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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**

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### **Executive summary**

This proposal is for the erection of a 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, resulting in the plans being significantly improved and amended to address concerns; revising the design, layout and improving landscaping.

Additionally, specialist reports were recommissioned from the applicant 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 the criteria set out in policies in the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Local Plan (Allocations) 2014 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 local planning authorities to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The sequential test undertaken in connection with this application did not identify any suitable sites in a town centre or edge of centre location.

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. 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 on highway grounds. 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 subject to a S106 Agreement and obligations which provide the mitigation for the development.

## **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 located towards the eastern boundary of 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 131 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 7 No disabled parking spaces along with 9 No Parent & child spaces adjacent to the store frontage. 1 rapid 50kW charging point serving 2 EV bays is 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 providing space for 10 cycles.
- 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 have been proposed to address existing constrained visibility at the roundabout crossing point and ensure appropriate future capacity, these are:
- i. Full width speed humps on the junction approach to reduce vehicle speeds on approach to roundabout/crossing point;
  - 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. Introduction of 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), located towards the eastern boundary. 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. The applicants nonetheless commissioned a 'Risk of Surface Water Flooding Review Technical Note', the conclusion of which is that surface water flooding is determined to be a low risk at the site, and the development is not required to be subject to the sequential test arrangements set out in the NPPF. A detailed drainage design has also 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 was submitted with a wide range of information, which consisted 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. Further ecological, drainage, landscape and retail sequential information was also additionally provided to address matters that had been raised during the course of the application.

- 3.11 Having regard to the characteristics and location of the development, set out in the application documentation, the development is not considered to have significant effect on the environment within the meaning of the Environment Impact Regulations and as such does not require an Environmental Impact Assessment (EIA).

#### **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 87 and 88) – 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 90) – 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 91 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))
CS1	(Health and Wellbeing)
CS20	(Transport and Access)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features).

DM10 (Pollution)

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)  
DM17 (Contaminated Land)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD

## 5 **Statutory and Non Statutory Consultations**

*NB Consultations with statutory and non-statutory consultees have taken place both at the time of submission of the original application, and additionally during the course of the application where additional information has been submitted to address consultee comments.*

### **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.

**Officer comment:** *Recommended condition 8 addresses the requirement for the development to be undertaken in accordance with the submitted Arboricultural Impact Appraisal and Method Statement.*

### **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**

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

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

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

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

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

### **Council's 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.

**Officer comment:** *Recommended condition 10 addresses the requirement for the development to be undertaken in accordance with the submitted ecology information.*

#### **Crime Prevention -Major Apps**

No response

#### **Developer Services, Southern Water**

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit [www.southernwater.co.uk/developing](http://www.southernwater.co.uk/developing) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [www.southernwater.co.uk/connection-charging-arrangements](http://www.southernwater.co.uk/connection-charging-arrangements).

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways. [gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](http://gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component,



adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here: [water.org.uk/sewerage-sector-guidance-approved-documents](http://water.org.uk/sewerage-sector-guidance-approved-documents)  
[ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

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

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

- Specify the responsibilities of each party for the implementation of the SuDS scheme.

- Specify a timetable for implementation.

- Provide a management and maintenance plan for the lifetime of the development.

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

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

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

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

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

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

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

**Officer comment:** *SuDS arrangements have been agreed with the Lead Local Flood Authority and secured by recommended Condition 11. As for foul drainage, for a single building proposal this is considered a matter addressed through the Building Regulations.*

## **Economic Development**

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

**Officer comment:** *This is one of the Heads of Terms of the recommended S106 Agreement.*

## **Engineering/Drainage**

No response received.

**Officer comment:** *Please refer to Southern Water and the Local Lead Flood Authority's responses for consideration of drainage issues.*

## **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.

**Officer comment:** *Recommended conditions 12 and 13 address contamination issues.*

## **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

Further response 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 kerbline 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

#### Final response following further negotiations between the Highways Authority and the applicant:

Further to the Highway Authority's response dated 14th January, discussions have been held with the applicant regarding the £202,000 contribution requested towards pedestrian and cycle improvements along Purbrook Way to offset the increased severance created by the vehicular improvement scheme at the eastern A3(M) J3 roundabout.

The Highway Authority continue to maintain that the measures put forward on the B&Q arm of the eastern A3(M) J3 roundabout provide an overall disbenefit to pedestrians and cyclists. Whilst improvements are being provided in the form of improved visibility splays, reduced vehicle speeds on the junction approach and the provision of tactile paving, these measures are not considered to outweigh the increased traffic flow as a result of the development, the increased crossing width and the requirement for pedestrians and cyclists to now cross two lanes of traffic to access the splitter island.

The Highway Authority have maintained this view throughout discussions, particularly

in light of the established LTN 1/20 guidance, emerging LTP4 guidance and the Havant LCWIP which seeks to prioritise pedestrian and cycle movements over vehicular movements at junctions.

