February 2021
Letter dated 10/2/21 from Michael Sparks Associates
Letter dated 22/2/21 from Michael Sparks Associates
Letter dated 25/6/21 from Michael Sparks Associates – Financial Contribution towards enhancement of the network of sites covered by the Solent Wader and Brent Goose Strategy
Air Quality Assessment by Delta-Simons dated February 2021
Air Quality – Response to Havant Borough Council Comments by Delta-Simons dated 22 April 2021
Bream 2018 New Construction Industrial ‘Shell & Core’ by Watkins Payne
Built Heritage Statement by RPS dated March 2021 (Revised and received 31/3/21)
Construction Environmental Method Statement dated 28/4/21
Drainage Strategy by Burrows Graham Version 2 dated 01.06.21 – Ref: 21048-BGL-XX-XX-RP-D-0001
Flood Risk Assessment by Burrows Graham Version 2 dated 01.06.21 – Ref: 21048-BGL-XX-XX-RP-D-0002
Ecology Report by Applied Ecology Ltd dated February 2021
Response to HCC Ecology Consultation dated 23/4/21
Response to HCC Ecology Consultation dated 23/6/21
Employment Market Review letter from Dowley Turner Real Estate LLP dated 10/2/20
Energy Strategy by Watkins Payne dated February 2021
External Lighting by Watkins Payne dated February 2021
Flood Risk Assessment Version 2 by Burrows Graham Ltd dated 1.6.21
Geo-Environmental Assessment by Delta Simons dated 31st January 2022
Remediation Options Appraisal & Verification Strategy by Delta Simon dated 31st January 2022
Habitats Regulations Assessment by Applied Ecology Ltd dated November 2021
Landscape & Visual Impact Assessment (LVIA) by Pegasus Group dated 19/2/2021 including Arboricultural Impact Assessment
Response to Landscape Consultation dated 20/4/21
Response to Arboricultural Consultation dated 28/4/21
Email from Michael Sparks Associates dated 29.07.21 Re: Landscape and Massing
Noise Assessment by Sharps Redmore dated 14 April 2021
Proposed Heads of Terms for S106/Planning Obligation dated April 2022
Transport Assessment by Vectos dated February 2021
Utilities Statement by Watkins Payne Partnership dated February 2021

Stage 1 Road Safety Audit by Vectos dated June 2021
Road Safety audit Designers Response Report by Vectos (South) Ltd dated 30/6/21
Road Safety Audit Designers Response Report dated 6/4/22
Reason: To ensure provision of a satisfactory development.

5. Any reserved matters application shall have regard to achieving secured by design for the completed development, with particular reference to: The design and layout; and an appropriate level of lighting.

Reason: To ensure safe and secure development and contribute to reducing crime and disorder, in accordance with Policy CS8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6. Any Reserved Matters application shall have regard to the maximum heights identified for the illustrative layout options submitted with the application, as follows:
1. Illustrative Layout Option 1 (drawing 31383 PL 202A) shall not exceed +29.8m above AOD,
 2. Illustrative Layout Option 2 (drawing 31383 PL 203A)
 - a. maximum height of Unit 1 +28.8m above AOD,
 - b. maximum height of Unit 2 shall be +29.8m above AOD
 3. Illustrative Option 3 (drawing 31383 PL 204)
 - a. maximum height of Unit 1 +28.8m above AOD
 - b. maximum height of Units 2 & 3 shall be +29.8m AOD

These maximum heights shall form the basis for any layout brought forward and shall not be exceeded unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of the locality and the Broadmarsh Coastal Park and Chichester Harbour having due regard to policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy 2011) and the National Planning Policy Framework.

7. With the exception of uses comprising research and development under class E(g)(ii) and light industrial under class E(g)(iii), and notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 as amended, the development hereby permitted shall not at any time be used for any other Class E uses (i.e., office, shop, financial or professional services, café or restaurant), (except any Ancillary floorspace) without the prior written approval of the Local Planning Authority. This condition shall apply notwithstanding any Town and Country Planning (General Permitted Development) Order.

Reason: The site is allocated for industrial uses and in the interests of parking and having due regard to policies DM11 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011, policy HB2 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

8. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions or outbuildings shall be constructed within the site without the prior approval of the Local Planning Authority.

Reason: In the interest of amenity of the area and parking provision having due regard to policies CS16 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

9. No vehicle larger than a private car is permitted to access the site via the western vehicular site access.

Reason: In the interest of highway safety having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Pre-commencement

10. No development hereby permitted shall commence (with the exception of site clearance, erection of site hoarding and provision of site welfare units) until details of the proposed means of foul sewerage and surface water drainage scheme for the site have been submitted to and approved in writing by the Local Planning Authority and in consultation with National Highways, Local Land Flood Authority, Southern Water, Environment Agency and Environmental Health. The surface water drainage scheme shall be based on the principles within the following: **Page 9**

- Drainage Strategy by Burrows Graham Version 2 dated 01.06.21 – Ref: 21048-BGL-XX-XX-RP-D-0001
- Flood Risk Assessment by Burrows Graham Version 2 dated 01.06.21 – Ref: 21048-BGL-XX-XX-RP-D-0002
- Drawing No. 21048-BGL-XX-X-DR-C-0250 Rev P1

The submitted details should include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment & Drainage Strategy.
- b. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths, and gradients.
- c. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.
- d. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
- e. There should be a presumption against disposal by means of infiltration drainage unless compatible with the contamination assessment 'site conceptual model' and remedial/risk mitigation scheme.

No surface water shall be permitted to run off the development onto the strategic road network or into any drainage system connected to the Strategic Road Network. No drainage Connexions from any part of the development may be made to any Strategic Road Network drainage system.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality 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.

11. Prior to development commencing, no piling or deep foundation columns shall be constructed on the site until a Method Statement which demonstrates how groundwater will be protected, and how the efficacy of the protection measures will be verified, has been submitted to and approved in writing by the Local Planning Authority.

Unless specifically excluded by agreement, the Statement shall include;

- a) details of piling methods, to ensure that the risks of contaminant mobilisation are minimised and that the wider remedial objectives outlined within the Delta Simons Remediation Options Appraisal 19-2099.07 will not be prejudiced,
- b) details specification &/or design of materials, to ensure that the piles or deep foundation columns are not put at unacceptable risk by aggressive ground conditions, and;
- c) details of a water monitoring program, to be undertaken both during and after piling to demonstrate the efficacy of the methods in minimising mobilisation of contaminants

Reason: To ensure that the proposed piling or other deep foundation does not harm groundwater resources in line with paragraph 174 e) & 183 of the National Planning Policy Framework, and Policy DM17 of the Havant Borough Local Plan (Allocations) [2014]. Contamination may be present on site.

12. Prior to the commencement of development, a detailed Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement measures shall be in accordance with outline measures detailed within the Ecology Report (Applied Ecology, February 2021) and Habitats Regulations Assessment (Applied Ecology, April 2021) unless otherwise agreed in writing by the local planning authority. The Strategy shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; details of the location, composition, and ongoing management of all compensatory or enhancement habitat; location, type and number of all bat/bird boxes. All ecological compensation/enhancement measures shall be implemented in accordance with ecologist's instructions and retained in a location and condition suited to their intended function.

Reason: To protect and enhance biodiversity in accordance with the Conservation Regulations 2019, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

13. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways and the Highway Authority). The CEMP shall include but not be limited to:
- a) Details of transport logistics (including proposed routes on a plan) in accordance with section 6.1.2 of the Delta Simons Air Quality Assessment Report Reference 19-2099.03.
 - b) Construction Traffic Management (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods);
 - c) An estimate of the daily movement of the construction traffic, profiled for each construction phase, identifying the peak level of vehicle movements for each day;
 - d) The hours of construction work and deliveries;
 - e) Procedures for managing deliveries & collections at the site, including parking, (which shall include the long term facilities for contractor parking), loading materials handover and transport to secure storage areas, and the means of minimising the risk of release of fuel and other materials capable of causing harm to health or the environment;
 - f) The storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
 - g) The proposed maintenance and aftercare of the site;
 - h) Measures to avoid impacts on the non-statutory designated sites and retained habitats;
 - i) Details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas as a result of the construction programme;
 - j) Contact details of personnel responsible for the construction works

- k) Provisions for the segregation & storage of wastes destined for treatment, recycling or disposal, alongside details on how leachate generation from stockpiles will be minimised &/or appropriately managed so as to prevent cross contamination of materials or release of leachate to controlled waters.
- l) Measures to ensure safe pedestrian movement on the public highway & footpaths
- m) No bonfires to take place on the site, during any phase of the operation.
- n) Control measures for dust and other air-borne pollutants, such as smoke and fume emission from the site during construction works. It should advise as to what measures are to be put in place for the control of any dust and other air-borne pollutants that might emanate from the development site. Furthermore, the methods of dust controls should also be in accordance with the guidance as laid down out in the BRE Report 456 – Control of Dust from Construction and Demolition activities. It should also be noted that besides the keeping of haul roads damp during dry weather conditions, any areas where tracked excavators, dozers and the like are working, are also kept damp at all times
- o) The means of preventing track out of mud & spoil on to the highway and preventing runoff from or excessive infiltration to the site from adversely impacting adjacent surface waters, including wheel washing facilities as appropriate
- p) Details of measures to be employed to control the emission of noise and vibration during the above phases to be provided. BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – part 1: Noise, and part 2: Vibration (BS1<2014v) provide guidance on the requirements and indicative noise and vibration levels and criteria.
- q) Soft start vibro-piling shall only be used and all piling activities shall cease should the temperature fall below zero for a period of 3 consecutive days during January to February.
- r) Details of the training of site operatives to follow the Construction Environmental Management Plan requirements.
- s) The Asbestos Management Plan & Surface Water Quality Monitoring Programme, and other specific environmental controls mentioned at section 5.5 of Delta Simons Report 19-2099.07.

- t) Measures for controlling the use of site lighting whether required for safe working or for security purposes to ensure no impact on neighbouring properties or the strategic highway.
- u) Location of temporary site building and compounds.
- v) A programme of and phasing of demolition (if any) and construction work.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: To ensure that the construction process is carried out in a manner which will minimise disturbance, pollution & nuisance to neighbouring properties and the public realm more generally, and prevent pollution of nearby surface waters, or impacts to sensitive ecological receptors. To avoid inappropriate parking practices or the turning and manoeuvring of construction vehicles which adversely impact either the use or safety of the public highway. This condition is imposed having due regard to policies DM10 & CS15 (Havant Borough Local Plan (Core Strategy) 2011), and the National Planning Policy Framework.

14. Unless otherwise agreed in writing with the Local Planning Authority, before the commencement of the development (with the exception of site clearance, erection of site hoarding and provision of site welfare units), written documentary evidence demonstrating that the development of any particular employment unit will achieve at minimum a level of 'Very Good' against the Building Research Establishment Environmental Assessment Method (BREEAM) Standard, in the form of a Project specific pre-assessment report, shall be submitted to and approved in writing by the Local Planning Authority. A design stage report and certification from the BRE will then be submitted to the Local Planning Authority and agreed in writing prior to first occupation of the relevant unit.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

15. Prior to the commencement of development activities, a Biodiversity Construction Environment Management Plan (Biodiversity CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework, and policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

16. Prior to any construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Arboricultural Impact Assessment by Barton Heyett Associates dated February 2021 and the Tree Retention/Removal & Protection Plan shall be installed and agreed at a pre-commencement meeting with the Council's Arboricultural Officer and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details.

Reason: To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

17. Prior to the commencement of any specific phase of development approved by this planning permission (other than site clearance, forming the means of the approved access, erection of site hoarding, provision of site welfare units or any other date or stage in development as may be agreed in writing with the Local Planning Authority), a remediation method statement shall be submitted to and approved in writing by the Local Planning Authority.

The Method Statement shall be based upon the Remediation Options Appraisal & Verification Strategy 19-2099.07 and shall provide details of proposed remedial & risk mitigation actions that could not be designed in detail at the outline stage.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from or adversely affected by, unacceptable levels of contamination. This is in line with paragraph 174 e) & 183 of the National Planning Policy Framework & policy DM17 of the Havant Borough Local Plan (Allocations) [2014]

Ground work

15. The contamination 'watching brief' referred to at section 4.1 of the Delta Simons Report No. 19-2099.07 v2.3 shall be observed during all groundwork operations. If suspected contamination is encountered which is qualitatively out of keeping with ground conditions described within the Factual Geo-Environmental Investigation Report (19-2099.04); works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

All investigation, assessments & other actions required shall be undertaken by competent persons, and the scheme shall be implemented as approved

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution arising from previously unidentified contamination sources at the development site. This is in line with paragraph 174 e) of the National Planning Policy Framework, Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, & DM17 of the Havant Borough Local Plan (Allocations) [2014].

- 1
6. Prior to the commencement of construction of the proposed bunds facing the A27, geotechnical submissions (in accordance with DMRB Standard CD622) relevant to the construction of the 3m-5m high earth bunds (set out in the Geotechnical Design Report, associated drawings and Specification) shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with and requiring certification by National Highways).

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Above ground

17. 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 building(s) 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.

18. Prior to installation, details of all proposed External Lighting (including location, type and illuminance levels) at the site shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways), to be based on the principles shown on Drawing No. 4856/E/101 –External Lighting Layout. The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification unless otherwise agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason: To ensure that the A27 and A3(M) Trunk Roads continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Pre-occupation

19. Prior to occupation of any relevant part of the approved development, a verification report which demonstrates both the satisfactory completion & efficacy of works set out in the approved remediation method statement 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 Delta Simons Report No. 19-2099.07 v2.3 (the approved Verification Strategy) & the Piling Method, to demonstrate that the site remediation criteria have been met.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of document 19-2099.07 v2.3 (the approved Verification Strategy) have been met, and that remediation of the site is complete. This is in line with paragraph 174 & 183 of the National Planning Policy Framework, Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, & DM17 of the Havant Borough Local Plan (Allocations) [2014].

20. The condition of the Hermitage Stream, which would take surface water from the development site, shall be investigated before any connection is made, details of which shall be submitted to the Local Planning Authority. This shall include any required consent from the Environment Agency and the Marine Management Organisation.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality 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.

21. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the buildings/units. The submitted details shall include:
- a. Maintenance schedules for each drainage feature type and ownership
 - b. Details of protection measures.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality 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.

22. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision necessary to serve the development in full accordance with such plans and particulars as are thus approved by the Authority. The surface water drainage shall be maintained in accordance with the maintenance arrangements thus approved.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality 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.

23. No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and future occupiers of the development having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

24. Unless otherwise agreed in writing by the Local Planning Authority, within 3 months after first occupation of the any relevant unit at the development, written documentary evidence proving that the development has achieved at minimum a level of '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 and approved in writing by the Local Planning Authority.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

25. No part of the development shall be first occupied anywhere on the site until the road(s) serving that building have been laid to at least base course.

