

Impacts on trees and proposed landscaping has been assessed and subject to appropriate conditions, the development would not unduly affect the character and appearance of the wider area.

In assessing the proposal 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.

1. Site Description

- 1.1. The application site relates to an undeveloped parcel of land (1.24ha) currently used for car parking (not for public use) and sits within the Brambles Business Park. The site lies to the south and east of Elettra Avenue and north of Silverthorne Way and the wider area is characterised by a mix of commercial uses of varying styles and materials.
- 1.2. The former BAE Systems Technology Park was formed of approximately 5.7ha and lies circa 1km west of Waterlooville town Centre. Following demolition of the former buildings, part of the wider site has been redeveloped with the construction of a Lidl Supermarket and McDonalds restaurant to the east of the site. The remainder of the site forming part of the allocation remains undeveloped.
- 1.3. Access to the site would be from a recently constructed arm of the existing roundabout junction off Elettra Avenue to the northeast of the site. The northern and western boundaries are delineated by soft landscaping features.

2.0. Planning History

- 2.1. APP/18/01072 Outline planning application with all matters apart from access reserved for subsequent approval for the erection of Class B1(c) / B2 / B8 development and Class B8 Trade Counter use, Class A1 Retail, Class D2 Leisure and Classes A3 and A5 Drink / Food Establishments. Permission Granted.
- 2.2. APP/15/00773 Erection of restaurant/drive thru with associated parking, servicing, access and landscaping. Permission Granted.
- 2.3. APP/15/00770 Use of E block building for leisure (class D2) and/or non-food retail (class A1) purposes with associated car parking and other works. Permission Granted.
- 2.4. APP/15/00772 Erection of a restaurant/drive thru (Classes A3/A5) with associated parking, servicing, access and landscaping – Permission Granted.
- 2.5. APP/15/00451 Application for full planning consent for the construction of a vehicular route through the eastern side of the site at the former BAE systems park. Permission Granted.
- 2.6. APP/13/00893 Outline application for demolition of the existing main building and a mixed-use employment, leisure and retail development comprising of Class C1 hotel, Class D2 cinema, 3No. Class A3 restaurants, Class A4 public house, Class A3/A5 drive-thru restaurant, Class A1 food store and retention of E Block for use as Class B1 offices or conversion to Sui Generis bowling complex, Class D2 health and fitness

centre, and Class A3 restaurant. Application withdrawn prior to S106 being completed.

- 2.7. APP/13/00940 Application to determine whether prior approval is required for the method of demolition of the buildings within the BAE Systems Technology Park (with the exception of E Block and Beam Block buildings) and any proposed restoration of the site. Approved 16/10/13 and implemented.
- 2.8. APP/12/00652 Outline application for demolition of "main building" and ancillary restaurant and redevelopment to provide business units (Class B1, B2 and B8), car showroom, drive thru restaurant, hotel and restaurant and associated parking with access from Elettra Avenue. Outline consent 31/07/13.

3.0 Proposal

- 3.1. The proposal relates to the construction of three independent buildings to be occupied by Aldi, Costa Coffee and a KFC. Each building has been designed to reflect the bespoke design of their own individual brand by reason of their materials and external appearance, and each would feature a mono-pitched roof.
- 3.2. The dimensions and detailing of the proposed buildings are as follows:

Unit A (Aldi Foodstore)

- 3.3. The proposed single storey building would be of a contemporary design, bespoke to an Aldi store and would comprise a mono-pitched roof increasing from 5.5m to 8.7m in height as it extends into the site towards Unit B (KFC). The Unit would measure 32m wide and 66.5m in length. The gross external area would measure 1,908sqm with the internal retail area measuring 1,315sqm. The eastern elevation, along with a section of the northern elevation at the stores entrance, would comprise 3.4m high glazing. Otherwise, the majority of the building's external elevations would be constructed in cladding.

Unit B (KFC)

- 3.4. The proposed building would be located to the north of Unit A and would be constructed in grey and white composite cladding with timber cladding. It would have a gross external area of 333sqm and would measure 28.2m in length with a maximum width of 13m and a maximum height of 5.5m.

Unit C (Costa Coffee)

- 3.5. The gross external area of this building would measure 167sqm. It would have a height of 5.3m and would measure 17.6m in length with a width of 11m extending to 13.5m to accommodate the drive through facility. The proposed building would be constructed in red and white blockwork and horizontal cladding, similar to that typically found on Costa Coffee buildings.
- 3.6. The primary access to the site would be from an existing roundabout on Elettra Avenue. This route also serves the recently completed Lidl and McDonalds. There would be a total of 169 car parking spaces central to each unit with provision made for a total of 62 (38 short stay and 24 long stay (covered)) cycle parking spaces spread around the centre of the site to serve the individual units. Provision is also made for 8 parent/child parking bays adjacent to the entrance to Unit A and 9

disabled bays would serve the units overall. Each building would have loading bays to facilitate the delivery of goods to the stores.

- 3.7. Following extensive discussions between the Highway Authority and the applicant, a revised access strategy for pedestrians and cyclists was submitted to widen the footpath on Elettra Avenue to provide a shared footpath to accommodate both pedestrians and cyclists. This included the provision of a pedestrian access point to the north of Unit B along with a 3m shared footway / cycleway along the western side of the access road off the roundabout which will link to a pedestrian route through the Unit A car park.
- 3.8. As part of the proposals the northern and western boundaries' soft landscaping features would be removed. The application has been submitted with a Design and Access Statement and Planning Statement and a revised landscaping strategy which helps soften elements of the proposal including within the car parking area in order to break up the areas of hardstanding and to provide new landscaping features around the perimeter of the site.
- 3.9. A Flood Risk Assessment has been submitted which indicates that surface water runoff will be managed through permeable paving and an attenuation tank and would be discharged into the surface water public sewer network at Elettra Avenue.
- 3.10. The application was accompanied by a suite of documents consisting of the following:
 - Retail Sequential Test
 - Retail Impact Assessment
 - Planning Statement
 - Design and Access Statement
 - Tree Protection Plan
 - Arboricultural Assessment
 - Transport Assessment
 - Construction Management Plan
 - Travel Plan
 - Construction Environmental Management Plan
 - BREEAM ~Pre-Assessment
 - Phase 1 Preliminary Risk Assessment
 - Ecological Assessment
 - Air Quality Assessment
 - Flood Risk Assessment

4. Policy Considerations

National Planning Policy Framework

Paragraph 87 of the NPPF advises that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. It also states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 88 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

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) 2011

- CS1 (Health and Wellbeing)
- CS2 (Employment)
- 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)
- CS20 (Transport and Access Strategy)
- DM10 (Pollution)
- DM11 (Planning for More Sustainable Travel)
- DM12 (Mitigating the Impacts of Travel)
- DM14 (Car and Cycle Parking on Development (excluding residential))
- DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) 2014

- AL1 (Presumption in Favour of Sustainable Development)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)
- AL3 (Town, District and Local Centres)
- WA2 (Waterlooville Mixed Use Allocations)

Supplementary Planning Documents

The following Supplementary Planning Documents (SPDs) are also relevant:

- Havant Borough Council Borough Design Guide SPD December 2011
- Havant Borough Council Parking SPD July 2016

5 Statutory and Non Statutory Consultations

Planning Policy (1 April 2022)

Policy Status:

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan provide the development plan for the Borough.