The previous £202,000 contribution was calculated by taking the total cost of identified LCWIP schemes, centred around pedestrian and cycle improvements in the vicinity of the site, and calculating the percentage increase of traffic through the B&Q arm of the junction as a result of the development in the local network peak hours. Following discussions with the applicant, it has been agreed to take this calculation as the average over the course of the week to represent the overall impact of the development, and to also take account of an element of linked trips to the B&Q store which hadn't previously been accounted for. Consideration was also given to the physical costs of implementing the pedestrian and cycle improvements referenced previously within this response.

Taking account of the above, the Highway Authority have agreed to accept a £124,500 contribution towards pedestrian and cycle improvements along Purbrook Way to help offset the increased severance created by the two-lane vehicle approach which is required to mitigate the impact of the proposed development. The contribution will be secured via a Section 106 agreement.

Following agreement over the contribution value, the Highway Authority recommend no objection to the proposed development, 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/LIDLPUROBROOKWAY2.1/06 Rev H. To implement the 4 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 £124,500.
- Payment of the Travel Plan approval and monitoring fees along with the bond.

#### *Conditions*

A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. This should include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

Reason: In the interest of highway safety.

**Officer comment:** *The S106 elements form part of the recommended Heads of Terms; recommended Condition 4 secures the requested Construction Traffic Management Plan.*

## 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 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 comment:** *Landscaping and tree-related matters are considered within Sections 7(ii) and (iii) of the Planning Considerations; access and sustainable access matters are considered within Section 7(iv).*

## **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.

Further response following submission of further information relating to sequential test

We as the LLFA do not get involved in sequential tests. None of the information provided change our previous response. Therefore, we are not objecting to this application.

## **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 87 and 88 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.

**Officer comment:** *Recommended conditions 15 and 16 address BREEAM requirements.*

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

### **Southern Gas Network**

#### 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

**Officer comment:** *An informative can be added to any permission, signposting the applicants to Southern Gas' plant protection team.*

### **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), and the Council's Statement of Community Involvement, 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

*NB Publicity has taken place both at the time of submission of the original application, and additionally during the course of the application where additional information has been submitted.*

Number of representations received: 52 – comprising 16 letters of objection and 36 letter of support

The **objections** raised the following points (summarised), including a consultant acting on behalf of Aldi 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.
- 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
- 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

**Officer comments** – *With regard to retail issues, the need for the development and relevance to proximity of other food stores is not a material planning consideration; and a revised sequential test has been submitted which has expanded the proposed catchment area for the store. The other matters are addressed in the Planning Considerations below.*

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 landscape
- (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) Financial and other benefits - Community Infrastructure Levy (CIL) and legal agreement
- (x) Other matters

- (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 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 87 and 88 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 26<sup>th</sup> 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 landscape

- 7.19 Paragraph 130 of the NPPF sets out a number of criteria which developments should achieve, including requirements for developments to be attractive as a result of good architecture, layout and appropriate and effective landscaping; and to be sympathetic to local character and history, including the surrounding built environment and landscape setting. 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 - 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 131 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. 1 No Electric Vehicle charging point serving 2 EV bays is 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 providing space for 10 cycles. 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 - a total of 37 trees will be planted, including 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 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 with 37 new trees to be planted, 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 The response of the Council's Tree Officer indicates that the proposal would be contrary to Policies DM8 and CS11. However, as noted at Paragraph 7.25 above, the majority of these are low quality specimens with only one the subject of a TPO. The proposal includes 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, with 37 new specimens to be planted. Consideration must also be given to the fact that 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, 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 identified by the Tree Officer, against the compensatory planting proposals and 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 111 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 112 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 In this regard it is considered that it may be beneficial to note the following - Following the growing of 2020 traffic flows to a 2025 future year baseline scenario and including

committed development traffic associated with the nearby Campdown development, there is a significant increase in queuing and delay during the weekday peak periods at the A3(M) J4 roundabout junction, most notably on the B&Q arm, resulting in this arm operating over capacity during the weekday morning and evening peaks prior to the Lidl traffic being considered. As part of the Campdown development application, proposals were put forward to widen the B&Q entry arm to 5.9m to address capacity issues created by the committed development, although this application is still under consideration and the specific scheme has not yet been agreed with the local highway authority.

- 7.37 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

- 7.38 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.
- 7.39 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.
- 7.40 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

- 7.41 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.
- 7.42 Following discussions with the applicant, a £124,500 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.

7.43 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

7.44 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 would be required to meet the adopted standards, of which 7 would need to be blue badge disabled parking spaces. The application proposes 131 spaces (9 of which are parent and child space) and 7 disabled spaces. As such the proposal does not meet the minimum number of car parking spaces required by the SPD with a deficit of 4 car parking spaces.

7.45 In line with the guidance set out in the SPD, the applicant has been asked to justify the proposed shortfall in car parking provision at the site. The submitted justification outlines that, from experiences at other similar sized food stores, a review of operational parking demand associated with the proposed Lidl foodstore, utilising data extracted from ANPR systems in operation at other Lidl foodstores indicated a peak demand for 97 spaces onsite and hence the level of provision is considered appropriate to meet the operational requirements of the proposed Lidl store.