Reason: To avoid excess soil being deposited on the existing roads and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

26. Prior to the occupation of the development full details of the Electrical Vehicle Charging points shall be submitted to and approved in writing by the Local Planning Authority. The Charging Points shall be installed in accordance with the approved details prior to the occupation of each individual building and retained at all times thereafter.

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.

27. Prior to occupation of the development hereby permitted, or parts thereof, details of the reinstatement work to footpath 30 shall be submitted to and approved in writing by the Local Planning Authority. The works to footpath 30 shall be undertaken in accordance with the approved scheme, prior to occupation of the approved development.

Reason: To secure the satisfactory reinstatement of footpath 30 and having due regards to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

28. Prior to occupation of any part of development hereby permitted, an Operational Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways and Hampshire County Council). The Operational Management Plan shall include but not limited to the following:

- Details of HGV routing;
- Measures to manage down demand for HGV movements during peak periods (Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) where feasible)

- Changes/implementation of any signage measures considered necessary to support HGV routing to the site via Rusty Cutter Roundabout and the teardrop arrangement to the west of the site and measures to minimise HGV routing to or from the east of the site.
- Car Park Management Plan; and
- Framework Travel Plan for staff on site.

Reason: To ensure that the A27 and A3(M) Trunk Roads continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

The meeting commenced at 5.00 pm and concluded at 5.54 pm

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Chairman

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HAVANT BOROUGH COUNCIL

At a meeting of the Planning Committee held on 14 April 2022

Present

Councillor Crellin (Chairman)

Councillors Branson, Hughes, Lowe and Stone (Standing Deputy)

Other Councillors Present:

Councillor(s): Robinson

63 Apologies

Apologies for absence were received from Councillors Diamond, Patrick and Weeks.

64 Minutes

The minutes of the meeting of the Planning Committee held on 24 February 2022 were approved as true record and signed the Chairman.

The minutes of the Site Viewing Working Party held on 11 April 2022 were received.

65 Declarations of Interests

There were no declarations of interests.

66 Items for Deferment

There were no matters to be considered for site viewing or deferment.

67 APP/21/01194 - 9 Fabian Close, Waterlooville

(The site was viewed by the Site Viewing Working Party on 11 April 2021)

Proposal: Proposed change of use of domestic outbuilding to a dog grooming

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

The Committee received supplementary information, circulated prior to the meeting which included:

- (1) written deputations submitted by the applicant's agent and Councillor Gwen Robinson ("Councillor Robinson");
- (2) a corrigendum correcting the Heading of Item 5 Part 2 of the agenda; and
- (3) the minutes of the Site Viewing Working Party held on 11 April 2022.

The Committee was addressed by Councillor Robinson, who reiterated the issues set out in her submitted written deputation.

In response to questions from members of the Committee, Councillor Robinson:

- Acknowledged that the walls of the garage would attenuate the sound generated by the business but raised concerns that the garage windows were likely to be opened during parts of the year.
- Advised that she had factored in the distances between the application site and nearby residential dwellings and drew the Committee's attention to the fact that the application site formed part of a semi-detached building.

In response to the issues raised in the written deputations and Councillor Robison's deputation made at the meeting, the officers advised that:

Noise Impact

- The applicant had confirmed that the type and model of hairdryer to be used would generate the same level of noise as a standard hairdryer or a domestic washing machine and would only form a small part of the grooming process. Therefore, it was considered that, in the light of this information and the distance between the application site and neighbouring properties, the use of the hairdryer would not have a detrimental impact on the living conditions of neighbouring residents
- Environmental Health had raised no objections to the proposal and in particular the noise likely to be generated by the hairdryer

- It was considered that noise generated by domestic dogs living in the neighbouring properties could have the same impact as dogs using this facility
- The applicant had confirmed that the transfer of the dog from the owners to the business would be very short

- The decibel chart submitted in the written deputation by Councillor Robinson, which was sourced from the internet, should be treated with caution

Congestion

- The parking spaces proposed complied with the Council's parking standards
- The measures to be put in place to warn owners of any delays and parking provision would not encourage vehicles to park on the highway and thereby interrupt the free flow of traffic in the immediate area.

Following these comments, the Committee was reminded that it should not debate the application with the depute.

In response to questions from the Committee, officers advised that they were not aware of any noise complaints received by Environmental Health relating to other dog grooming businesses operating in the Borough.

During the debate, the Committee considered requiring an unopenable window on the front elevation. The officers reminded the Committee that Environmental Health had not requested any unopenable windows.

The Majority of the Committee considered that

- (a) this was established business with no intention to expand beyond its existing customer base;
- (b) there was ample parking to accommodate customers;
- (c) arrangements would be put in place to reduce the likelihood of noise generated by the proposal having a detrimental effect on nearby residential properties; and
- (d) the proposed conditions were adequate to minimise the impact of the proposal on nearby residential properties.

RESOLVED that application APP/21/01194 be granted permission 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.

E001 Existing location and block plans
P005 Proposed plans and elevations
Additional information email uploaded on the 23.11.2021
Design and Access Statement uploaded on the 05.11.2021

Reason: To ensure provision of a satisfactory development.

- 3 There shall be no more than 5 dogs groomed per day with a minimum break of 10 minutes between appointments unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential and highway amenities of the locality and having due regard to policies CS2, CS16, DM10 and DM14 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.

- 4 The use of the outbuilding for the purpose of the dog grooming business shall only operate between Monday to Friday between 0830 and 1800 hours and shall not operate on bank holidays or at any other time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and having due regard to policies CS2, CS16 and DM10 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.

- 5 No employees other than Jessica Mcknight shall be employed at the premises in connection with the business hereby approved at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.

- 6 This permission shall enure for the benefit of Ms Mcknight only whilst resident at 9 Fabian Close and the use hereby permitted shall be discontinued on the date when Ms Mcknight ceases to occupy the property.

Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.

- 7 There shall be no more than 1 dog or up to 3 dogs if from the same household groomed at the premises at any one time unless otherwise agreed in writing by the Local Planning Authority. If there are additional dogs from the same household these are to be kept inside the grooming parlour throughout the appointment.

Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 8 Each dog grooming appointment hereby approved shall be carried out in strict accordance with the following arrangements:
- (i) A detailed register of appointments shall be kept and made available for inspection by the Local Planning Authority upon request.

Reason: To ensure that the level of business use is compatible with the residential area and neighbouring amenities having due regard to Policies CS16, DM10, DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

68 APP/22/00169 - 33 Victoria Avenue, Hayling Island

Proposal: Single storey rear extension with flat roof.

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

The Committee considered that there were insufficient grounds to justify a refusal of the proposed amendments to the previously approved application reference APP/21/00264.

RESOLVED that application APP/22/00169 be granted permission 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:

Location Plan - P207

Block Plan - P206

Existing and Proposed Ground Floor Plans - P100A

Existing and Proposed Site Plans - P102

Existing and Proposed North and South Elevations - P103

Existing and Proposed West and East Elevations - P104

Proposed 3D Views - P105

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

The meeting commenced at 5.00 pm and concluded at 5.48 pm

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Chairman

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HAVANT BOROUGH COUNCIL

Planning Committee

APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE DIRECTOR FOR REGENERATION & PLACE

Applications to be determined by the Council as the Local Planning Authority

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Planning Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Head of Planning will be reported **verbally** at the meeting of the Planning Committee.

Members are reminded that all letters received are placed upon the application file and are available for Planning Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon prior to the meeting of the Planning Committee.

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal. The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Planning Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

HPS	Head of Planning Services
HCSPR	Hampshire County Structure Plan - Review
HBLP	Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012)
HWLP	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan
NPPF	National Planning Policy Framework 2012
HBCCAR	Havant Borough Council Conservation Area Review
AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
LB	Listed Building included in the list of Buildings of Architectural or Historic Interest
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Site identified as a Special Protection Area for the protection of birds under the Ramsar Convention
SSSI	Site of Special Scientific Interest
FP	Definitive Footpath
POS	Public Open Space
TPO	Tree Preservation Order
HBC	Havant Borough Council
GPDO	Town & Country Planning (General Permitted Development) Order
DMPO	Town & Country Planning (Development Management Procedure)(England) Order 2010 amended
UCO	Town & Country Planning (Use Classes) Order
S106	Section 106 Agreement
Ha.	Hectare(s)
m.	Metre(s)

RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

Implications

Resources:

None unless detailed in attached report.

Legal:

Details set in the individual reports

Strategy:

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

Risks:

Details set out in the individual reports

Communications:

Details set out in the individual reports

Background Papers:

Individual Applications with Case Officers

Simon Jenkins
Director for Regeneration & Place

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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 No:	APP/20/01221	Expiry Date:	22/03/2021
Applicant:	Lidl Great Britain Limited		
Agent:	Mr Thornton	Case Officer:	Lewis Oliver
	Simply Planning Limited		
Ward:	Barncroft		

Reason for Committee Consideration: At the request of Councillor Weeks

Density: Not applicable

HPS Recommendation: **GRANT PERMISSION**

Executive summary

This proposal is for the erection of a discount food store including associated parking and landscaping with new vehicular and pedestrian accesses on a site lying within the defined urban area.

The proposal has been subject to extensive review and consultation. Extended negotiations have taken place, along with research into previous proposals in similarly sensitive locations, resulting in the plans being significantly improved and amended to address concerns; revising the design, layout and improving landscaping.

Additionally, specialist reports were recommissioned to address concerns over some key issues - including landscape impact, trees, ecology, highways, flooding and drainage.

Full publicity has been undertaken on the initial and amended plans including consultation, notification of neighbours, site notices and adverts in the press.

This application has been considered against both the criteria set out in policies in the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework (NPPF). In terms of the Local Plan the site is within the urban area, however, is considered to be 'out of centre'. In such cases the NPPF requires a sequential test to assess whether any sequentially preferable sites could be identified within the urban area. The sequential test did not identify any such sites.

In terms of impact on the highway network it is considered that the site is reasonably sustainable in transport terms subject to the mitigation measures proposed and conditional requirements. The proposed car and cycle parking provision is in accordance with the adopted standards. Overall, the impacts on the highway network are not considered to be severely harmful to the safety or free flow of the highway network and as such the development should not be refused. Following the implementation of the agreed mitigation proposals required by S106 and conditions, it is clear in the NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and therefore a reason for refusal on this basis could not be justified.

Regarding landscape impact, there is a clear need here to weigh up the harmful loss of

trees across the site, against the benefits the scheme would bring in terms of the provision of economic development, including additional employment opportunities. On balance, it is considered that whilst there would be a loss of trees on the site, when considering the landscape character area as a whole, the proposed development would not result in an overall significant adverse impact upon this landscape character type. Any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall, the development would not unduly affect the character and appearance of the wider area.

Through considerable consultation and the subsequent amendments, the impact of the development on the character, setting and has been significantly improved, when compared to the original submissions. When this more sensitive design is considered in conjunction with the provision of retail and employment opportunities it is considered that the impact on the landscape, whilst altered, is not so detrimental when weighed up against the other material considerations as to warrant a refusal.

To conclude, in assessing the proposal (including associated evidence) against the adopted Local Plans and the National Planning Policy Framework (NPPF) it is considered that the development meets the sequential test and represents sustainable development and is therefore recommended for permission.

1 Site Description

- 1.1 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. The site sits to the west of the existing B&Q store. The site will be accessed via the service road leading off the Purbrook Way/A3(M) slip roundabout which serves B&Q. In retail terms the application site is considered out-of-centre. The nearest defined centre to the site is at Middle Park Way in Leigh Park to the east.
- 1.2 The application site totals approximately 1.27 hectares (c.3.2 acres). The site is undeveloped and is largely screened from the surrounding highway network. It comprises largely overgrown scrubland with significant differences in levels that contains scattered trees around the perimeter; areas of grass are present towards the north of the site. 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. The southern part of the site comprises made ground. The application site includes land within the ownership of highways and part of the private access road that currently serves B&Q.
- 1.3 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. 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 mixed uses which occupy Larchwood Business Park. The surrounding area is urban in character, although north of the site is the Neville's Park Wood SINC.

2 Planning History

- 2.1 None relevant to this application site.

3 Proposal

- 3.1 The proposed development comprises the construction of a retail foodstore with associated car parking, access, landscaping and engineering works – the food store

will feature 1,256 square metres (sq.m) sales area (1,899 sq.m 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.

- 3.2 The store has been positioned on the eastern part of the site, with customer car parking to west of the building. The development is proposed to provide a total of 132 car parking spaces in total, which have been positioned to the principal, front elevations of the store. The south-eastern area of the car park will accommodate 8 No disabled parking spaces along with 8 No Parent & child spaces adjacent to the store frontage. 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 Sheffield cycle stands.
- 3.3 The proposed access 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 approximately 55 metres 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 and cycle access is proposed to link the development 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 metres away from the proposed pedestrian access to the site.
- 3.4 Following extensive discussions between the Highway Authority and applicant, a number of highway improvements are now proposed, these are:
 - i. Full width speed humps on the junction approach to reduce vehicle speeds;
 - ii. Two lane entry onto the roundabout from the B&Q arm with a reduced pedestrian/cycle crossing distance from 7.3m to 5.9m, achieved via amendments to the eastern kerbline.
 - iii. Vegetation clearance to improve pedestrian and cyclist visibility; and
 - iv. Provision of tactile paving at the crossing
- 3.5 The building itself is proposed to be single storey, with a mono-pitched roof. 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. The proposed doors and window frames will be blue, which are the corporate colours of Lidl. The roof will include a Photovoltaic (PV) system helping to achieve BREEAM very good for the development and also help to assist with the overall sustainability credentials of the store.
- 3.6 The development would result in the loss of 1no. tree subject to a Tree Preservation Order (TPO), which is in a central position on the site. In mitigation the application proposes a detailed landscape strategy has been provided as part of the application submission and has been informed by the need to provide suitable tree re-provision. During the course of the application amended plans have been received, comprising enhanced landscaping schemes, to soften elements of the proposal including the car parking, to break up the areas of hardstanding, and to soften the retaining wall on the northern boundary, which is adjacent to the B&Q access road. In addition, further planting is to be provided on the western boundary. The proposed landscape strategy not only replaces but increases significantly both the amenity and arboricultural value of the site.