The following Adopted Local Plan policies are of particular relevance.

- CS4 Town, District and Local Centres
- CS6 Regeneration of the Borough
- CS14 Efficient Use of Resources
- CS16 High Quality Design

- CS21 Developer Requirements
- DM3 Protection of Existing Employment and Tourism Sites
- DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- DM6 Coordination of Development
- DM10 Pollution
- DM11 Planning for More Sustainable Travel
- DM12 Mitigating the Impacts of Travel
- AL3 Town, District and Local Centres
- WA2 WaterlooVille Mixed Use Allocations
 - BD54 Land at BAE Systems Technology Park

Principle of Development

The planning application site area relates to the north-western corner of the site allocation included in the Adopted Local Plan (BD54). The former is more flexible in that it provides for mixed use development including economic development, hotel and leisure uses in the Adopted Local Plan (BD54). The glossary of the Allocations Plan defines 'Economic Development' as including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development). In the context of the NPPF, drive-through restaurants and retail development are defined as main town centre uses. As such, the principle of development is acceptable in policy terms subject to other material considerations.

Discount Foodstore

As defined by Policies CS4 and AL3, WaterlooVille Town Centre is the nearest designated town centre to the proposal. The site falls within 300m of the primary shopping area and would therefore fall within an edge of centre location for retail and other main town centre uses in the context of the NPPF.

The principle of leisure (Class D2) and/or non-food retail (Class A1) uses on the southern part of the site has already been established through the grant of planning permission reference APP/15/00770. Significantly condition 8 of that permission limited the Class A1 floorspace to 'bulky goods' as follows:

"8 *Use Class A1 floorspace within this development shall only be used for the sale of DIY products (including materials and accessories), home improvement products, carpets and floor coverings, fabric, furniture, soft and hard furnishings, floor coverings, household goods, homewares, decorative products, glassware, cookware, kitchen utensils, white and electrical goods, automotive and cycle parts, pet food, garden tools, arts and crafts materials, variety retailing, tents, camping, caravanning, leisure and outdoor activity equipment, or related accessories for all of the aforementioned or the provision of ancillary café facilities, unless otherwise agreed with the Local Planning Authority.*"

In resolving to grant planning permission for the previous scheme reference APP/13/00893, the Council also carefully assessed the market impact on the main supermarkets in WaterlooVille. The Waitrose store in the town centre has since closed. It is noted that the applicant has therefore provided a sequential assessment in order to assess the likely impact on the town centre and its vitality and viability.

Sequential test

The purpose of the sequential retail test is to ensure that new retail development is located as closely as possible to town centres, and to ensure as far as possible that new retail development would not have an untoward negative impact on the vitality of

town centres. Paragraphs 87 and 88 of the NPPF set out the requirements for the sequential test. There are two main parameters set out in the NPPF which govern the search for alternative sites under the sequential test. Sites must be:

- Available – alternative sites should be available for development now or within a reasonable period of time (determined on the merits of a particular case, having regard to, amongst other matters, the applicant’s suitability criteria and timescales), and;
- Suitable – with due regard to the requirement to demonstrate flexibility, alternative sites should be suitable to accommodate the proposal.

In short however, the National Planning Practice Guidance confirms that if there are no suitable and sequentially preferable locations, the sequential test is passed. Paragraph 88 of the NPPF specifically indicates that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Wherever possible, the local planning authority is also expected to support the applicant in undertaking the sequential test, including sharing any relevant information.

The applicant submitted a Sequential Test Report which includes an assessment of 27 available units and sites which focused on available sites within and on the edge of Waterlooville town centre (which would be sequentially preferable to the application site) and which could have potentially accommodated the proposals being considered. It is noted that this initial exercise concluded that there are no sequentially preferable locations to the application site.

Given the vacant Waitrose store in the town centre, the Planning Policy Team sought clarification on its availability given that it was not included within the applicant’s Co-star search of available properties. 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 light of this information, the Council invited the applicant to submit a revised sequential assessment to draw in the vacant Waitrose site, including an assessment of its availability and suitability.

In December 2021, the applicant submitted a Sequential Test Addendum to be read alongside the Sequential Test Report which contends the Waitrose store would not be suitable for the intended occupier. In short, the reasons include the very specific model of the discount or limited goods retailer, and the range of goods they stock and the store format they operate from. In particular, it was highlighted that the Waitrose store is far larger than would be required and that the configuration of the store would not fit with the operator model. The Addendum also considers the subdivision of the existing Waitrose unit and the related issues with rear servicing and ability to provide frontage with another occupier.

In order further understand whether the former Waitrose store is not available and suitable for the development proposed, the Council subsequently sought more compelling evidence from the applicant to justify their position. The issues raised in their letter dated 10th February 2021 are dealt with in turn as follows:

1. Site Suitability for a Specific Operator: The former Waitrose unit is clearly not an ideal fit from Aldi’s perspective, bearing in mind Aldi prefers to build new foodstores that meet the company’s ideal requirements. That said, it is considered that the applicant would need to demonstrate too much flexibility in its

requirements for the former Waitrose unit to be suitable for the application proposals.

2. Adaptability of Waitrose to Suit the Occupier: Whilst the letter from Threadneedle indicates that the landlord would be open to discussing works to the existing store to meet the intended occupier's requirements, it is noted that a 'contractual position' would need to be reached, and that there is no certainty of this. It is also noted that Waitrose's lease runs until January 2026, and no new tenant is actively being sought. As such, it cannot be concluded that the unit would be available within a reasonable timeframe.
3. Suitability of Servicing/Potential for Redevelopment: The applicant has not provided any feasibility drawings to demonstrate whether shared servicing arrangements or how a frontage arrangement would or would not work. Nevertheless, it is accepted that in order for the existing Waitrose store to be suitable, the occupier would need their own servicing arrangements. It is also noted that the applicant has provided trading data which suggests that the foodstore was unviable in this location. The applicant does not consider that the site could be reasonably be redeveloped having regard to the current lease, and the cost of the redevelopment of the site (and loss of rental income during its construction).
4. Flexibility/Disaggregation: The applicant specifically addressed this in their addendum. It is agreed that there would be no requirement to disaggregate the scheme.

The evidence presented by the applicant does not present overwhelmingly compelling evidence that the site is not suitable. However, it is evident that the applicant would need to demonstrate an unreasonable degree of flexibility on format and scale in order to make the development 'fit' within the existing store. Furthermore, it is questionable whether the existing Waitrose store could be made available within a reasonable timeframe. Notwithstanding the allocation of the site for town centre uses, it is not considered that a policy objection could be sustained on sequential test grounds.

The Drive Through Elements

Policy DM5 of the Core Strategy is of relevance with the proposed drive through coffee shop and restaurant. Paragraph 10.17 of the supporting text indicates town centre locations may be more acceptable for such uses but makes clear proposals for such outlets can create environmental problems such as noise, fumes and odour, traffic generation and indiscriminate parking. This is of particular relevance given the proposals would be sited adjacent to an existing McDonalds drive through.

Contaminated Land

The developer requirements for allocation BD54 states that there may be "potential ground quality issues associated with previous and/or current use of site". It is noted that a Phase 1 Environmental Assessment Report has been submitted with the application and the Council's Environmental Health Team have recommended appropriate conditions accordingly.

Parking Provision

Policy DM14 and the Havant Borough Parking SPD (July 2016) set out the parking standards for new non-residential development in the borough.