Travel plan

7.46 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.

7.47 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 110 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

7.48 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

7.49 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. Paragraph 159 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 167 of the NPPF sets out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere; and where appropriate, applications should be supported by a site-specific flood risk assessment. In this respect the applicants commissioned a 'Risk of Surface Water Flooding Review Technical Note', the conclusion of which is that surface water flooding is determined to be a low risk at the site, and consequently the development is not required to be subject to the sequential test arrangements set out in the NPPF.

- 7.50 With regard to surface water drainage, 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.

The LLFA have 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. Recommended condition 11 secures the implementation of the agreed scheme.

(vii) Ecological considerations

- 7.51 The application is accompanied by an Ecological Technical Note (RPS, 8 February 2022) following an earlier Preliminary Ecological Appraisal (RPS, October 2020) and a Dormouse and Bat Survey report (RPS, September 2021), together with 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.
- 7.52 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.
- 7.53 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.
- 7.54 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. The scheme now includes a range of habitats which will have a positive benefit for biodiversity, including wildflower meadow, native scrub / thicket, scattered trees and shrub planting. The

specific enhancements are as follows:

- The existing vegetation along the eastern boundary has been retained within the site (equating to an area of 345m<sup>2</sup>), and the area of proposed 'Native Shrub Infill Mix' at the south eastern corner of the site has been extended.
- Ornamental shrub species within the scheme are limited to the immediate perimeter of the car park, where low maintenance, evergreen, non-thorny planting is appropriate.
- Diverse planting mixes, including native species have been incorporated rather than blocks of single species to enhance biodiversity and seasonal variation
- The mown lawn verge along the north western boundary has been amended to flowering lawn, which includes native wildflower species. The proposals now include a total area of 1,666m<sup>2</sup> native wildflower meadow planting and 422m<sup>2</sup> flowering lawn, totalling 66% of the available planting area on site.

7.55 Overall, it is considered that the proposed scheme provides a much better outcome for the existing site biodiversity and for biodiversity more generally, and would result in Biodiversity Net Gain on the site compared to the existing situation. The ecological mitigation, compensation and enhancement measures will be secured by condition.

(viii) Sustainable construction

7.56 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 the BREEAM standards (recommended conditions 15 and 16 refer).

(ix) Financial and other benefits - Community Infrastructure Levy (CIL) and legal agreement

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

7.58 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 obligations 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 (max. £7000)
5. Employment and Skills Plan
6. Travel Plan (HCC)

7. Highway Works (HCC) - £124,500 contribution towards pedestrian and cycle improvements along Purbrook Way. This figure was based on schemes identified within the emerging Havant Local Cycle and Walking Infrastructure Plan (LCWIP) along Purbrook Way which would improve pedestrian and cycle facilities for existing users and users of the new store.
8. Enter into a S278 Agreement with the Highways Authority to secure works to roundabout and the pedestrian/cycle link from the site to Purbrook Way

(x) Other matters

Water quality – nutrients

- 7.59 The proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester and Langstone Harbours SPA. Natural England in a letter to affected Local Planning Authorities on 16<sup>th</sup> March 2022, outlined in section 4 of this letter (page 5) which plans and projects are affected. With reference to this development the relevant paragraph is as follows:

*“Other types of business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless they have other (non-sewerage) water quality implications. For the purposes of the Methodology, it is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated can be calculated using the population increase from new homes and other accommodation. This removes the potential for double counting of human wastewater arising from different planning uses.”*

- 7.60 Given this advice from Natural England it not considered that this is a type of development that requires and Appropriate Assessment, and this matter does not need to be considered further.

## 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, and 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. As such the scheme would meet many requirements as set out in the local plan, and the economic and social dimensions of the NPPF, by providing economic and employment opportunities.
- 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, as set out above the scheme would meet many requirements as set in the local plan, and the economic and social dimensions of the NPPF, by providing economic and employment opportunities. Any harmful visual impact of the development would be localised. The additional

landscaping that is proposed, including the provision of 37 new trees, 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. 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.

- 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. Whilst car parking levels are not to the standard set out in the Parking SPD, this has been justified by the applicant and an acceptable package of mitigation measures would be secured in order to promote sustainable forms of travel and enhance the pedestrian and cycling linkages to the district and district centres. 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.

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## 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 7.58 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/LIDL PURBROOKWAY2.1/06 Rev H  
Pedestrian and cycle link as shown indicatively on drawing number AD 110  
Rev C  
SWEPT PATH ANALYSIS B/LIDL PURBROOKWAY2.1/06H/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 12 above shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

### Use

- 14 Notwithstanding the provisions of Part 7, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension, installation of a mezzanine floor or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.  
**Reason:** In the interest of preserving the vitality and viability of neighbouring District Centres in accordance with the NPPF and policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

### Sustainability - BREEAM

- 15 Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 'Very Good' against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason:** To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.
- 16 Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.  
**Reason:** To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

### **Appendices:**

- (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