- 3.7 The application has been submitted with a Design and Access Statement and Planning Statement, which provides a background business model of the applicant. This submission outlines that Lidl is classified as a 'deep discount' retailer and concentrates on selling a limited range of primarily own brand goods (around 90% of all products in store) at competitive prices. As recognised by the Competition Commission, the Lidl model and retail offer is distinctive and differs from mainstream convenience retailers within the wider sector.
- 3.8 The application site is largely located within flood zone 1 - a small portion of the site in the southwestern corner, which is a disused access tunnel underneath the access road, is in flood zone 3, however no development is proposed in this area. A detailed drainage design has been provided. A Sustainable Urban Drainage system (SuDS) is proposed, this comprises discharge surface water run-off into the existing B&Q drainage network to the north. 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. The 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.
- 3.9 The application is also accompanied by a wide range of information, which consists of the following:
- Retail Statement
 - Transport Assessment
 - Travel Plan
 - Sustainability and Energy Statement
 - Geo-environmental Report
 - Flood Risk Assessment and drainage strategy
 - Ecological Assessment
 - Noise Impact Assessment
 - Lighting Plan
 - Landscaping Plan
 - Air quality assessment
 - Archaeological assessment
 - Contaminated Land Study
 - Statement of community involvement
 - Utilities statement
- 3.10 During the course of the application amended plans have been received, which have sought to address concerns raised by the Local Planning Authority, and statutory and non-statutory consultees. Furthermore, an updated Transport Assessment and Travel Plan and Flood Risk Assessments have been received to address the issues raised by the Highway Authority.

4 Policy Considerations

National Planning Policy Framework (NPPF)

The NPPF states that in the assessment and determination of planning applications for retail and main town centre uses that are not in an existing centre and not in accordance with an up-to-development plan, local planning authorities should require:

- A sequential test (para 86 and 87) – this requires applications for main town

centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered. When considering edge and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should also demonstrate flexibility on issues such as format and scale.

- An impact assessment (para 89) – is required if the planning application for retail, leisure and office development is over 2,500 sq.m, or a proportionate locally-set floor space threshold. In accordance with the NPPF, this includes assessment 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 wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. *NB This application does not breach this threshold and an Impact Assessment is therefore not required.*
- At paragraph 90 the NPPF states that where an application “fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

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	(Town, District and district centres)
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)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD

5 Statutory and Non Statutory Consultations

Arboriculturalist

Objects:

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.

Building Control

Solid waste storage location not shown on site plan

Community Infrastructure

The Community Infrastructure Levy (CIL) is applicable to this development, as such a contribution will be required.

Councillor Pamela Crellin - Barncroft

No response

Councillor Yvonne Weeks - Barncroft

Request that the application is determined by Planning Committee given the Highway issues and associated congestion in the immediate and wider area

County Archaeologist

No Objection subject to condition

County Ecologist

Initial response

The application is accompanied by a Preliminary Ecological Appraisal (RPS, October 2020) and now a Dormouse and Bat Survey report (RPS< September 2021). The site comprises an area of dense scrub and rough grassland situated at the edge of an existing commercial development. The site sits within an immediate landscape dominated by woodland, with a large number of woodland Sites of Importance for Nature Conservation (SINCs) present. The grassland on site is reasonably species-rich, with two orchid species noted amongst a range of other herbaceous plants. The scrub habitat is linked to areas of scrub and woodland off-site and then connected to the areas of woodland in the surrounding area. Surveys for Hazel Dormouse during 2020/21 recorded no evidence of this species and therefore the applicant is justified in assuming absence within the site. The surrounding landscape does support this declining species and the proposed site should provide landscape enhancements to encourage dormice.

This site sits well-within the zone of likely Bechstein's bat occurrence, and the well-wooded character of the surrounding landscape is likely to support a good range of bat species. Automated and walked transect bat surveys carried out during 2021 recorded regular activity by a small number of bat species across the site. There is no evidence

to suggest that the site is particularly important to local bat species and it does not appear to support numbers of mouse-eared bat species such as Bechstein's Bat. Little detail is presented on ecological mitigation, compensation and enhancement. The proposal will remove most of the existing semi-natural vegetation and landscaping proposal replace this with a standard mix of ornamental shrub species. Species included within the landscaping plan include two species of Cotoneaster.

One of these, Cotoneaster horizontalis, is listed on Schedule 9 of the Wildlife & Countryside Act: it is a highly invasive species and should not be used in proximity to high-value habitats such as ancient woodland. Native plantings and seeded grassland are restricted to the southernmost boundary, predominantly within Highways land. I would request that a more imaginative, native-led landscaping scheme is proposed that reflects the surrounding landscape and seeks to provide meaningful enhancements to the local ecological network. Expanses of amenity grassland that require regular mowing are a missed opportunity for biodiversity: wildflower-rich grasslands are a more cost-effective solution, require minimal management, will provide demonstrable benefits for biodiversity and will provide colour and interest throughout the year. Similarly, there are numerous native shrub/dwarf shrub species that could be used: these would be suited to the local landscape and soils.

Response to further information

No Objection – subject to conditions:

Overall, I am now content that the proposed scheme provides a much better outcome for the existing site biodiversity and for biodiversity more generally. If you are minded to grant permission, can I suggest that all ecological mitigation, compensation and enhancement measures are secured by condition.

Crime Prevention -Major Apps

No response

Developer Services, Southern Water

No Objection – subject to condition

Economic Development

No objection subject to securing a local employment and skills plan.

Engineering/Drainage

No response

Environment Agency

No Objection : 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

No Objection subject to conditions relating to contamination. 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.

Forestry Commission

Comments received relate to impact on Ancient Woodland – the application site does not contain any Ancient Woodland.

Hampshire Fire & Rescue

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

Hampshire Highways

Initial response – the following concerns were raised:

- Concerns over the proposed pedestrian and cycle link
- Further information requested to consider junction modelling and impact on wider highway network
- Further information required in the form of a Road Safety Audit, to ensure that the proposed widening of the access road is acceptable in safety terms
- Further information required regarding the proposed traffic calming measures

Following the submission of additional information – No objection:

A revised mitigation proposal, has been proposed, which is as follows:

- Two lane entry onto the roundabout from the B&Q arm with a reduced crossing distance from 7.3m to 5.9m, achieved via amendments to the eastern kerbline.

Alongside the two-lane entry, the applicant will provide the full road width road humps, vegetation clearance and tactile paving.

The latest scheme has been reviewed in detail, including the County Council's internal safety auditors and engineers, to assess the potential improvement afforded when compared to the previous scheme. The Highway Authority acknowledge that the scheme would offer some improvement by improving the visibility for pedestrians and cyclists in accordance with HCC TG3 and reducing vehicle speeds on the junction approach via the introduction of full road width speed humps. As per LTN 1/07, it is considered that the speed humps are sufficient for providing the 6mph speed reduction required to achieve the speed reduction required for the 28m 'Y' distance visibility. It is also acknowledged that the scheme has been the subject of an independent Stage 1 safety audit which has not raised crossing two lanes as an issue within the audit report.

However, by introducing an additional lane, the Highway Authority remain concerned that the scheme is less attractive for pedestrians and cyclists and will increase

severance along the route which has been identified in Hampshire County Council's Local Cycling and Walking Infrastructure Plan (LCWIP) as one of the key routes for vulnerable road users in the area. The scheme is also contrary to the wider position set out in HCC's emerging LTP4 policy and LTN 1/20 which seeks to prioritise the movement of pedestrians and cyclists at junctions. Whilst the improvement scheme meets the vehicular capacity requirements, it does not meet the wider emerging policy position, reaffirmed through the climate emergency, which seeks to encourage pedestrian and cycle movements via revised junction and infrastructure design.

To offset the increased severance and to ensure the development mitigates its impact upon sustainable modes, the Highway Authority consider it necessary for a contribution towards pedestrian and cycle improvements along Purbrook Way to be secured. The contribution value has been specifically calculated based on the percentage of traffic flow increase across the B&Q arm of the roundabout to represent the proportionate cost of the identified LCWIP improvement for this corridor. This is therefore considered a fair and reasonable response to address the development's impact on pedestrians and cyclists in line with the costs associated with the LCWIP schemes identified in the vicinity of the proposed development. The Highway Authority require a contribution payment of £202,000 towards sustainable travel improvements on Purbrook Way to ensure that the route remains safe and attractive to all users.

In specific relation to the design, should the proposals be approved, it should be noted that the Highway Authority have raised the potential for the tactile paving to be relocated to further improve the visibility available at the junction. The kerblines adjustment to the north of Purbrook Way may also need to be altered to improve the tracking movements of vehicles travelling around the circulatory of the roundabout. It is considered that these are detailed design matters which can be addressed during the Section 278 stage.

Junction Modelling

The applicant has undertaken revised junction modelling incorporating the latest improvement scheme. Under the 2025 + committed development + development scenario, the B&Q arm of the roundabout is forecast to operate with a Ratio to Flow Capacity (RFC) of 0.45 in the AM peak hour, 0.64 in the PM peak hour and 0.73 in the Saturday peak. The B&Q approach is therefore forecast to operate within design capacity in the future year scenario with the development and associated improvement scheme.

The Highway Authority has undertaken a detailed review, the review has confirmed that the improvement scheme on the B&Q arm provides the stated capacity benefits. The Highway Authority has also acknowledged that capacity concerns across the wider roundabout are as a result of background growth and committed development and are therefore not attributed to this development.

In summary **no objection** subject to the following S106 obligations and conditions:

S106

- Prior to commencement of development to enter into a Highways agreement for the pedestrian and cycle link as shown indicatively on drawing number AD 110 Rev C. To implement the pedestrian and cycle link to the Highway Authority's satisfaction prior to occupation of development
- Prior to commencement of development, to enter into a Highways agreement for the A3(M) J4 improvements as detailed in drawing number B/LIDL/PURBROOKWAY2.1/06 Rev H. To implement the improvement works to the satisfaction of the Highway Authority prior to occupation of development.

- Prior to occupation of development, to pay the pedestrian and cycle contribution of £202,000.
- Payment of the Travel Plan approval and monitoring fees along with the bond.

Conditions

- Provision of a Construction Traffic Management Plan
- Prior to occupation the implementation of the traffic calming scheme

National Highways

No objection

Landscape Team

Initial response – The following concerns were raised:

- 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 amended plans are an improvement, however further comments made

- 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 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.

Officer response: See landscape section of report.

Local Lead Flood Authority HCC

Initial response – further information required in terms of impact on regarding surface water sewer asset owner and detailed hydraulic calculations.

Response to further information - No Objection – subject to conditions:

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 condition.

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.

Principle of development

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

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 Council reviewed the suitability of the catchment area identified by the submitted Planning and Retail Statement, and concluded that it should be expanded to include the edge of Havant Town Centre and as well as Waterlooville Town Centre in its entirety (based on a 5 minute drivetime)

In identifying the expanded catchment area, the Council sought clarification on the availability of the vacant Waitrose store in Waterlooville which closed in June 2020. In a letter dated 7th July 2021, the freeholder (Threadneedle Pensions Limited) of the site subsequently confirmed that they are working with the leaseholder to identify a new

tenant for the premises and would be willing to surrender the existing lease and grant a new lease on market terms (given a commercially viable option).

In responding to these issues (including an objection from Planning Potential on behalf of Aldi), the applicant submitted a revised sequential assessment. The Council subsequently sought independent retail advice from Stantec in August 2021 (with the costs borne by the applicant) and in their initial advice letter concluded that the application proposal did not pass the sequential test. The applicant was then given the opportunity to respond to this advice.

In October 2021, the applicant submitted a rebuttal to Stantec's initial advice letter. A further independent review was sought (with the costs borne by the applicant). The second letter from Stantec concludes:

"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 their 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.

Before we reach a final recommendation on whether the application proposals pass the sequential test, the applicant should comment on whether the demolition of the former Waitrose unit and construction of a new foodstore at the same site might render the former Waitrose unit / site suitable and available for the development proposed."

In this respect of the latter, the applicant has submitted a further statement dated 26th January 2022 which indicates any redevelopment scheme for the former Waitrose would introduce a level of flexibility that falls far outside the ambit of the sequential test and established with the relevant case law. It is considered that most notably redevelopment is not realistic because the site would not be available within a reasonable period of time.

Having regard to Stantec's advice and the applicants' statement on the redevelopment of the site, it is concluded that an objection could not be sustained on sequential test grounds.

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. As such, it is noted the proposals would comply with the ALP.

Parking

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, and the Council's Parking SPD.

Summary

Given the site's location within the urban area within the context of the adopted local plan, the principle of development is acceptable.

It is considered that the development proposals have demonstrated compliance with the sequential test, and as such an objection could not be sustained on that basis.

In respect of environmental credentials, it is noted that the applicant complies with the BREEAM 'Very Good' as per the requirements of the ALP.

Portsmouth Water Company

No Objection - 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 be utilised 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

Initial response

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.

Further consultation response received

No Objection

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: 5

Statutory advertisement: 29/01/2021

Number of representations received: 49 – comprising 13 letters of objection and 36 letter of support

The **objections** raised the following points, including a consultant acting on behalf of Aldi (summarised) and B&Q

- No proven need for a further food/retail unit. Havant Borough has more than enough supermarkets and there is another Lidl's store just 2.1 km away in Leigh Park.
***Officer comment** – The need for the development and relevance to proximity of other food stores is not a material planning consideration*
- The sequential test submitted by the applicant is flawed and the proposed catchment area for the location of the store should be expanded to take into account more of the Borough
***Officer comment** – A revised sequential test has been submitted which has expanded the proposed catchment area for the store*
- Loss of trees- included the loss of a protected tree and associated loss of habitat
- Adverse impact on highway safety the area is known at busy periods to suffer from congestion – especially the ASDA roundabout
- The development would result significant traffic generation which would have an adverse impact on the safety and free flow of the highway network
- The development will conflict with and block the busy access with B&Q
- Adverse impact on the character and appearance of the area, through light, noise and CO2 pollution – this together with the recently permitted application APP/20/00441 will destroy the area
- If the development is permitted further landscaping should be provided to replace and enhance the area
- Potential queueing into the Lidl car park blocking back onto the access road and queueing back onto the A3(M) roundabout as a result of a right turners into the store. The development would lead to conflicting vehicle movements, and would cause congestion and lack of capacity on the surrounding highway network, especially on the Purbrook Road roundabout.
- The proposed mitigation measures that have been proposed will not address the issues that we have outlined

The **support letters** raised the following points (summarised)

- The development will provide additional choice for food shopping in a sustainable location
- The development would provide further job opportunities, which will be of benefit to the local community

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, including on trees
- (iii) Impact on trees
- (iv) Access and Highway Implications
- (v) Impact upon residential amenity
- (vi) Impact on drainage
- (vii) Ecological considerations
- (viii) Sustainable construction
- (ix) Community Infrastructure Levy (CIL) and legal agreement

(i) Principle of development

7.2 The National Planning Policy Framework (NPPF) sets out a clear presumption in favour of sustainable development; and describes the three dimensions that the planning system must have regard to when determining applications - an economic role, a social role and an environmental role. These three roles are to be seen as mutually dependent:

* **an economic role** – contributing to building 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 and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

* **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

* **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

7.3 When making decisions on planning applications, this presumption means that development proposals that accord with the development plan should be approved without delay; but where the development plan is out-of-date, permission should be granted unless the adverse effects of doing so would significantly outweigh the benefits.