Summary:

The principle of the development is acceptable in the context of the adopted local plan, subject to other material considerations. On balance, it is considered that the development proposals have demonstrated compliance with the sequential test, and as such, it would be unlikely that an objection could be sustained on that basis

Archaeologist (9th June 2021)

Although the area does have some archaeological potential, the site has been impacted by previous development and any archaeological potential will have been severely composed. I would not raise any archaeological issues in relation to this development.

Environmental Protection Officer (19th January 2023)

Comments relating to noise and nuisance matters submitted in our memo dated October 2021. A further memo dated 7th January 2022 was submitted confirming that previous comments remained valid. As the above application concerns amended plans, our previous comments remains valid under this application.

Previous comments (18 October 2021)

I have no objection in principle to these proposals.

I have studied the documentation provided by KFC in relation to their extractor system under their submitted Planning document, and can advise that with regard to the proposed extract system, I am not sure as to whether the units RY5000B or RY5000B-UV03 are both to be utilised or whether it is one or the other. I would like to see a labelled pictorial diagram of the extract system, to be provided with the final proposed layout and the equipment to be employed. This should be conditioned.

If the Committee were of a mind to approve this application I would ask that the following conditions be applied to any consent granted:-

Condition 1 - Equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

Condition 2 - The extraction equipment installed in pursuance to Condition (No.1) above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.

Condition 3 - Construction Environmental Management Plan - No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the

effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and Part 2 2009 and A1:2014 - Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants. It should advise as to what measures are to be put in place for the control of any dust that might emanate from the development site. Furthermore the methods of dust control should be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities. It should also be noted that besides the keeping of haul roads damp during dry weather conditions, any areas where tracked excavators, dozers and the like are working, are also be kept damp at all times.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes, to ensure no nuisance impact on those occupying premises outside the site

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Environmental Control Officer (22nd November 2022)

This re-consultation has come to my attention as part of a filing exercise. I note that it has not yet been determined, and that comments made under the original consultation (June '21) do not appear to have been added to the case – it is unclear if Development Management received the submission email. Original comments are appended for information.

It is understood that my colleague, Mark Moss, made a response in January '22 in respect of noise / nuisance, and the control of construction impacts. I have briefly reviewed the reconsultation documents post-dating this, and will provide a very brief update to the original comments.

Highways issues, transport demand, sustainable travel (Air Quality)

The original consultation response expressed caution about the certainty of assumptions underpinning the air quality assessment.

In its comments, the Highways Authority also raised concerns about the site permeability, degree of connectivity for sustainable and active modes of travel, safety for pedestrians & cyclists, and optimising cycle parking provision to encourage use. Improvements in these areas would serve to support a shift in transport mode from

private motor car to alternative means (active travel and other low- or zero-emission transport modes).

The Highways Authority has secured a significant package of scheme enhancements in these areas. These are considered to contribute positively to air quality objectives, and are supported. It would appear that the Highways Agency has also made comprehensive provision to secure these amendments, and as such I have no further comment or recommendations to make.

Landscaping (Air Quality)

I note that the Landscape Architect has sought augmentation of the soft landscaping scheme, and that the applicant has responded positively. The secured amendments/additions will serve to marginally improve the ecosystem (air quality, pollutant interception, adsorption and treatment-) services within the red line area, and the changes are therefore supported.

Surfacewater Drainage Strategy, SuDS

I had previously noted a marginal non-compliance with industry design guidance for pollution control, but had also identified an off-site feature that would serve to make up the marginal shortfall in water-treatment capacity. I note that the LLFA has agreed the scheme, and has not flagged this as a concern. I would concur, in line with comments below, and would raise no objection to the scheme as proposed.

Construction Emissions

The substance of comments on the submitted CEMP (appended) continue to apply. Mark has sought a CEMP condition which is focussed upon amenity & nuisance, lacking some of the references to environmental receptors that were included within the condition I suggested July of last year.

It is possible that other parties (in particular, Highways) may have also sought to secure a CEMP by condition, for other purposes. There is no need for multiple conditions, but there may be a need to consolidate requirements, to ensure that no specific issue is inadvertently excluded.

I am comfortable for condition wording to avoid being too restrictive, but I would recommend a reasonably comprehensive 'reason' to be given which includes reference to the risks to controlled waters, e.g. below;

Reason: To ensure that the construction process is carried out in a manner which will minimise disturbance, pollution & nuisance to neighbouring properties and the public realm more generally, and prevent pollution of nearby surface waters. To avoid inappropriate parking practices, and turning and manoeuvring of construction vehicles which adversely impact either the use- or safety- of the public highway. This condition is imposed having due regard to policies DM10 & CS15 (Havant Borough Local Plan (Core Strategy) 2011), and the National Planning Policy Framework 2019.

This is particularly important for this location, as there has recently been a significant pollution incident originating within this drainage catchment, affecting wildlife at the downstream discharge location. Work to address that issue are ongoing, and the Sewerage Undertaker is looking for a party to either bear- or substantially contribute to- the costs of remedial works. It would be wise for the applicant to be capable of

demonstrating a clear exclusion of liability for any ongoing pollution issues that might coincide with the construction phase of this scheme.

Contaminated Land

Comments appended continue to apply. I would recommend that the suggested (unexpected contamination) condition be applied to any positive determination of this application.

Original Comments (30th June 2021)

Air Quality Assessment – Operational Phase Impact

The Air Quality Assessment considers a range of scenario's. The traffic scenario's described at Appendix D.3 refers to two scenario's under the same description, and tables 5-2 to 5-4 include a comparison of air quality modelling scenario's where one has no corresponding traffic scenario. It is assumed that the traffic table at D.3 includes a typographical error in the column header. For clarity, I have interpreted the scenario's to represent.

- Baseline scenario (2019) [BL],
- Do Minimum (no development, future baseline) (2023) [DM],
- Do Something (application development) plus Do Minimum (no development) within 2013 OA consent development red-line area [DS+DM],
- Do Minimum (application development) plus Do Something (obtain & implement anticipated 2018 OA consent-) within wider 2013 OA consent development red-line area. [DM+DS]
- Do Something (both application development, and obtain/implement 2018 OA consent) [DS+DS]

The assessment appears to ignore the balance of the 2013 outline consent, and instead considers the 2018 outline application scheme as if it were consented, as the traffic models have been accepted by the relevant consultees.

The development is anticipated to generate a significant number of vehicle trips, amounting to around 2750 one-way trips (total traffic, AADT), relative to the [DM] projected baseline scenario. By way of comparison, the 2018 outline application transport demand is 3737 on the same basis.

Comparing the DS+DS scenario with the DS+DM scenario ("2018 outline + APP/21/00399" compared with "2018 outline only"), there are differences in the distribution of traffic which amount to reduced link-impacts in some cases. The total net increase in traffic under the DS+DS scenario (i.e. at site entrance) is +963 vehicles on an AADT basis, expected to access the site almost exclusively via Hambledon Road South.

The difference between these scenario's doesn't present as an 'additive' transport demand as there is a significant offset of trips associated with 2018 outline application uses displaced by the APP/21/00399 scheme, alongside a proportion of linked, combined & diverted trips – the majority of diverted trips being from the existing food retail offering within the wider 2013 outline consent red-line area.