7.4 The NPPF also sets out core planning principles, which in relation to this application include the need to proactively drive and support sustainable economic development; take account of market signals; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas; encourage the effective use of land by reusing brownfield land; promote mixed use developments; conserve

heritage assets; and focus significant development in locations which are sustainable. In addition the sequential retail test is to ensure that new retail development is located as closely as possible to town centres, to ensure that sites closer to the town and district centres that may be available have been considered and to ensure as far as possible that new retail development would not have an untoward negative impact on the vitality of town centres

- 7.5 Planning law requires that applications for planning permission must be determined in accordance with the development plan (the Core Strategy and the Allocations Plan) unless material considerations indicate otherwise. The application site lies within the urban area as currently defined by ALP Policies CS17 and AL2. As such, the principle of the development is acceptable subject to other material considerations.
- 7.6 The National Planning Policy Framework (NPPF) refers to town centre, edge of centre and out of centre locations for retail development. For retail purposes, edge of centre is defined as a location within 300m of a centre boundary (outlined in the Glossary of the NPPF). Given this the application site, which is closest to the Middle Park Way Local Centre, it is identified as "out of centre".
- 7.7 As this proposal is for a discount food store in an out of centre location, the process set out in Paragraph 3.39 (Policy CS4) of the Local Plan (Core Strategy) 2011 applies:
"All applications for the development of town centre uses and in particular new retail floor space 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 set out in current government policies".
- 7.8 The National Planning Practice Guidance (PPG) specifies that the NPPF sets out two key tests that should be applied when planning for town centre uses, which are not in an existing town centre and which are not in accordance with an up-to-date Local Plan. These are the Sequential Test and the Impact Test. An Impact Test is only required above a 2,500 sqm threshold, this application does not breach this threshold, and as such is not required.
- Sequential Retail Test
- 7.9 The purpose of the sequential retail test is to ensure that new retail development is located as closely as possible to town centres, to ensure that sites closer to the town and district centres that may be available have been considered and to ensure as far as possible that new retail development would not have an untoward negative impact on the vitality of town centres. The requirements of paragraphs 86 and 87 the NPPF are set out in section 4 above. The applicants have undertaken a study of retail provision in the area, and in accordance with national guidance have considered a sequential approach to retail development, taking into consideration the suitability of other sites within the defined district centres, which could have potentially accommodated the proposals being considered.
- 7.10 Furthermore, this assessment has provided scope for flexibility of the format and scale of the proposed store. The PPG that informs the NPPF is clear that if there are no suitable sequentially preferable locations, that the sequential test is passed. The Council reviewed the suitability of the catchment area identified by the submitted Planning and Retail Statement and concluded that it should be expanded to include the edge of Havant Town Centre as well as Waterlooville Town Centre in its entirety (based on a 5 minute drivetime).
- 7.11 In identifying the expanded catchment area, the Council sought clarification on the availability of the vacant Waitrose store in Waterlooville which closed in June 2020. In a letter dated 7th July 2021, the freeholder (Threadneedle Pensions Limited) of the site subsequently confirmed that they are working with the leaseholder to identify a new tenant for the premises and would be willing to surrender the existing lease and grant

a new lease on market terms (given a commercially viable option).

- 7.12 In responding to these issues (including an objection from Planning Potential on behalf of Aldi), the applicant submitted a revised sequential assessment. The Council subsequently sought independent retail advice from Stantec in August 2021 (with the costs borne by the applicant). Stantec are an independent consultancy, who provide specialist retail advice, amongst other planning services. Stantec's initial advice letter concluded that the application proposal did not pass the sequential test. The applicant was then given the opportunity to respond to this advice.
- 7.13 The applicant provided a detailed rebuttal as to why they considered that the Waitrose store was not appropriate or available, these are summarised below:
- i. The floorspace is too large for the need the development is expected to serve. Accordingly, the only basis on which Lidl, or any other Limited Assorted Discounter (LAD) retailer, could theoretically trade from the unit would be on the assumption the floorspace is subdivided
 - ii. 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.
 - iii. There remains concern that a LAD store would not have adequate commercial profile and main road frontage following re-configuration.
 - iv. Prohibitive passing rents would impact the deep discounter model. The existing Waitrose lease runs until 23rd January 2026. It has over 4 years left on the term.
 - v. 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 prospective store layout plans and commercial opinion provided by the applicant.
 - vi. Concerns about parking arrangements, which would be available for Lidl customers only
 - vii. It would not be viable or practical for a LAD to occupy the entire unit
 - viii. 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.
 - ix. Inefficient warehousing/servicing space arranged over multiple floors.
 - x. 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)
- 7.14 The applicant's response concluded that, 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.
- 7.15 This additional information was further considered by the Council independent retail

consultant, who provided the following response in December 2021:

“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 their 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.”

- 7.16 The consultant outlined that *“Before we reach a final recommendation on whether the application proposals pass the sequential test, the applicant should comment on whether the demolition of the former Waitrose unit and construction of a new foodstore at the same site might render the former Waitrose unit / site suitable and available for the development proposed.”*
- 7.17 In this respect of the latter, the applicant submitted a further statement dated 26th January 2022 which indicates any redevelopment scheme for the former Waitrose would introduce a level of flexibility that falls far outside the ambit of the sequential test and established with the relevant case law. It is considered that most notably redevelopment is not realistic because the site would not be available within a reasonable period of time.
- 7.18 Overall, having regard to the extensive level of information provided by the applicant, which has been assessed independently by the Council’s Retail consultants, it is considered on-balance that there are no sequentially preferable locations to the application site. Accordingly, the proposal therefore accords with the sequential test in retail terms as set out in the NPPF and NPPG, and in policy CS4 of the Local Plan (Core Strategy) 2011.

(ii) Impact upon the character and appearance of the area, including on trees

- 7.19 One of the core planning principles set out in the NPPF is to take account of the different roles and character of different areas by, amongst other matters, recognising the intrinsic character and the impact of any development on the character and appearance of the area. Policies CS11 and CS16 of the Core Strategy set out a range of criteria that new development should be able to demonstrate in order to protect the environment and heritage of the borough and secure high quality and appropriate developments - chief amongst these is that new development should ensure that the key landscape and built form principles integrate into the character and appearance of the area.
- 7.20 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. In terms of the wider surrounding area alongside the B&Q, an Asda Supercentre (out-of-centre) is situated to the south east of the site, together with other roadside retail occupiers and a range of mixed uses which occupy Larchwood Business Park. The A3(M) is located to immediately to the west of the application site. It is understood that the history of the site itself, which varies in levels, is as a result of the works to construct the adjacent B&Q store, which is at a much lower level and the earth excavations being placed on this site. As such the immediate and wider area is defined by notable human influences (e.g., road network, industrial development and power pylons).
- 7.21 The design of the building is proposed to be a contemporary approach, with a full height glazed façade to the south eastern elevation. The proposal includes the associated hard landscaping, including car parking for 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 7 No disabled parking spaces along with 9 No Parent & child spaces on the south-western side. 2 No Electric Vehicle charge points are located by the car park entrance. In addition, 5 No spaces have also been provided for motorcycles. Cycle parking will be provided in the form of 5 Sheffield cycle stands. A new pedestrian and cycle access is proposed in the south eastern corner of the site to provide access to Purbrook Way.

- 7.22 The layout for the scheme has been informed by the position of the site in relation to the topography, trees, hedges and boundary screening and the nature and form of existing surrounding development. Detailed negotiations have taken place with the applicants in order to improve the urban design qualities of the originally submitted scheme, with particular regard to the character of the site layout with respect to car parking/hard surfaced elements, enhanced landscaping both internally and on the boundaries, and having regard to its edge of settlement location and relationship with neighbouring development.
- 7.23 The key visual impacts of this development would be from the A3(M) Purbrook Way roundabout, which provides access to the southbound A3(M). The proposed development would result in the loss of several trees across the site, with a protected tree located close to the eastern boundary of the site, as such there would be direct impacts upon a small and contained part of the landscape character area. Detailed negotiations have taken place with the applicants to improve the landscaping framework of the proposal, both in terms of ensuring the retention and longevity of the tree belts alongside Purbrook Way and number of additional mitigation proposals. The application proposes a landscape strategy which 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.
- 7.24 The revised landscaping scheme now proposes a timber crib retaining wall, which will be softened with landscaping, with tree planting to take place on the grass verge between the retaining structure and access road. This would help to filter views from a local level and lessen the visual impact of the proposal, while maintaining views to the store from public vantage points. In addition tree planting is proposed along elements of the other boundaries to the site, to further assist in mitigating the impact of the development. On balance, it is considered that whilst there would be a loss of trees on the site, discussed in Section (iii) below, when considering the landscape character area as a whole, it is considered that the proposed development would not result in an overall significant adverse impact upon the local landscape character type.

(iii) Impact on trees

- 7.25 The submitted arboricultural report is considered to be comprehensive and to a high standard. It highlights eight trees will be lost on site - whilst the majority of these are Category C (low quality) trees, this does include a single TPO tree located towards the eastern boundary of the site in order to facilitate the development project. As has been highlighted the proposal does include a comprehensive landscape strategy, as a means of suitably mitigating for the loss of all trees across the site and, ultimately, increasing the overall landscaping framework and amenity of the area.
- 7.26 The Council's Tree Officer has been consulted and carried out a detailed visit of the site. The Tree Officer has raised an objection to the scheme on arboricultural grounds. The reason being that the tree loss is excessive and will impact on the area in terms of sustainable tree canopy cover, although they do note that there is a proposal to plant a number of trees in mitigation for the proposed losses, however they consider that they

would take time to establish and fill a void left by the tree to be removed.

- 7.27 Based on the response of the Council's Tree Officer, the proposal would be contrary to Policy DM8 and CS11. The proposal does include a comprehensive landscape strategy, as a means of suitably mitigating for the loss of trees across the site and, ultimately, increasing the overall number of trees. Furthermore, the development would provide significant benefits in terms of retail provision and employment opportunities in the area. The proposal would improve the choice and competition of retailing in the area, an issue to which the NPPF gives great weight, which could be of real benefit to local residents.
- 7.28 As such there is a clear need here to weigh up the harmful loss of trees across the site, against the benefits the scheme would bring in terms of the provision of economic development, including additional employment opportunities.

(iv) Access and Highway Implications

- 7.29 The National Planning Policy Framework (NPPF) at Paragraph 109 states that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 110 of the NPPF also states that developments should be located and designed where practical to give priority to pedestrian and cycle movements; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
- 7.30 Representations have been received by interested parties raising concerns as to the highways impacts and related accessibility issues of this proposal. In particular concerns are raised that the existing highway network in the vicinity of the site is heavily used, congested and restricted. The consequences of this are that the development would result in harm by adding traffic to this existing situation. In addition, concerns are raised as to accessibility and movement by alternative means of transport including cycling, walking and public transport.
- 7.31 The applicant has submitted a revised Transport Assessment (TA) and a Travel Plan, following the request for further information from Hampshire County Council, the Highway Authority. This has been prepared using industry standard methodologies. The TA undertook junction capacity modelling in the area. Additionally, the TA modelled a number of scenarios including with development and mitigation scenarios, in order to determine the impact on the highway network.

Traffic Generation, Distribution and Modelling

- 7.32 The additional trip generation work undertaken by the applicant resulted in 08:00 – 09:00 and 16:30-17:30 being utilised as the local network AM and PM peak hours, while the Saturday peak hour was identified as 11:45 – 12:45. The trip rates for the site were derived from ANPR data obtained from the Lidl store in Whiteley, which was considered a representative comparator store. The data was obtained for a pre-Covid 'neutral' month and was therefore considered appropriate for use in the proposed Lidl's assessment. The trip rates were supported by traffic surveys, undertaken in September 2020, to understand the baseline operation of the local highway network. Because the surveys were undertaken during the Covid-19 pandemic, an uplift factor was applied in line with Department for Transport statistics to account for the reduced traffic on the network at the time. The Highway Authority considered this approach acceptable.
- 7.33 The distribution of traffic from the site was calculated by reviewing the location of existing Lidl stores and nearby supermarkets, such as ASDA, to understand the

quantum of 'new' trips on the local highway network. Following a request from the Highway Authority for further evidence to understand the trip proportions proposed, the following split was eventually agreed:

- New = 48%.
- Primary Transferred = 32%
- Secondary = 20%.

- 7.34 Primary Transferred trips refer to trips already on the network which have been transferred from nearby facilities, in this case primarily from ASDA. Secondary trips refer to pass-by/diverted trips which are also already on the network but are travelling to work or nearby amenities already which means they are not considered as a new trip on the network. The new trip category refers to those trips on the network which are entirely associated with the new development and are therefore not currently accounted for on the network. For the purposes of the junction modelling, 100% of the trips were assumed to be new when egressing the B&Q arm of the roundabout. This is because none of the trips referred to in the above explanation are currently present on this arm of the roundabout.
- 7.35 Junction modelling was undertaken under the aforementioned peak hour scenarios at the A3(M) J4 roundabouts. The junction modelling was undertaken assuming a 2020 baseline year and 2025 future year development scenario which also took account of the Land East of College Road (Campdown) site as a committed development. The 2025 junction modelling identified that the Purbrook Way (W) approach is nearing capacity; however, this is primarily the result of traffic associated with the Campdown development, rather than Lidl development flows. The modelling also indicated that the B&Q approach would operate over capacity with the addition of Lidl development flows. As a result, an improvement scheme was presented which widened the approach to the roundabout to two lanes. The revised modelling demonstrated that the B&Q approach would operate within design capacity following the mitigation scheme.
- 7.36 At the request of the Highway Authority, the applicant also undertook modelling of the Purbrook Way/Hulbert Road Roundabout (ASDA Roundabout). Because of the level of transfer trips from the existing ASDA store set out above, the proposed development has a minimal impact on the overall operation of the roundabout, with these trips already present on the network. When taking account of the three tests of CIL, it would not be fair and reasonable to request an improvement scheme at the roundabout given the limited additional traffic, nor would it be necessary to make the development acceptable in planning terms.

B&Q Objection

- 7.37 Within the technical assessment work, consideration was given towards B&Q's objection to the proposed development. B&Q's concerns centred around potential queueing into the Lidl car park blocking back onto the access road and queueing back onto the A3(M) roundabout because of right turners into the store.
- 7.38 To address the concerns, the junction modelling work for the site access was reviewed in detail. Following changes to the modelling requested by the Highway Authority, the future year modelling demonstrated that a maximum queue of 0.8 vehicles would occur in the Saturday peak hour, with a maximum RFC of 0.32 observed on the B&Q access road. A maximum queue of 0.3 vehicles was observed in the future year scenario within the Saturday peak hour on the Lidl arm of the junction. The junction is therefore forecast to operate within capacity and with limited queueing on the access road.
- 7.39 Furthermore, 'keep clear' markings will be provided across the site access, preventing vehicles from blocking the access in the event that traffic queues back from the approach to the A3(M) J4 roundabout. The Highway Authority were therefore satisfied

that the proposed development would not result in significant queueing on the access road, mitigated further by the keep clear markings and two-lane entry onto the roundabout.