Under these scenario's, and following appropriate model adjustment against HBC monitoring data for the 2019 BL scenario, the assessment indicates that no modelled

location would the air quality exceed 80% of the National Air Quality Standards, and that the maximum adverse change in air quality is +1.25%/+0.5%/+0.25% (NO₂/PM_{2.5}/PM₁₀).

These results are agreed not to represent significant impacts that would require specific mitigation (e.g. under emerging policy E23 c.), however I would stress that the assessment conclusions rely heavily on the assumed reduction in concentrations of pollutants over the 4 years between the baseline year (2019) and the opening year (2023), amounting to around a 6% year-on-year reduction in pollution concentrations, despite 1.25% year-on-year baseline traffic growth.

This strength of declining trend is not supported by available monitoring data, and relies upon future changes in fleet composition. It should be noted that the model predicted a baseline concentration at a residential property on Hambledon Road that amounted to >98% of the corresponding standard – representing a risk of breach of statutory air quality standards in the event that reductions in concentrations of Nitrogen Dioxide continues in line with past trends (and doesn't accelerate, as the report anticipates)

Air Quality – Emissions Offsetting & Related Policy

The Air Quality Assessment refers comprehensively to national-, adopted local- and emerging local- policy, including policy E23 (Air Quality). Whilst the wording of E23 a. (emissions offsetting) is acknowledged, the report does not address what might achieve an offset of emissions that is 'proportionate to the scale and nature of the development'.

The scheme itself is not devoid of relevant sustainability features. For example, I note that the landscaping scheme specifies around 50% of plants listed with a Urban Tree Air Quality (mitigation) score, and provides a good mix of high, medium & low rated species at a range of scales (tree / shrub / hedge). This planting will provide a degree of pollutant interception, absorption & capture. This is welcome, and may serve to offset the net reduction in soft landscaping at the site.

The BREEAM assessment complies with adopted, but not necessarily emerging policy, targeting a standard of 'Very Good'. Ene04 'low carbon design' points are not targeted – I am unclear why, as I would anticipate the described waste heat harvesting and heat recovery ventilation (HRV) systems as qualifying LZC technology.

From an Air Quality perspective, the omission of local combustion plant to meet the space & water heating demand of the principal unit, alongside the above-referenced HRV system (to be used at the food retail and at the hot food outlet), both contribute to the offsetting of operational phase development emissions. The Framework Travel plan is also presented as being contributory, although this is required by policy IN3, and the mode-shift targets presented are not particularly ambitious, applying to staff only. In terms of sustainable transport for staff, I also note that the proposed parking scheme does not include a policy response to emerging policy IN3 j (provision of workplace electric vehicle charging points).

Given the landscaping, heating & ventilation features, alongside the current status of policy E23 as 'not adopted, with material weight'; it is unlikely that an objection on grounds of insufficient emissions offsetting could be justified. I am concerned however that emissions in this region of Waterlooville are approaching non-compliant levels, and ideally the sustainability credentials of the scheme would be enhanced.

In terms of opportunities for further emissions offsetting within the scheme, I note that the design & access statement lists a lack of overshadowing as an 'opportunity' (making the roof suitable for solar PV & direct solar), but does not propose to exploit this with an LZC provision. Incorporating a solar provision would improve the sustainability credentials, and provide a non-local (within district) offset of combustion emissions associated with power generation. Additional planting within parking areas with native UTAQS species, or provision of green roofs / walls / panels could further enhance pollutant interception, absorption & capture, providing direct local benefits.

Such measures may be relevant to detailed applications coming forward within the wider outline application area.

Air Quality – Construction-Phase Dust Emissions

Construction impacts are concluded to be between negligible and medium before mitigation, with earthworks phases representing the greatest potential for dust emission. Section 6.1 of the Air Quality Assessment lists appropriate construction-phase mitigation measures. The construction-phase dust soiling / air quality impacts are assessed to be negligible assuming that these measures are implemented.

The mitigation relies heavily upon the development of a 'dust management plan' and site inspections; some key measures are not included in the explicit provisions (e.g. site speed limit on haul routes, sheeting loads etc.)

Construction Environmental Management Plan (CEMP)

The submitted CEMP refers specifically to the provisions of the Stantech January 2020 Air Quality report. It is assumed that this includes the development of a dust management plan, and the implementation of physical dust monitoring during a pre-development baseline period, and throughout the construction phase.

All burning is to be prohibited at the site. These provisions are acceptable from a dust emission / soiling risk / air quality perspective.

The CEMP does not make any specific provision for the storage / handling of fuels at the site, nor on the protection of extant surface water drainage systems from excessive siltation, or receiving waters from excessive suspended solids (TSS), or indeed fuels and construction material in site runoff. There are similarly no specific provisions for routine inspection of the local surface water & balancing pond for issues with runoff that are not being proactively controlled through local strategic interception & retention (most surface water drainage at the site discharges to one or other of these receiving waters).

It may be appropriate to seek a formalised / expanded CEMP by means of a planning condition. It would be particularly justified in the event that the Environment Agency raises any concerns about pollution of watercourses, my highways colleagues raise concerns about construction traffic management or highway soiling, or my colleagues raise concerns about the provisions for noise and vibration. In the absence of any concerns being raised by other consultees, it may be more appropriate to omit the suggested condition (in reliance on NPPF paragraph 183).

Suggested wording below – this is a general condition and deliberately covers a range of construction-related matters that might be raised by other consultees (i.e. it

seeks a 'good practice' CEMP, and is not limited to issues falling within the remit of Environmental Health);

[Condition 2] Construction/Environmental Management Plan (General, including controlled waters)

No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall explicitly include the mitigation options presented in section 6.1 of the Stantech Air Quality Assessment Report Ref: 50641/3001 where these are proposed to be implemented. Where not otherwise covered by those proposals, the plan shall also include-;

- a) Procedures & logistics for managing deliveries or at or collections from the site, including the timing of haulage trips, the parking & loading of vehicles, provisions for materials handover and transport to secure storage areas, and the means of minimising the risk of release of fuel & other materials capable of causing harm to health or the environment
- b) Provisions for the segregation & storage of wastes destined for both disposal & for recycling, and details on the procedures and logistics for collection and transport from the site.
- c) Measures to ensure safe pedestrian movement on the public highway & footpaths
- d) The means of minimising dust, smoke and fume emissions from the site during construction works, including minimising dust emissions from vehicles transporting materials or waste within the curtilage of the site, or from the site.
- e) The means of preventing track-out of mud & spoil on to the highway, and preventing runoff from the site adversely impacting the local surface water drainage network, or local surface waters.
- f) The means of minimising noise and vibration arising from construction processes, and/or mitigating the impact of noise & vibration on the occupiers of neighbouring land
- g) Details of the training of site operatives to follow the Construction Management Plan requirements.

Reason: To ensure that the construction process is carried out in a manner which will minimise disturbance, pollution & nuisance to neighbouring properties and the public realm more generally, and prevent pollution of nearby surface waters. To avoid inappropriate parking practices, and turning and manoeuvring of construction vehicles which adversely impact either the use- or safety- of the public highway. This condition is imposed having due regard to policies DM10 & CS15 (Havant Borough Local Plan (Core Strategy) 2011), and the National Planning Policy Framework 2019.

Drainage Strategy – Pollution

I note that the simple index method pollution potential / mitigation requirements are 0.7/0.6/0.7 (TSS/Metals/Hydrocarbons), and that the commercial yard / delivery areas are argued to have the same requirement the non-residential parking areas.