Sustainability - Pedestrian and Cycle financial contribution

- 7.40 Whilst the Highway Authority raised no objection to the principle of the two-lane approach to the A3(M) J4 roundabout in engineering and capacity terms, it was highlighted that the scheme would increase severance for pedestrians and cyclists at the roundabout, which required mitigation. This overall disbenefit was considered holistically alongside the benefits afforded by the scheme in terms of the improved visibility for pedestrians and cyclists, reduced vehicle speeds on the junction approach and tactile crossing facilities.
- 7.41 Following discussions with the applicant, a £202,000 contribution has been agreed 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. The contribution was considered fair and proportionate alongside the other mitigation measures being provided.
- 7.42 The proposed development while being on the edge of the urban areas is within the preferred maximum walking distance of 2,000m of almost all residential development and key facilities. Most of the local facilities are within a reasonable cycling distance. The development includes adequate cycle parking facilities, and it is considered that cycling to and from the site will be a reasonable option for residents, staff and customers.

Parking

- 7.43 The Council's adopted car parking standards SPD sets out minimum vehicular parking requirements. For an A1 food retail use the standards state that 1 space per 14 sq. m of the covered area is required. As the proposal is for a gross internal ground floor area of 1,899 sq. m, this means that a minimum of 135 spaces are required to meet the adopted standards, of which 7 will need to be blue badge disabled parking spaces. The application proposes 140 spaces (8 of which are parent and child space) and 8 disabled spaces, and as such the development complies with the adopted parking standards.

Travel plan

- 7.44 A Travel Plan has been prepared in support of the application detailing how more sustainable modes of travel would be encouraged. The Travel Plan now meets the minimum standards set out in HCC's 'A guide to development related travel plans', and it is considered acceptable for submission in conjunction with the proposed commercial/employment site. The Travel Plan will be secured through a legal agreement, which will also include monitoring fees, approval fees and a bond.
- 7.45 Taking all these highway factors together it is considered that the site is reasonably sustainable in transport terms subject to the mitigation measures proposed and conditional requirements. The proposed car and cycle parking provision is in accordance with the adopted standards. Overall, the impacts on the highway network are not considered to be severely harmful to the safety or free flow of the highway network and as such the development should not be refused. Following the implementation of the agreed mitigation proposals required by S106 and conditions, it is clear in paragraph 109 of the NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and therefore a reason for refusal on this basis could not be justified.

(v) Impact upon residential amenity

7.46 The application is set within a commercial environment with B&Q located adjacent to the site, with the wider immediate area being defined by retail/commercial uses, and significant road infrastructure. Given the wider site context it is not considered that the development would have an adverse impact on the amenities of neighbouring properties.

(vi) Impact on drainage

- 7.47 The application site is largely located within flood zone 1. A small portion of the site in the southwestern corner is in flood zone 3, which is a disused access tunnel underneath the access road, however no development is proposed in this area. As such given that the proposed development is in flood zone 1, and no infrastructure is proposed or relies on the area of the site in flood zone 3, it is not considered that a flooding sequential test is required.
- 7.48 A Sustainable Urban Drainage system (SuDS) is proposed, this comprises the discharge of surface water run-off into the existing B&Q drainage network to the north. 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. The 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.
- 7.49 In addition, the LLFA have now raised no objection to this development and are content with the measures in place to ensure that the development is free from the risk of flooding and is sustainably drained and foul drainage arrangements are addressed (subject to conditions).

(vii) Ecological considerations

- 7.50 The application is accompanied by Ecological Technical Note (RPS, 8 February 2022) and amended landscape drawings and specification. The site comprises an area of dense scrub and rough grassland situated at the edge of an existing commercial development. The site sits within an immediate landscape dominated by woodland, with a large number of woodland Sites of Importance for Nature Conservation (SINCs) present. The grassland on site is reasonably species-rich, with two orchid species noted amongst a range of other herbaceous plants.
- 7.51 The scrub habitat is linked to areas of scrub and woodland off-site and then connected to the areas of woodland in the surrounding area. Surveys for Hazel Dormouse during 2020/21 recorded no evidence of this species and therefore the applicant is justified in assuming absence within the site. However, the surrounding landscape does support this declining species and the proposed site should, as a matter of ecological best practice, provide landscape enhancements to encourage dormice.
- 7.52 There is no evidence to suggest that the site is particularly important to local bat species and it does not appear to support numbers of mouse-eared bat species such as Bechsteins Bat.
- 7.53 Further landscaping details have resulted in a much improved layout, utilising areas of appropriate native tree, shrub and grassland/herbage vegetation. Potentially invasive ornamental species have been removed and this is welcome. The addition of boxes for Hazel Dormice and bats is an improvement to this scheme.
- 7.54 Overall, it is considered that the proposed scheme provides a much better outcome for

the existing site biodiversity and for biodiversity more generally. The ecological mitigation, compensation and enhancement measures will be secured by condition.

(viii) Sustainable construction

7.55 Policy CS14 requires that non-residential development of over 500 sq. m must at least meet the 'very good' standard of BREEAM. The application outlines that it would meet this standard by providing a minimum of 10% of the building's energy from renewable or low carbon energy sources. Furthermore, the submission outlines that Lidl recycle all paper/cardboard and plastic waste produced by its stores. This will mean that over 90% of all waste produced by the store will be recycled. Therefore, the proposed development complies with this policy, subject to appropriate conditions to secure this.

(ix) Community Infrastructure Levy (CIL) and legal agreement

7.56 The CIL liability for this site currently stands at £225,167.14.

7.57 In addition, having regard to the consultation responses received and the planning considerations set out above, the impacts of the proposed development on key infrastructure have been assessed, in particular with respect to highways. Mitigation for the potential impacts on infrastructure has been proposed by both the applicant and consultees and would be the subject of a S106 agreement. The following obligations are considered to comply with the tests set out by Regulation 122, which requires that obligations sought are (a) necessary to make development acceptable; (b) directly related to development; and (c) fairly and reasonably related in scale and kind to the development. These obligation would secure the following matters:-

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
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

8 Conclusion

8.1 In considering whether the presumption in favour of sustainable development is satisfied the economic, social and environmental aspects of the proposal have to be weighed. The development lies within the defined built up area in the local plan. A number of material considerations also weigh in favour of recommending permission. The proposal is considered to accord with the policies of the NPPF, the sequential assessment has shown that there are no 'sequentially preferable or available' sites within the designated local/district centres in the area, either for a store of this size or a smaller store, which would have the flexibility to accommodate the applicant's business model. Equally on the retailing issue there are significant benefits in terms of retail provision. The proposal would improve the choice and competition of retailing in the area, an issue to which the NPPF gives great weight, which could be of real benefit

to local residents.

- 8.2 There is a clear need here to weigh up the harmful loss of trees across the site, against the benefits the scheme would bring in terms of the provision of economic development, including additional employment opportunities. On balance, whilst it is very regrettable that the proposal would require tree loss, the scheme would meet many requirements as set in the local plans, and the economic and social dimensions of the NPPF, by providing economic and employment opportunities. Therefore, on balance, it is considered that the loss of trees on the site is outweighed by the benefits the scheme would bring to the Borough. Any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall, the development would not unduly affect the character and appearance of the wider area.
- 8.3 It has also been concluded that the development would not have an adverse impact on highway safety, both in terms of its impact on the surrounding highway network and providing safe access to the site. The development complies with adopted parking standards. In addition, a financial contribution has been secured to improve the immediate cycle and pedestrian network. It has also been concluded that the proposed development would not give rise to any harmful impacts on pollution, drainage/flooding, the natural environment and residential amenity, subject to necessary mitigation works secured through a S106 Agreement and conditions.
- 8.4 In conclusion, having regard to the presumption in favour of sustainable development and the requirements of the NPPF, that planning permission should be granted for such development unless any other material considerations indicate otherwise, it is considered that there are public benefits from the environmental, social and economic dimensions that can be captured from this proposal, and as such the proposal does constitute sustainable development. Accordingly, in what is a challenging balance of sustainable development principles, the application is recommended for permission.

9 RECOMMENDATION:

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

(A) a Section 106 Agreement as set out in paragraph 7.57 above; and

(B) the following conditions (and any others that the Head of Planning considers necessary to impose prior to the issuing of the decision):

- 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/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

Reason: - To ensure provision of a satisfactory development.

Submission of materials

- 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.

Highways

- 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 DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Landscaping, trees and ecology

- 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.

Drainage

- 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.

Contamination

- 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 11 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.

Use as a hard discount store

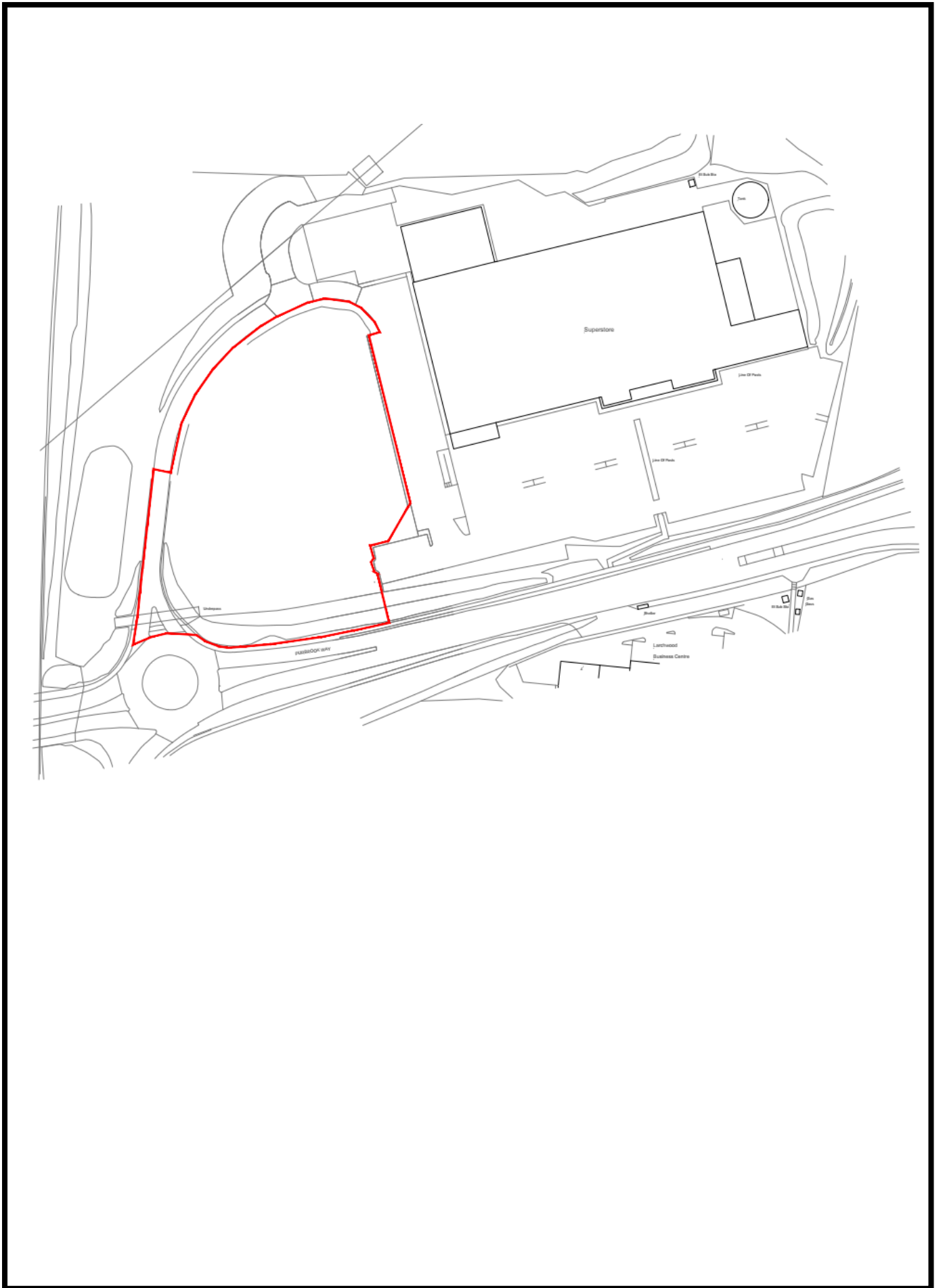
- 14 The store hereby permitted shall only be used for a hard discount food store. This is defined as a store which is characterised by; discounted food products and non-food ranges promoted through "weekly specials", dominance of private or "exclusive" labels, selling a limited range of products (less than 3,500 product lines which can be demonstrated through the availability of stock keeping records as requested), significantly cheaper products in terms of average price than all other multiple food retailers. No use other than a hard discount food store as outlined above shall occupy the premises unless an express planning permission for an alternative use is granted by the Local Planning Authority.
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 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.
- Sustainability - BREEAM
- 16 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.
- 17 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:

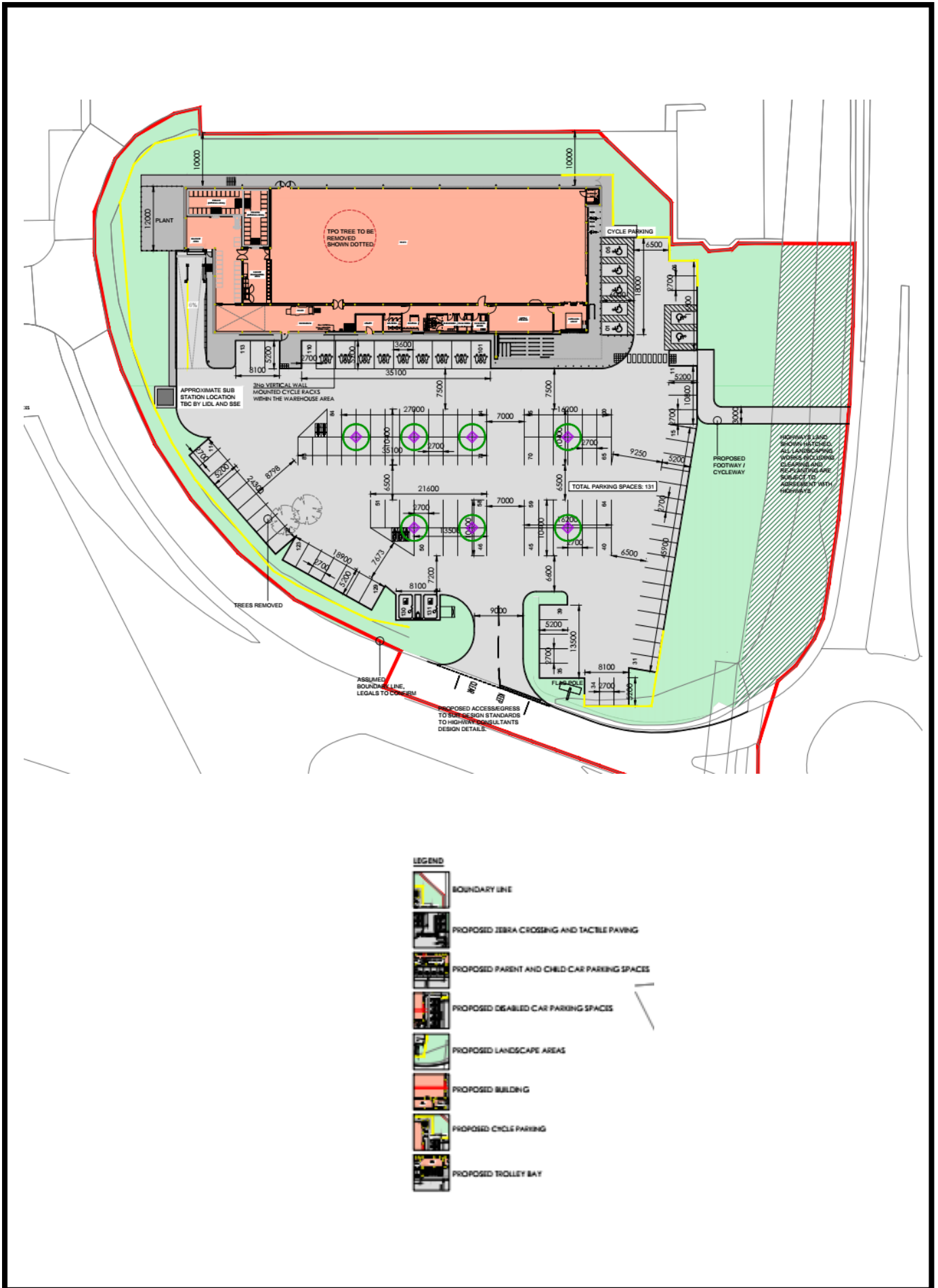
- (A) Location Plan
- (B) Site layout plan
- (C) Proposed elevations
- (D) Proposed ground floor plan

- (E) Proposed landscaping
- (F) Proposed landscape sections
- (G) Proposed access and highway improvement works









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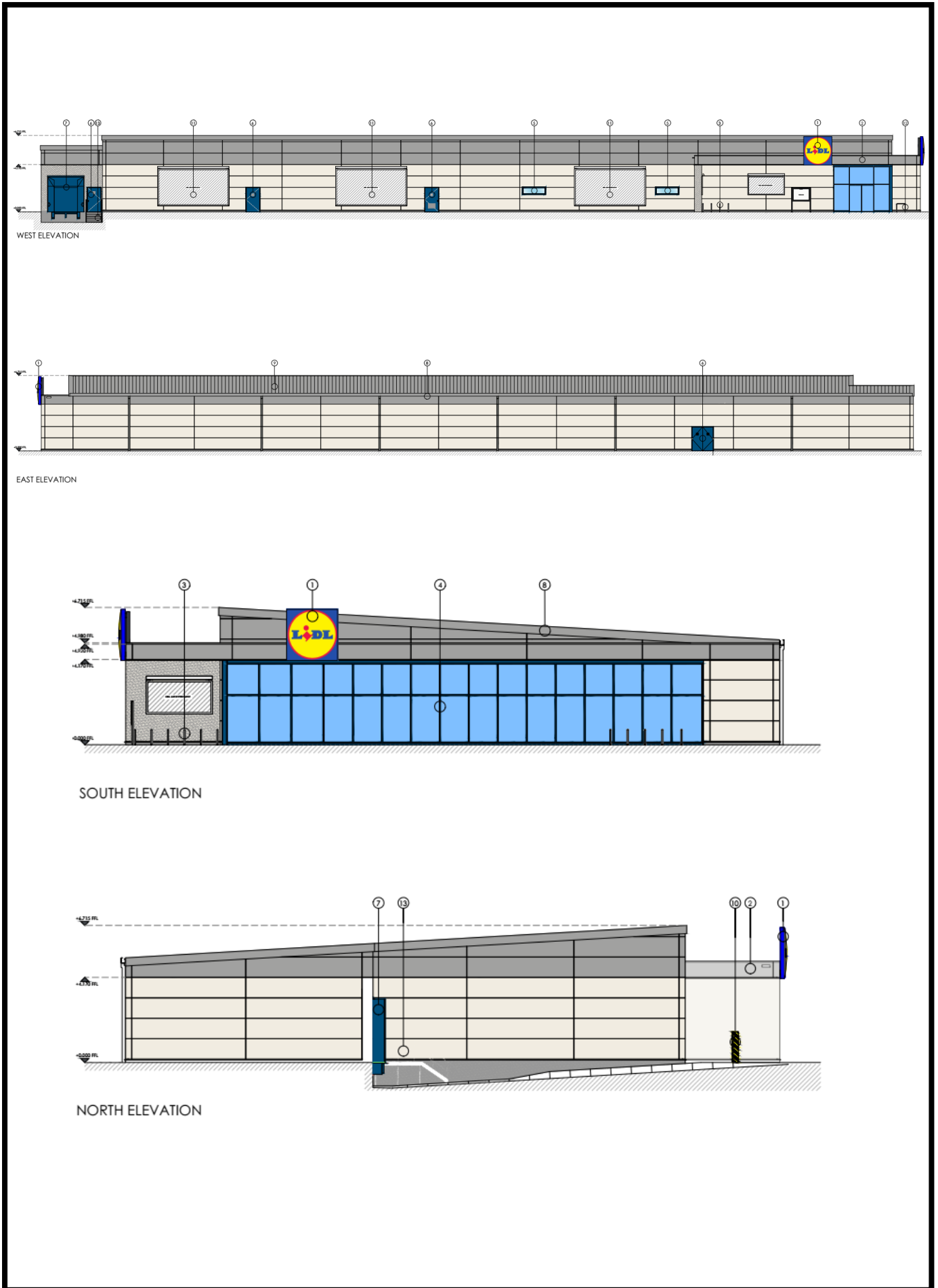
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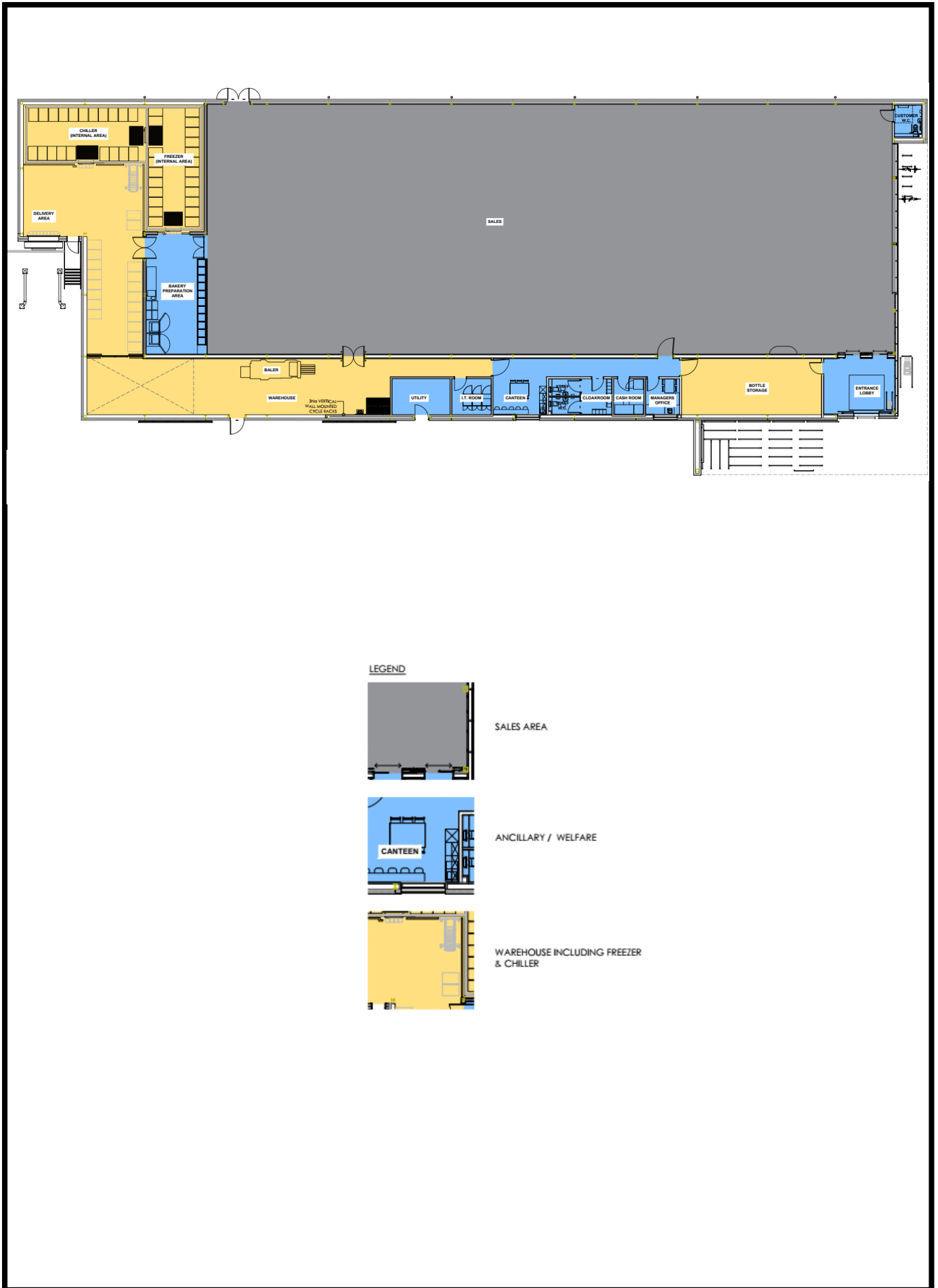
LEGEND

-  BOUNDARY LINE
-  PROPOSED ZEBRA CROSSING AND TACTILE PAVING
-  PROPOSED PARENT AND CHILD CAR PARKING SPACES
-  PROPOSED DISABLED CAR PARKING SPACES
-  PROPOSED LANDSCAPE AREAS
-  PROPOSED BUILDING
-  PROPOSED CYCLE PARKING
-  PROPOSED TROLLEY BAY

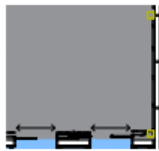
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LEGEND



SALES AREA



ANCILLARY / WELFARE

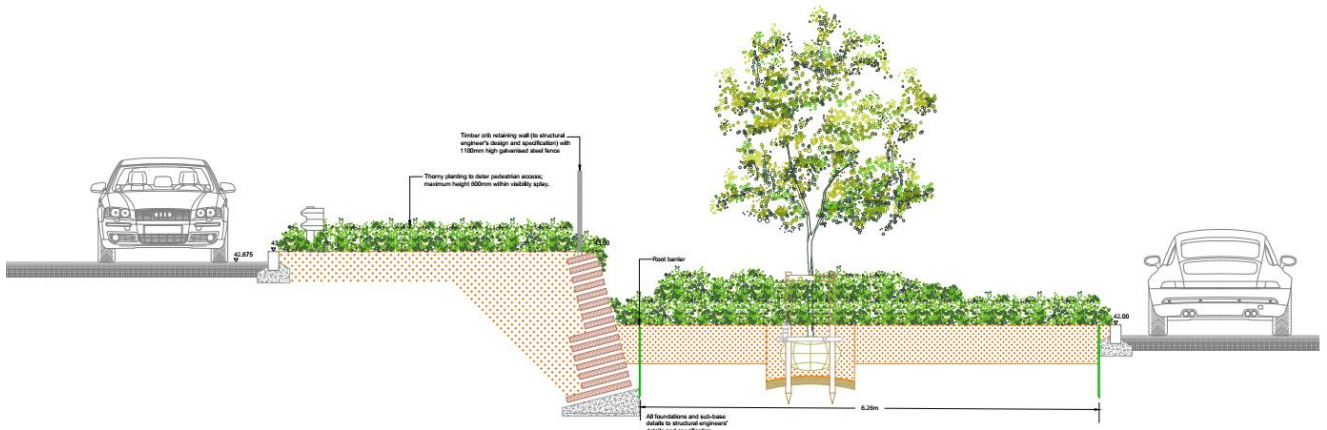
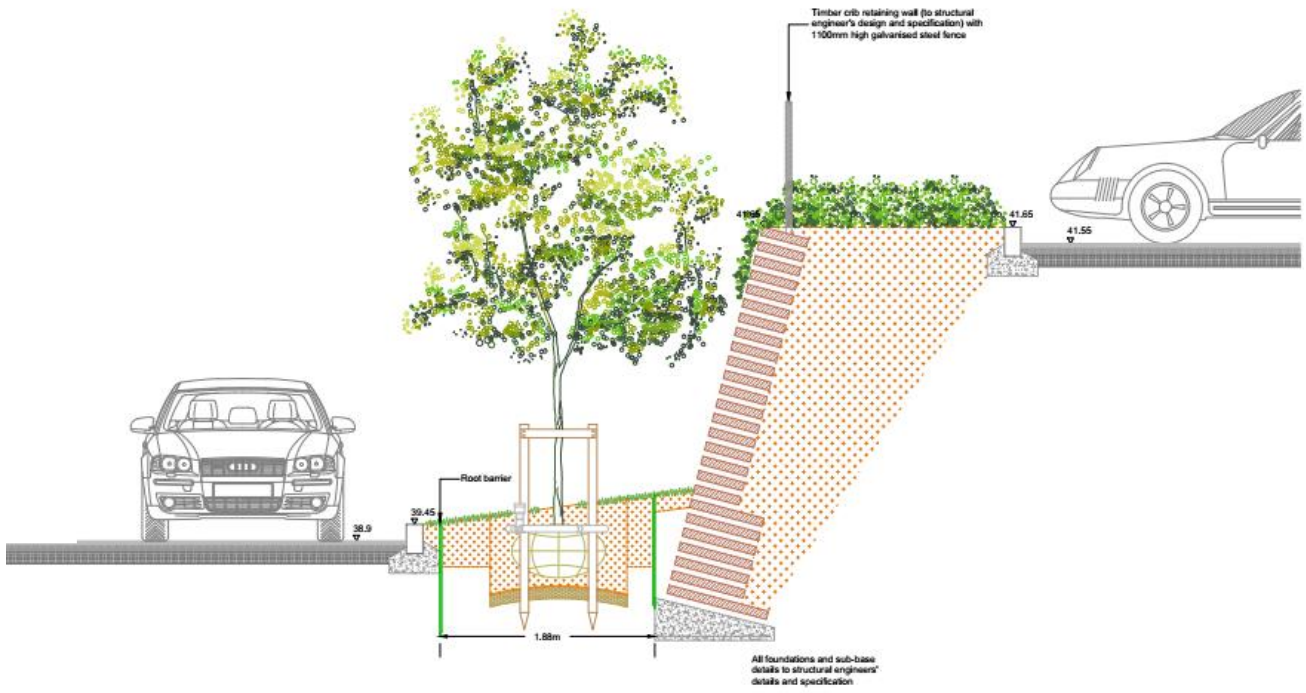


WAREHOUSE INCLUDING FREEZER & CHILLER

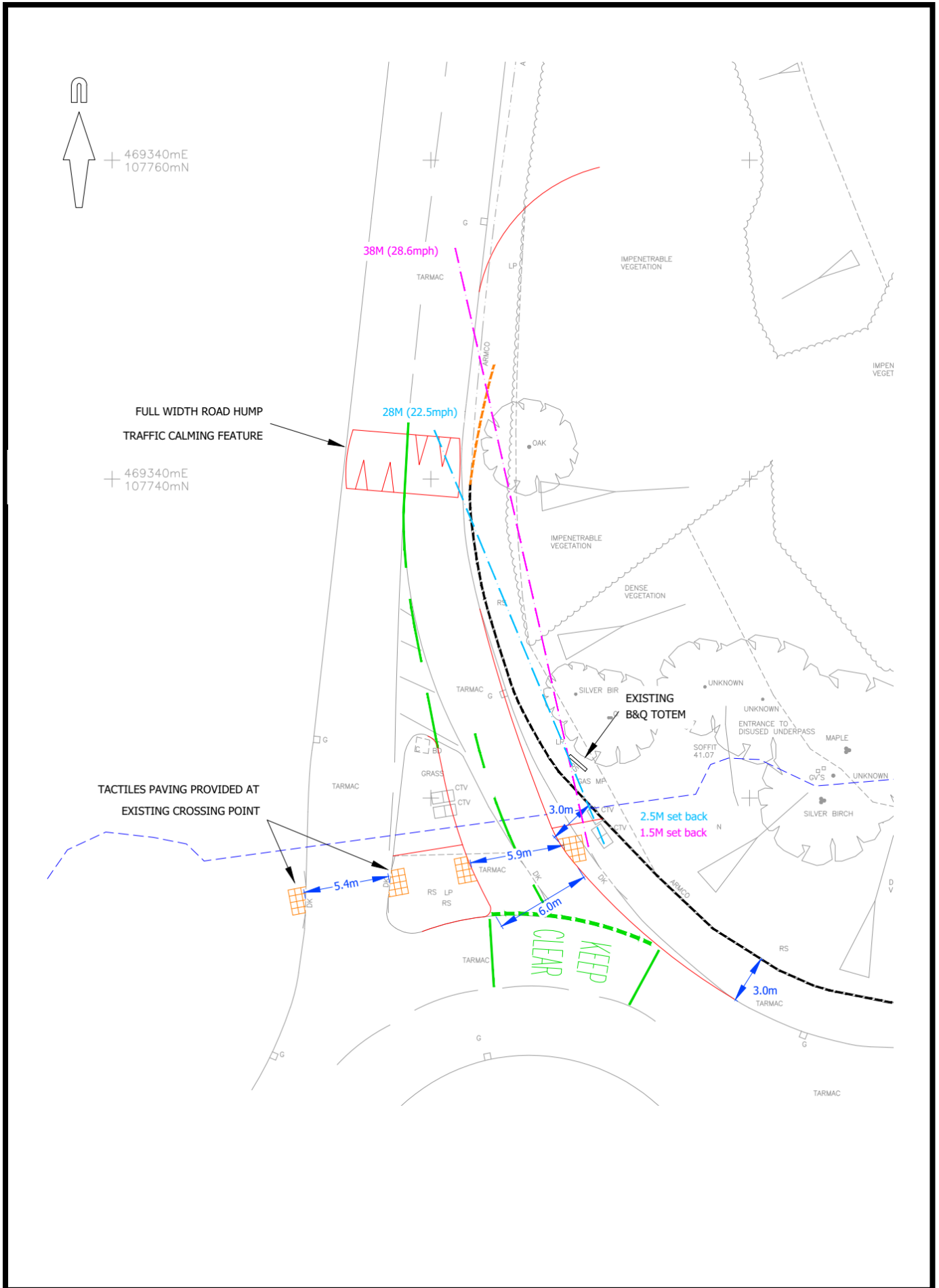
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to allow portable building to remain as use of store, with associated external alterations and landscaping., REFUSED, 06/04/2000

96/55675/004 - Erection of new changing rooms and associated amenities building together with associated car parking and access onto Harold Road, PERMITTED, 18/04/1996

92/55675/002 - Replacement changing rooms and amenity building., PERMITTED

3 Proposal

- 3.1 The proposal is for the installation of bunds, swales and boulders around the perimeter of Mengham Park.
- 3.2 The submitted proposals set out that the bunds would be approximately 3m wide and 0.6m high. The swales would be 3m wide and 0.6m deep. The proposed boulders would be between 0.5 - 1 Tonne and are described as 'Natural Verge Edging Stone'.

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

CS1	(Health and Wellbeing)
CS8	(Community Safety)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS13	(Green Infrastructure)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL8	(Local Green Spaces)
AL1	(Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No comments received

Councillor M Wilson - Hayling East

No comments received

Councillor R Raines - Hayling East

No comments received

Arboricultural Officer

No comments received

Hampshire Biodiversity Information Centre

On site Priority Habitat Coastal and Floodplain Grazing Marsh
Within 300m RAMSAR – Chichester and Langstone Harbours
Within 300m SAC Solent Maritime
Within 300m SPA Chichester and Langstone Harbours
Within 300m SSSI Chichester Harbour

Officer Comment: *It is not anticipated that the proposed works would be harmful to protected species/habitats.*

Southern Water

No comments received

Engineering/Drainage

No comments received

Environment AgencyEnvironment Agency position

In the absence of a Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

Reasons

The application site lies within Flood Zones 2 and 3, which is land defined by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding. The NPPF (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the Applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection.

Please re-consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Advice to the Local Planning Authority

If you are minded to grant permission against our advice, please contact the Sustainable Places Advisor named below before making a formal decision to discuss the conditions and advice that we would wish to apply to this proposal.

Officer Comment:

At the time of writing a Flood Risk Assessment has been submitted and the Environment Agency have been re-consulted. Flood risk is a critical consideration and

whilst it is hoped that a consultation response will be received before Planning Committee consideration the consultation period will not have expired. Therefore, the recommendation below is subject to Flood Risk issues being suitably addressed in consultation with the Environment Agency.

Environmental Health

No comments received

Hampshire Highways

No comments received

Property Services Manager

No comments received

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: 74

Number of site notices: 4

Statutory advertisement: Not applicable.

Number of representations received: 64 in Support (summarised below):

Park use and protection

- Much needed space to be properly looked after & protected from three to four times yearly invasions by caravans which stop local kids football teams using field.
- Open space always in use by kids playing in park, dog walkers, kids football team, sun bathers etc.
- With all new builds locally, open spaces at a premium, the ones left need to be properly protected and looked after for future generations to enjoy.
- Scheme a good one – will protect public space for local residents and other users.
- When can work start? A positive change.
- Park enjoyed by children & adults, local community football club to support well being and fitness of young children.
- Finally practical suggestions to prevent annual incursion and damage.
- Abutting park is a sports hall with frequent users, including a creche for young children.
- Works mean park will be maintained for use to which it is intended.

- Want the freedom to use our park everyday.
- Park used by all community, home to St Andrews football club, nursery for children and has several clubs that use the club house.
- Will stop inappropriate use of police resources needed to fight crime.
- Have seen this approach work in many places.

Existing Issues

- Couldn't be happier with proposals. Every summer surroundings ruined preventing everyone from using park. Antisocial behaviour.
- Mengham Park, Village Green used to be protected by post and rail fence which has declined and not re-instated.
- Danger to all who use park for proper purposes.
- For last few years become frequently visited preferred traveller site. Park registered Village Green and needs to be protection for residents.
- Vehicles damage surface.
- Park use denied for 100+ children depending on it for participation in organised sports.
- Noise impact on children's sleep
- Vehicles and horses on land
- Use park to walk dogs but find alternative area when occupied.
- Only way to protect park from trespass by persons driving large lorries / vans towing caravans and other wheeled vehicles setting up camp.
- Vehicles a danger to users of park.
- Concerns over foul waste, noise of generators, dogs and fires.
- Clean up costs for Council – tax payers money.
- Music
- Residents have to pay full charge at local car parks for motor homes.
- Kids unable to play football at weekends due to pitches being covered by vehicles.
- Football training every weekend for several teams, matches in season.
- Play area revamped and regularly used, great social area for picnics, basketball and dog walkers. Every year cannot play in park and football training cancelled.

- Need barriers to stop incidents every year. Tourists adding to economy not allowed to stay overnight on seafront.
- Prevent/stop unsolicited encampments and impact.
- Regular activities on field again temporarily suspended until site clear. Community disrupted, continuous annual expenses & inconveniences affecting families living here.
- Make inaccessible for anyone in a vehicle, reduce damage, stop riding scooters across park. Make safer for children, dog walkers & people waiting to enjoy clean open space.
- 100% support any efforts to prevent abuse of our common areas across Hayling.

Trees

- New trees around edge will reduce noise of busy road.
- Many young trees recently planted around edge of park unfortunately & probably inevitably kicked about and pulled up.
- New trees recently planted at park will not survive treatment such as being driven over or trampled. Permanent preventative measures needed.
- Damage to young saplings this year.
- Chainsaw cut branches of trees
- Destroyed saplings - replanted by volunteers. Boulders would prevent this.
- Upset trees being destroyed when locals worked hard in planting them.

Proposed works

- Ensure boulders, bunds and swales are aesthetically appropriate to community park. Should be fully shaped/grassed on the very outer perimeter, creating outer boundary to protect jubilee saplings.
- Application will have to be fool proof as any gaps used to access park.
- Support plan – concern would be swales could be filled with earth and driven over to allow access to park - substantial posts, or posts with scaffold tubes might work better.

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 / users of the park
- (iv) Flood risk/drainage

- (v) Highway matters
- (vi) Impact on trees

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.
- 7.3 The proposals are understood to be seeking to act as a prevention of incursion onto the park by vehicles. This has been an issue particularly at certain times of the year. Unauthorised access has caused concerns, and these are explored further under (iii) below.
- 7.4 In this regard the Crime and Disorder Act 1998, as amended, confers a general duty on local authorities to “...*exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,*
(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).....”

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

- 7.5 The proposals relate to the provision of bunds, swales and boulders around the perimeter of the site along part of the frontages of Harold Road, St Andrews Road, Norman Road and Rails Lane.
- 7.6 The bunds would be approximately 3m wide and 0.6m high. The swales would be 3m wide with a depth of 0.6m deep. The proposed boulders would be between 0.5 - 1 Tonne and are described as ‘Natural Verge Edging Stone’. They would be spaced and provided where required within the root protection zones of the trees where bunds or swales would have a greater impact on tree roots.
- 7.7 It is considered that the bunds and swales if appropriately grass seeded would have an acceptable impact on the character and appearance of the area. The natural boulders are also considered appropriate and would add interest to the perimeter of the park.

(iii) Impact upon residential amenity / users of the park

- 7.8 There are considered to be two main impacts on residents, the impacts associated with vehicular incursions into the park including caravans, which the application is seeking to prevent, and the development stage impacts from the works.
- 7.9 In relation to the first issue concerns have been raised in relation to a number of matters including noise from overnight use of the site, dogs barking, litter, bonfires and vehicles manoeuvring on the park. The works are aimed at preventing unauthorised vehicular access to the land which has the potential to prevent overnight use of caravans etc. and therefore seeks to address these concerns.
- 7.10 The works themselves would result in on site construction of bunds together with excavation of swales and the delivery and positioning of boulders. These works are temporary in nature and a condition is recommended to ensure construction parking and material storage areas reduce impacts as far as possible on the surroundings. Subject to this condition the proposals are considered to have an acceptable impact on residential amenity.

7.11 In terms of impacts on the users of the park, concerns have been raised in relation to the use of the park for overnight caravans. This is understood to disrupt enjoyment of the park for residents and visitors, including the use of the playing fields for football, dog walking and others recreational uses. There are also concerns about waste being left after overnight use and clear up costs and time. The proposals are aimed to remove opportunities for access to the park by unauthorised vehicles and therefore address these concerns.

(iv) Flood risk/drainage

Flood risk

7.12 The site lies mainly within Flood Zones 2/3 and at the time of writing this report there is a holding objection from the Environment Agency. As a result, a Flood Risk Assessment (FRA) has been submitted and the Environment Agency re-consulted. It is noted that the proposal includes both bunds and swales and the FRA describes that the project will predominately utilise materials on site by creating the bunds using the materials excavated from the swales. However, some additional topsoil will be brought in to where there is a higher number of bunds to swales.

7.13 The FRA sets out that the proposed works to introduce bunds, swales and boulders to the perimeter of the park are not considered to increase the risk of Tidal Flooding to the site; whilst the risk of any pluvial flooding is reduced by the creation of swales which can accommodate surface water. On this basis the FRA concludes that *“The works to create natural defences around the perimeter of the park will not have a detrimental effect on the existing flood risk.”*

7.14 It is essential that development of any kind does not result in increases in flood risk elsewhere as set out in the National Planning Policy Framework (Paragraph 167). The recommendation below is therefore subject to Flood Risk being suitably addressed. It is hoped that a consultation response from the Environment Agency will be received prior to the Planning Committee and members will be updated in relation to any comments received. If a response is not received by the date of the Committee then, as set out in the Recommendation below, any permission is recommended to be delegated to the Head of Planning and to be subject to Flood Risk issues being suitably addressed in consultation with the Environment Agency.

Drainage

7.15 A foul water sewer crosses Mengham Park from its north western corner to its Rails Lane frontage. In the main the works proposed do not affect the easement zone associated with this sewer, except for two small areas on each frontage where a bund and swale respectively lie within the easement zone. Southern Water’s consultation reply is outstanding at the time of drafting this report, and it is hoped that a response will be received prior to the Planning Committee and members will be updated in relation to any comments received. At this stage, however, officers’ preliminary view is that given the minor nature of the works proposed, they are unlikely to prejudice the future maintenance of the public sewer.