As far as I can tell, the indices achieved through the current strategy (as stated, accounting for the 0.5 factor for secondary & tertiary features) are 0.95/0.7/0.95, and 1.05/0.5/1.15. The latter is marginally short of the simple index requirement. I am unclear on the origin of indices quoted for the geo-cellular storage in particular – I have not found an equivalent or similar figure within C753. It is assumed that the

indices quoted for the permatreat channel are manufacturer figures, representing a 'proprietary treatment system'.

In terms of the marginal shortfall on metals interception / treatment; I note that the calculations do not account for the presence of the off-site settlement pond. It would appear that all site surface water will discharge to the Wallington North via this pond. Accounting for the pollutant interception and treatment service provided by the pond (+0.35/+0.35/+0.25) all pathway treatment trains would meet the required standard.

Assuming that the planning service is content to rely on this off-site infrastructure, I raise no objection to the SuDS scheme as proposed.

Contaminated Land

The Subadra Phase 1 Environmental Desk Study Report (Ref: In15371 CL 003b) does not present any new fieldwork, providing instead a review and summary of previous reports. All previous reports have been reviewed by Environmental Health in connection with prior applications.

The conclusions of the report are broadly in line with Environmental Health's prior review(s), and as such, are accepted. The report anticipates the observance of a watching brief, in lieu of improving the sampling resolution at the site (as the encountering of significant contamination is considered to be unlikely, and so additional investigative effort unjustified).

Given this, I would propose the following compliance-condition to manage the residual uncertainty in respect of ground conditions / contamination;

[Condition 2] Unexpected Contamination

"In the event that soil or groundwater is encountered during groundwork that is suspected of being contaminated (including discolouration, oils, sheens that are oily, metallic or brightly coloured, foul or solvent odours, or deposits & inclusions comprising obvious waste materials), or if groundwork staff report acute symptoms (skin, eye or respiratory) suspected of being related to soil quality; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) A site investigation in the vicinity of the suspected contamination, of a scale sufficient to characterise its nature, and likely origin, extent & mobility
- 2) An appropriate assessment of the risks to all receptors that may be affected, including those off site.
- 3) Where the Risk Assessment (2) identifies potentially unacceptable risks, a Remediation Strategy that includes;
 - a) appropriately considered remedial objectives, and;
 - b) clearly defined proposals for the remediation &/or mitigation of identified risks, having due regard to sustainability

- 4) Where a remediation strategy (3) identifies actions required to remediate contamination or mitigate risks associated with the presence of contamination, a Verification Report that includes;
 - a) Photographic documentation of any relevant physical works, sampling/monitoring results, and any other technical or statistical information as may be required to demonstrate that Remediation Strategy objectives have been met, and where necessary;
 - b) Further plans for monitoring, provision for maintenance of barriers or other structures required for remediation or risk mitigation, and any relevant trigger values and contingency actions as may be required to address the identified risks (a "long-term monitoring and maintenance plan").

All assessments, works, monitoring & other actions required by (1)-(4) above shall be undertaken by competent persons, and the scheme shall be implemented as approved"

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy (2011), and DM17 of the Havant Borough Local Plan (Allocations) (2014); there is a low probability of the presence of Contamination associated with previous R&D activities at the site that could, if present, pose a significant risk to surface waters"

Building Control (11 October 2022)

No adverse comments

Lead Local Flood Authority (LLFA) (revised Comments 21 October 2022)

We have no additional comments to add.

Original Comments (15 June 2021)

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

- Flood Risk Assessment and Drainage Strategy; Ref: D1934/FRA1.0; dated: 26th January 2021.

The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through permeable paving and an attenuation tank. Additionally, surface water runoff will be discharged, at a discharge rate of 100.0 l/s, into the surface water public sewer network at Elettra Avenue.

The proposals are acceptable in principle considering that the underlying geology will make infiltration infeasible at the application site, in the absence of any nearby watercourse, and considering that the existing site is discharging surface water unrestricted into the surface water at Elettra Avenue.

The applicant is proposing to discharge surface water into the public sewer network, however, there is no information within the planning website which demonstrate that the asset owner has agreed to the proposed discharge rate and connection. Failure to secure this agreement is likely to necessitate in the need to review the drainage proposals for the application, which may have implications for the drainage proposals, proposed quantum and layout of the proposed development.

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

- 1) The drainage system shall be constructed in accordance with the Flood Risk Assessment and Drainage Strategy ref: D1934/FRA1.0. Surface water discharge to the public sewer network shall be limited to a discharge rate agreed with Southern Water and not greater than 100.0 l/s. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.
- 2) The condition of the existing surface water sewer, which will take surface water from the development site, should be investigated before any connection is made. If necessary, improvement to its condition as reparation, remediation, restitution and replacement should be undertaken. Evidence of this, including photographs should be submitted. Evidence that the asset owner has agreed to the proposed discharge rate and connection should be submitted before any connection is made.
- 3) Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;
 - a) Maintenance schedules for each drainage feature type and ownership
 - b) Details of protection measures.

We would also recommend that the applicant is directed to our website <http://www3.hants.gov.uk/flooding/hampshireflooding/drainagesystems.htm> for further information on recommended surface water drainage techniques

Southern Water (Revised Comments 20 October 2022)

Comments in our response dated 12/07/21 remain unchanged.

Original comments (12th July 2021)

The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note: -

- The 900 mm public surface water sewer requires a clearance of 4 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to Developer.Services@southernwater.co.uk

Furthermore, 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.

Our investigations indicate that Southern Water can facilitate foul sewerage run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The Submitted Drainage Strategy shows that the applicant is discharging surface water flow no greater than existing flows into the public system, ensuring no overall increase in flows into the sewerage system, which is acceptable by Southern Water. No additional flows other than currently received can be accommodated within exiting sewerage network.

The supporting documents make 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.

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.

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.

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

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119

Portsmouth Water (11 October 2022)

Our original comments still apply.

Original Comments (30 June 2021)

The site is located in a Source Protection Zone 1c (SPZ1c) for an essential public water supply source. The SPZ1c is at risk from subsurface activity, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities such as infiltration drainage solutions, site investigation boreholes and/or piling may pose a risk to groundwater quality and the local public water supply source.

Risk Assessment and Conceptual Site Model

A Phase I Environmental Report (Preliminary Risk Assessment) has been undertaken to support the application. We are pleased to see groundwater acknowledged as a sensitive receptor for the site and the site designation as SPZ1c outlined in the report. The report concludes from the review of previous site investigative work that there are no contamination issues identified to date at the site. We are satisfied with the Conceptual Site Model that there is no viable pollutant linkage to the underlying aquifer provided there is no deep infiltration drainage and piling, if this type of activity is proposed the risk assessment will need to be revisited to evaluate if a viable linkage is present.

Drainage

The Flood Risk Assessment and Drainage Strategy (D1934/FRA1.0) details the surface water and foul water drainage strategies. The proposed surface water drainage strategy comprises a combination of SuDS features (permeable paving, permachannel drains etc) with final controlled outfall to an existing surface water sewer. 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.

Piling & Foundations

The proposed site is situated in a sensitive groundwater catchment and there is a potential risk associated with groundworks in this area. Portsmouth Water would have no objection to piling at this location if the piles terminate within the Clay cover, if the piles penetrate the full depth of the Clay cover we would expect a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) to be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

Construction Environmental Management

A Construction Environmental Management Plan (CEMP) has been submitted to support this application. There is limited information on the pollution prevention from leaks/spills and hazardous material storage. Bulk storage of chemicals and hydrocarbons (oils) should be carried out on impermeable surfaces and in accordance with British Standards. Pollution prevention measures should include bunding, secondary containment where feasible and an incident response plan including spill kits on site and training of site staff on how to use them. This information should form part of the CEMP to be readily available to all staff whilst working on site.

Hampshire Highways (Revised comments 12 October 2022)

Further to the Highway Authority's response dated 14th June, discussions have been held with the applicant to address the comments made regarding the pedestrian and cycle access strategy for the site. Discussions have also been ongoing regarding the modelling work for the Hambledon Road/Elettra Avenue Roundabout.

The applicant has subsequently produced a Summary Transport Response (STR) which summarises the correspondence since the last planning response. The following response details the amendments made to the design and the outcome of the junction modelling.

Sustainable Transport

The Highway Authority's previous response raised concerns with the access strategy proposed for pedestrians and cyclists. The previous proposals would potentially preclude future cycle access to the development which is contrary to the requirements identified at the outline planning stage to develop a cohesive pedestrian and cycle access strategy for the entire site.

A revised access strategy for pedestrians and cyclists has subsequently been produced and shown in drawing number 19325-08-GA Rev P. Cyclists approaching from the north will cross at the upgraded splitter island on the access road to the western side of Elettra Avenue. The new path on this side of the road has now been widened to shared use to accommodate both pedestrians and cyclists looking to access the site. Cyclists now have a continuous route to access the development from the north. The shared use path continues to the south of the site access onwards to the red line boundary for the site where future parcels can continue the cycle facilities to provide access to the wider site.

The pedestrian link towards Unit C has also been relocated to the front of the order waiting bay. This addresses the previous safety concern arising from the link landing in the centre of the waiting bay where cars will be stopping after collecting a takeaway from the drive-thru.

The revised pedestrian and cycle access strategy is now considered acceptable by the Highway Authority. The relevant works will be secured via planning condition and Section 106 obligations.

Site Access

The new access onto the private road located to the south of the Elettra Avenue/Waterberry Drive roundabout has previously been considered acceptable by the Highway Authority and is shown in drawing number 19325- 08-TRK2 Rev P.

Following a request to overlay the highway boundary on the site layout plan, it has become apparent that part of the western service access will be located within the highway and will therefore require a Section 278 agreement to implement the works. It is considered that the access works can be combined with the Section 278 works to implement the new footway facilities around the site on Elettra Avenue and subsequently secured within the Section 106 agreement.

Delivery and Servicing Management Plan

The applicant is required to produce a delivery and servicing management plan prior to the occupation of the drive thru units to confirm how deliveries will be managed and controlled throughout the site.

Junction Modelling

The applicant has been in direct discussions with the Highway Authority regarding the modelling undertaken at the Hambledon Road/Elettra Avenue Roundabout.

A number of revisions were produced for the Hambledon Road Appraisal document which provided a detail analysis of the modelling work undertaken at the roundabout.

As acknowledged within previous responses, the additional vehicular trips associated with the food retail element of the proposed development pushes the roundabout closer to capacity. However, it is also acknowledged in this instance that the reduction in capacity will be partially alleviated through the improvement scheme on the Elettra Avenue arm of the roundabout. Should any further changes be made to the land uses secured under the extant outline planning consent which exacerbates the agreed level of trip generation, additional mitigation measures will be required at the roundabout.

The Highway Authority have observed the level of offside lane usage at the roundabout on site and agree that the percentages utilised within the model are likely to be accurate based on the number of drivers who choose to use both lanes when routing around the circulatory.

On the basis of the above, the Highway Authority are now satisfied with the Hambledon Road/Elettra Avenue Roundabout modelling and do not require additional mitigation in this instance, subject to re-securing the contribution of £60,000 agreed through the extant outline consent to mitigate the trip generation agreed through the two applications.

The previously agreed development also secured a £152,064 contribution towards the provision of a toucan crossing on Hambledon Road. The crossing was required to provide safe pedestrian and cycle access to the site and has since been implemented by Hampshire County Council who have forward funded the works in light of the incoming contribution provided through the extant planning consent. Alongside the contribution towards the Hambledon Road/Elettra Avenue Roundabout, the contribution towards the toucan crossing is required as part of the current planning application.

Given the overlap with the previous Section 106 securing these measures, a Deed of Variation will be required to ensure that the applicant does not have to pay the identified contributions twice. The Highway Authority will discuss this matter with the applicant during the Section 106 discussions for the current application.

Recommendation

The applicant has satisfactorily overcome the Highway Authority's previous comments. The Highway Authority therefore recommends no objection to the proposed development, subject to the following Conditions and Section 106 obligations:

S106

- Payment of the Travel Plan approval and monitoring fees along with the Travel Plan bond.
- Prior to commencement of development to enter into a Highways agreement for the access works and offsite pedestrian and cycle improvement works located within the adopted highway as shown indicatively in drawing number 19325-08-GA Rev P. To implement the works to the satisfaction of the Highway Authority prior to occupation.
- Payment of the £152,064 Toucan Crossing Contribution split 50% prior to commencement of development and 50% prior to first occupation.
- Prior to commencement of development, to pay the £60,000 Roundabout Improvement Contribution.

Conditions

- Construction Traffic Management Plan
- Visibility Splays
- Cycle Improvements
- Delivery and Servicing Management Plan
- Off-site cycle and pedestrian improvements
- Surface Water Management Plan

Traffic Team (13 July 2021)

The traffic team would expect to see an allocation of parking bays for motorcycles as per the HBC Parking Supplementary SPD.

Crime Prevention Officer (17 October 2022)

Having considered the application I have the following comments to make with reference to the prevention of crime and disorder (Anti-Social Behaviour (ASB)).

The National Planning Policy Framework makes clear the Government's continuing commitment to "create safe and accessible environments where crime and disorder,

and the fear of crime, do not undermine quality of life or community cohesion and resilience”.

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats. It reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically “to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.”

The guidance advises: “Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides.” It continues, “Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience.” “Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult.”

A facility such as this is likely to attract large numbers of people, which can lead to crime and disorder. To reduce the opportunities for crime and disorder a Closed Circuit Television (CCTV) system should be installed with cameras deployed to provide images within each of the facilities and throughout the public realm.

To reduce the opportunities for crime and disorder lighting throughout the development should conform to the relevant sections of BS 5489-1:2020.

HBC Landscape Architect (14 October 2022)

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

- The amendments to footway has reduced the number of trees to the detriment of the soft landscape scheme. Can the omitted trees be relocated elsewhere within the site? SW corner, within hard landscaping etc?
- We require clarity on the soft landscaping which is abutting the highway, currently this is grass is this proposed to be retained?

Previous comments - 10 October 2022

- From a landscape perspective we have the following comments in relation to this application:
- It appears the applicant has made all the requested amendments suggested and as such we have no further comments.
- Recommend condition - proposed hard and soft landscaping plan boundary treatments and lighting.

HBC Community Infrastructure Officer (21 October 2022)

CIL

The CIL rate is set out in our Charging Schedule:

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

The amounts in the Charging Schedule are indexed according to the year in which permission is issued. If the permission is issued in 2022 the amount of indexation will be 48.21%. It is expected to increase if permission is issued in 2023.