(v) Highway matters

7.15 The proposal is not anticipated to require the import of any significant material as there are similar numbers of swales (excavations) and bunds (banks). There will be boulders imported to the site, each of between 0.5 – 1 Tonne. Overall, it is not considered that the proposals would be likely to result in unacceptable vehicular movements over the construction phase.

(vi) Impact on trees

- 7.16 The proposals are supported by a Pre-Development Arboricultural Survey and Arboricultural Assessment of Impact. This confirms that “*Where the bunds and swales are proposed within the RPAs of retained trees, then these can be replaced by boulders which will no longer cause any impact with the trees.*” The report concludes that ‘*All tree works should be carried out in accordance with BS3998:2010 Tree work recommendations by a suitably qualified and experienced arborist contractor.*’
- 7.17 The plan has been amended to use boulders within Root Protection Zones in order to avoid unacceptable impacts on the main trees around the site.
- 7.18 It is noted that tree planting has recently taken place around the perimeter of the site by volunteers as part of the Platinum Jubilee Celebrations. These are small ‘whips’ and are understood to have been over planted intentionally as they shall be thinned out during the course of their establishment / growth to ensure the success of the planting.
- 7.19 It is envisaged that a number of the whips will need to be relocated in order to facilitate the proposals, however, given the intention to reduce the density at a later point this has been factored in. The ‘whips’ will be re-located and the final number of trees that will be allowed to mature will not be significantly less than those currently on site. It is noted that the proposed plan shows the re-location of ‘Jubilee Trees’ where required by the development.

8 Conclusion

- 8.1 In conclusion the application seeks to provide defensive features to address issues with unauthorised vehicular access onto Mengham Park. The proposals are considered acceptable in terms of their impacts on the character and appearance of the park.
- 8.2 The proposals aim to address impacts of unauthorised vehicular access which are highlighted by the supporting representations received in relation to the proposed works which impact on residents and other park users. As such the proposal is considered to be consistent with the Council’s general duties as set out in the Crime and Disorder Act.
- 8.3 Highway impacts from the works phase are anticipated to be limited and potential impacts on trees including mature trees around the perimeter of the site and recent planting have been suitably addressed.
- 8.4 Flood risk issues are currently being addressed with the Environment Agency and subject to an acceptable outcome being received Planning Permission can be recommended as set out below.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00296 subject to:

- (A) Flood Risk issues being suitably addressed in consultation with the Environment Agency;

and

(B) 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:

Location Plan Drawing No. 2022-01-HBC Rev 03

Site Plan Drawing No. 2022-01-HBC Rev 03

Pre-Development Arboricultural Survey and Arboricultural Assessment of Impact Report No. MB2120117-01 February 2022

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only 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.

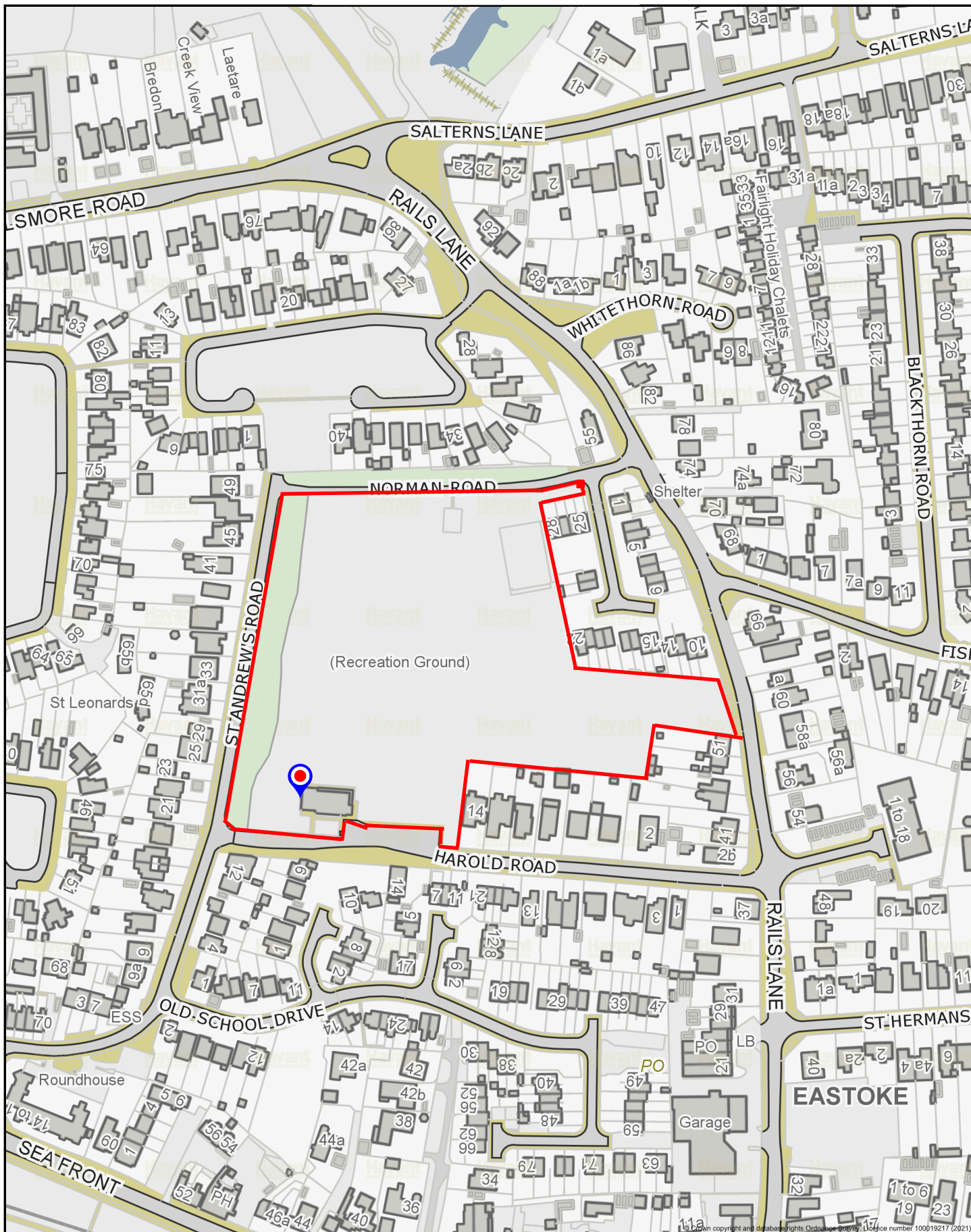
- 4 All tree works and works within Root Protection Areas shall be carried out in accordance with BS3998:2010 Tree Work recommendations and supervised by a suitably qualified and experienced Arboriculturalist.

Reason: To ensure that the trees are suitably protected in accordance with policies CS11 and DM8 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:

- (A) Location Plan
- (B) Site Plan
- (C) Sections
- (D) Tree Protection Plan

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Mengham Park, Rails Lane, Hayling Island, PO11 9LF



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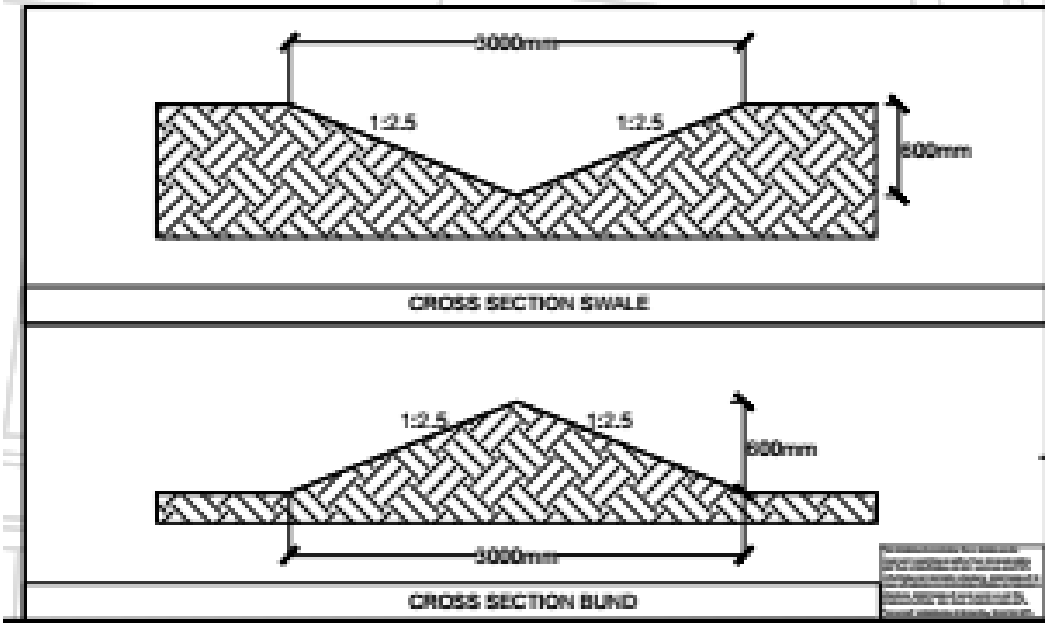
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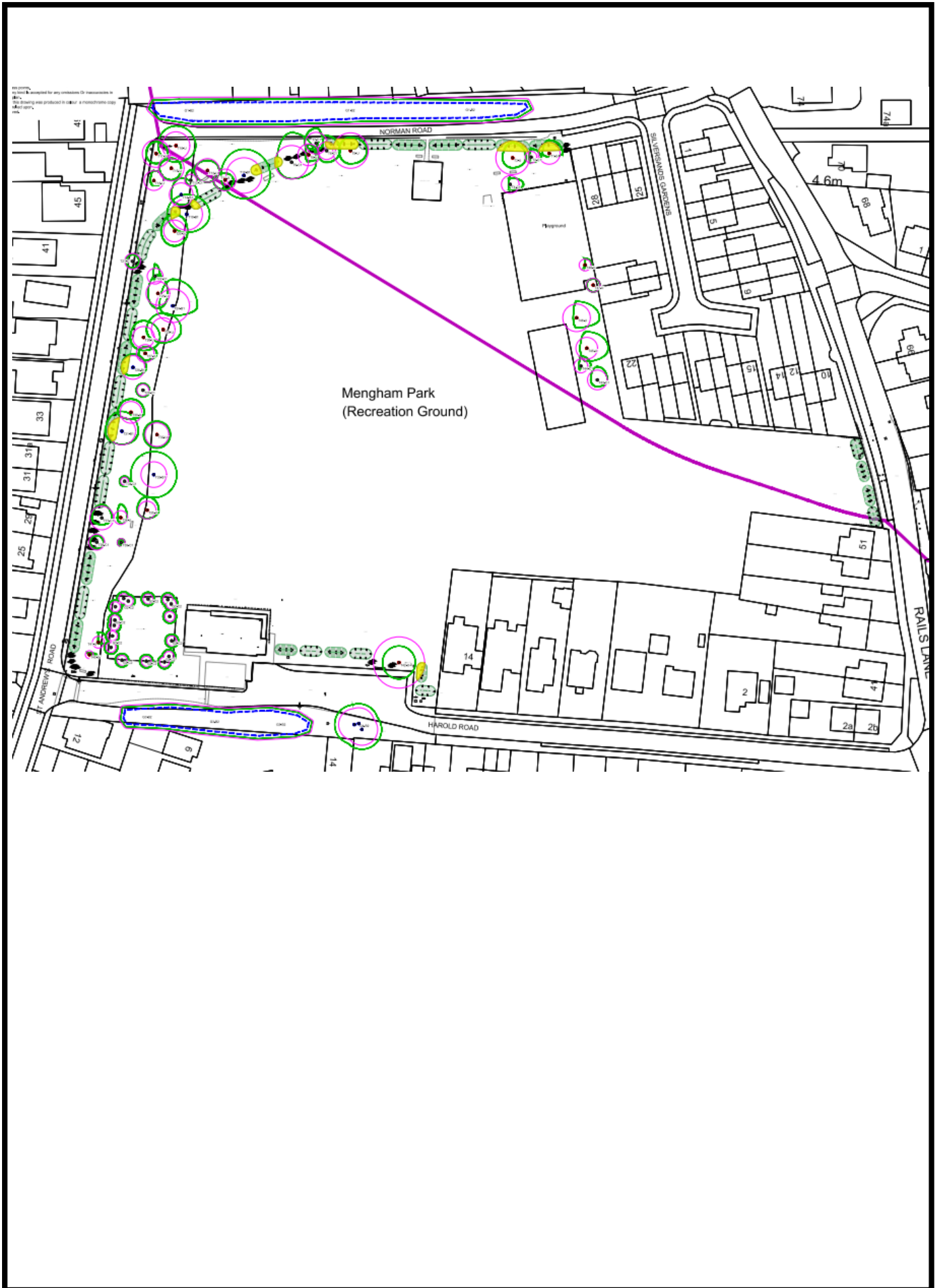
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HAVANT BOROUGH COUNCIL

Planning Committee

9 June 2022

REPORT TITLE: APPOINTMENT OF SITE VIEWING WORKING PARTY

Report by the Democratic Services Officer

1.0 PURPOSE OF REPORT

- 1.1 To consider the appointment of a Site Viewing Working Party with the terms of reference set out below.

2.0 RECOMMENDATION

- (a) that the Site Viewing Working Party be constituted for the municipal year 2022/2023 with the terms of reference set out in paragraph 3.1 of the report;
- (b) Members of the Planning Committee (including standing deputies) be appointed to the Working Party referred to in 2.0(a) above; and
- (c) members appointed to the Working Party referred to in 2.0(a) above continue to be members and constitute that Working Party until the first meeting of the Committee after the annual meeting of the Council subject to the members concerned remaining members of the Council during that time.

3.0 SUMMARY

3.1 Terms of Reference

Title:	Site Viewing Working Party
Membership:	All members (including standing deputies) of the Planning Committee
Chairman:	Chairman of the Planning Committee.
Function:	To inspect sites relating to planning applications, Tree Preservation Orders and other matters referred to it by the Planning Committee and officers and request additional information if necessary.

4.0 IMPLICATIONS

- 4.1 **Resources:** Financial provision for site visits has been made in the budget
- 4.2 **Legal:** No specific Issues

- 4.3 **Strategy:** It is essential that the Council has input and considers matters of importance in a timely fashion. The Site Viewing Working Party enables thorough consideration of such matters.
- 4.4 **Risks:** Health and Safety Risk Assessment has been undertaken.
- 4.5 **Communications:** Not Applicable
- 4.6 **For the Community:** None directly from this report
- 4.7 **The Integrated Impact Assessment (IIA) has been completed and concluded the following:** Not Applicable

Appendices: None

Background papers: None

Contact Officer: Mark Gregory, Democratic Services Officer
Tel: 023 92 446232
Email: mark.gregory@havant.gov.uk