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

Please note the CIL Charging Schedule is currently under review.

S106

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

SEE THE HBC DEVELOPER CONTRIBUTIONS GUIDE FOR ADDITIONAL INFORMATION:

Latest version accessible from: <https://www.havant.gov.uk/community-infrastructure-levy>

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

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

- £798.00 per non-financial head of term (outside the scope of VAT)
- 5% of cost per financial head of term (outside the scope of VAT)

Monitoring fee is capped at a maximum of £11,525 per application.

6 Community Involvement

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

Number of neighbour notification letters sent: 227

Number of site notices: Yes

Statutory advertisement: Yes

At the time of writing the report 213 objections have been received and 6 letters of support

Summary of representations

Principle

Objections

- Waterlooville does not need establishments identified within the application

- It will not diversify the amenities of Waterlooville
- The proposed uses would impact the health and wellbeing of the community, particularly in relation to obesity and would place greater pressure on the NHS
- The area would benefit from the provision of leisure/social facilities such a Bowling Alley or Cinema and the provision of green spaces / recreational hub
- There are vacant units in the town centre and occupying vacant units in the town centre would increase footfall
- Out of centre uses would be harmful to the vitality of the town centre
- Having more fast food restaurants would increase anti-social behaviour and litter
- Increased noise and pollution
- Competition is encouraged but consider Aldi is too close to Lidl

Support

- Developing the site will boost the economy and would add additional services for the community
- Specifically show support for Aldi
- It would increase footfall to Waterlooville

Officer comment: *A full assessment of the retail considerations is provided in the Consultee responses and in Section 7.*

Highway Impacts

- Increased traffic and carbon emissions
- Increased congestion and air pollution
- Impact on pedestrian safety
- Inadequate provision for cycle movement
- The application fails to resolve long-standing issues regarding access in Wellington Park. There is no footpath on the southern side of Hambledon Road

Officer comment: *The National Planning Policy Framework (NPPF) at Paragraph 109 states that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The highway submission in respect to the application has been reviewed and is considered to appropriately address the highway considerations and safety issues.*

7. Planning Considerations

7.1. Having regard to the relevant policies of the development plan and all other material considerations 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 landscape
- (iii) Highways, parking and accessibility issues
- (iv) Flood Risk/Drainage
- (v) Ecological Considerations
- (vi) Impact on Archaeology
- (vii) Impact on Residential Amenity
- (viii) Sustainable Construction
- (ix) Contamination
- (x) Developer Contributions/CIL and S106 requirements

(i) Principle of development

- 7.2. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Significant weight is placed on the need to support economic growth and productivity.
- 7.3. Paragraph 87 of the NPPF advises that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. It also states that 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.
- 7.4. Paragraph 88 further clarifies that “When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”
- 7.5. Paragraph 92 advises that the decision maker to aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible; and enable and support healthy lifestyles.
- 7.6. Paragraph 93 further states that decisions should provide the social, recreational and cultural facilities and services the community needs. Planning decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.
- 7.7. Paragraph 126 addresses the need for the creation of high quality buildings and places being fundamental to what the planning and development process should achieve stating that "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- 7.8. Paragraph 130 requires decision makers to ensure that developments will function well and add to the overall quality of the area; that they are visually attractive; and that they are sympathetic to local character and history; seek to establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.9. 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.

- 7.10. The site is allocated under Site Ref: BD54 for main town centre uses and uses defined as Economic Development. Furthermore, as previously identified, the site already benefits from outline planning consent for a mixed use development comprising commercial and food/drink establishments, which the KFC and Costa Coffee units proposed under this current application would fall within. In considering the acceptability of this current application, great weight must be given to previous consents whereby Class A3 and A5 (food/drink establishments) uses, similar to what is currently proposed with the exception of the Aldi foodstore, have already been established.
- 7.11. However, as the proposal relates to the construction of 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”.

Retail impact Assessment/Sequential Test

- 7.12. Policy WA2 (BD54) defines the site as out of centre for retail and edge of centre for main town centre uses and, in line with the NPPF and the adopted allocation policy, a sequential and impact assessment will be required.
- 7.13. The purpose of the sequential retail test is to ensure that new retail development is located as closely as possible to town centres, and to ensure as far as possible that new retail development would not have an untoward negative impact on the vitality of town centres. Paragraphs 87 and 88 of the NPPF (listed above) set out the requirements for the sequential test. There are two main parameters which govern the search for alternative sites under the sequential test. Sites must be:
- Available – alternative sites should be available for development now or within a reasonable period of time (determined on the merits of a particular case, having regard to, amongst other matters, the applicant’s suitability criteria and timescales), and;
 - Suitable – with due regard to the requirement to demonstrate flexibility, alternative sites should be suitable to accommodate the proposal.
- 7.14. The National Planning Practice Guidance confirms that if there are no suitable and sequentially preferable locations, the sequential test is passed. Paragraph 88 of the NPPF specifically indicates that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Wherever possible, the Local Planning Authority is also expected to support the applicant in undertaking the sequential test.
- 7.15. 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, including the vacant Waitrose store in the town centre.

- 7.16. Waterlooville Town Centre is the nearest designated town centre to the proposal. The site falls within 300m of the primary shopping area and would therefore fall within an edge of centre location for retail and other main town centre uses in the context of the NPPF.
- 7.17. 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).
- 7.18. In response, a Sequential Test Addendum was submitted to be read in conjunction with the Sequential Test Report which included a detailed assessment of the availability and suitability of the vacant Waitrose store. It contends that the Waitrose store would not be suitable for the intended occupier by reason of the very specific model of the discount or limited goods retailer, the range of goods they stock and the store format they operate from. In particular, it was highlighted that the Waitrose store is far larger than would be required and that the configuration of the store would not fit with the operator model. The Addendum also considers the subdivision of the existing Waitrose unit and the related issues with rear servicing and ability to provide frontage with another occupier.
- 7.19. In order further understand whether the former Waitrose store is not available and suitable for the development proposed, the Council subsequently sought more compelling evidence from the applicant to justify their position and the issues raised in a letter dated 10th February 2022 are dealt with in turn:

- Site Suitability for a Specific Operator:

The former Waitrose unit is clearly not an ideal fit from Aldi's perspective, bearing in mind Aldi prefers to build new foodstores that meet the company's ideal requirements. That said, it is considered that the applicant would need to demonstrate too much flexibility in its requirements for the former Waitrose unit to be suitable for the application proposals.

- Adaptability of Waitrose to Suit the Occupier:

Whilst the letter from Threadneedle indicates that the landlord would be open to discussing works to the existing store to meet the intended occupier's requirements, it is noted that a 'contractual position' would need to be reached, and that there is no certainty of this. It is also noted that Waitrose's lease runs until January 2026, and no new tenant is actively being sought. As such, it cannot be concluded that the unit would be available within a reasonable timeframe.

- Suitability of Servicing/Potential for Redevelopment:

The applicant has not provided any feasibility drawings to demonstrate whether shared servicing arrangements or how a frontage arrangement would or would not work. Nevertheless, it is accepted that in order for the existing Waitrose store to be suitable, the occupier would need their own servicing arrangements. It is also noted that the applicant has provided trading data which suggests that the foodstore was unviable in this location. The applicant does not consider

that the site could be reasonably be redeveloped having regard to the current lease, and the cost of the redevelopment of the site (and loss of rental income during its construction).

- Flexibility/Disaggregation:

The applicant specifically addressed this in their addendum. It is agreed that there would be no requirement to disaggregate the scheme.

- 7.20. The evidence presented by the applicant does not present overwhelmingly compelling evidence that the site is not suitable. However, it is evident that the applicant would need to demonstrate an unreasonable degree of flexibility on format and scale in order to make the development 'fit' within the existing store. Furthermore, it is uncertain whether the existing Waitrose store could be made available within a reasonable timeframe. Therefore, and notwithstanding the allocation of the site for town centre uses, it is not considered that a policy objection could be sustained on sequential test grounds.
- 7.21. With regards to the drive through elements, Policy DM5 of the Core Strategy is of relevance with the proposed drive through coffee shop and restaurant. Paragraph 10.17 of the supporting text indicates town centre locations may be more acceptable for such uses but makes clear proposals for such outlets can create environmental problems such as noise, fumes and odour, traffic generation and indiscriminate parking. This is of particular relevance given the proposals would be sited adjacent to an existing McDonalds drive through.
- 7.22. Environmental matters have been thoroughly assessed by the Borough's Environmental Protection Officer. It is concluded that subject to conditions being imposed to secure details of extraction equipment to suppress and disperse fumes together with the submission of a Construction Environment Management Plan to reduce the effects of noise and vibration, no objections have been raised. With regards to the impact upon the highway network, this is addressed in (iii) below.
- 7.23. It is acknowledged that a significant number of representations have raised concern with regards to the uses proposed under this current application and it is noted that preference would be for the construction of leisure facilities in this location. Whilst the comments are noted, the Council has a duty to determine planning applications based on the information presented to it and to make a detailed assessment as to the merits of an application and to ascertain whether a particular proposal complies with national and local planning policy. It should also be noted that a large portion of the wider allocation remains available in the event that a leisure user comes forward.
- 7.24. In summary, having regard to the level of information provided by the applicant, it is considered that, on balance, the principle of the development is acceptable and there are no other sequentially preferable locations to the application site. The proposed development accords with the adopted allocations plan policy WA2 (BD54), as the use falls within the definition of Economic Development within the NPPF and it would bring the site back into economic use and would support economic growth.
- 7.25. 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 landscape

- 7.26. Paragraph 130 of the NPPF sets out a number of criteria which developments should achieve, including requirements for developments that are visually 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.
- 7.27. 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.
- 7.28. The design of the Units and their materials are bespoke to their individual brand and would predominantly consist of coloured render, brickwork with timber and composite cladding. In terms of the wider area, the area sits within the Brambles Business Park where there is a broad range of varying styles and design of existing commercial buildings.
- 7.29. There would be a loss of a group of low category trees along the western boundary, however, to offset the loss, the applicants are proposing a new tree planting scheme.
- 7.30. Following initial comments received from the Council's Landscape Architect, detailed discussions have taken place with the applicants during the course of the application to further enhance landscaping both internally and on the site's boundaries.
- 7.31. As detailed on the revised landscaping scheme, it is proposed to plant 41 new trees along with evergreen hedgerows, ornamental shrubs and planting beds with extra heavy standard (c.4m high) tree planting around the periphery of the site and within the hard landscaped areas within the site. Native shrub planting and a native hedge would be planted along the northern and southern boundaries with areas of wildflower along the Elettra Avenue boundary which would help to filter views from a local level and will assist in mitigating the impact of the development.
- 7.32. The Council's Landscape Architect has been consulted and raises no objection to the revised landscaping scheme. On balance, weighing up the loss of existing trees surrounding the site against the compensatory planting proposals and the benefits of the scheme in terms of the provision of economic development and employment opportunities, it is considered that the proposed development would not result in an overall significant adverse impact upon the local landscape.

(iii) Highways, parking and accessibility issues

- 7.33. 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.
- 7.34. The application is supported by a Transport Assessment and Travel Plan. In response

to the initial consultation from the Highway Authority dated 14th June 2022, a Technical Note was subsequently submitted in order to address concerns previously raised by the Highway Authority in relation to the site access, pedestrian and cycle links and amendments to the junction modelling.

- 7.35. Through extensive discussions with the applicant and the Highway Authority, the applicant produced a Summary Transport Response which summarises correspondence since the Highway Authority's initial response.

Sustainable Transport

- 7.36. The Highway Authority's initial response raised concerns with the access strategy proposed for pedestrians and cyclists. A revised access strategy was submitted which now shows that cyclists approaching from the north will cross at an upgraded splitter island on the access road to the western side of Elettra Avenue. The new path has also been widened to shared use to accommodate both pedestrians and cyclists. The pedestrian link towards Unit C has also been relocated to the front of the order waiting bay. The revised pedestrian and cycle access strategy is now considered acceptable by the Highway Authority.

Site Access

- 7.37. The proposed access onto the private road located to the south of the Elettra Avenue/Waterberry Drive roundabout is considered acceptable by the Highway Authority.

Junction Modelling

- 7.38. The Highway Authority have advised that the additional vehicular trips associated with the food retail element of the proposed development will push the Hambledon Road/Elettra Avenue roundabout closer to capacity. However, it is also acknowledged that the reduction in capacity will be partially alleviated through the improvement scheme on the Elettra Avenue arm of the roundabout. Under planning application 18/01072/OUT, an improvement scheme for the Hambledon Road/Elettra Avenue roundabout to offset the impact of traffic generated was secured. The improvement scheme featured the provision of a dedicated left turn on to the Elettra Avenue approach to the roundabout with lining changes. The scheme also featured widening to the existing pedestrian crossing on the Milton Road arm of the roundabout to facilitate the crossing movement of cyclists.
- 7.39. The Highway Authority have observed the level of offside lane usage at the roundabout on site and agree that the percentages utilised within the junction modelling are likely to be accurate based on the number of drivers who choose to use both lanes when routing around the circulatory. The Highway Authority are satisfied with the Hambledon Road/Elettra Avenue Roundabout modelling and are not proposing additional mitigation, subject to re-securing the contribution of £60,000 agreed through the extant outline consent to mitigate the trip generation agreed through the two applications towards improvements to the roundabout at Hambledon Road and Elettra Avenue in accordance with the approved improvement scheme detailed in paragraph 7.38 above. This detail can be secured through a Deed of Variation.
- 7.40. With regards to the parking arrangements, there would be a total of 169 car parking spaces located within the application site to serve the development, principally located around the frontage of the proposed Units. The spread of parking spaces for each

Unit is as follows:

	Unit A	Unit B	Unit C
Car Parking	<u>Total 118</u> <ul style="list-style-type: none"> • 6no. staff parking • 112 customer parking • 8 parent/child • 5 disabled 	<u>Total 26</u> <ul style="list-style-type: none"> • 2 disabled 	<u>Total 25</u> <ul style="list-style-type: none"> • 2 disabled spaces
Cycle parking	10 long stay (covered) 10 short stay	10 long stay (covered) 18 short stay	4 long stay (covered) 10 short stay
Motorcycle	3	3	1

7.41. The proposed car and cycle parking provision is in accordance with the adopted standards. Overall, the Highway Authority are satisfied that the impacts on the highway network are not considered to be severely harmful to the safety or free flow of the highway network.

7.42. It is clear in paragraph 111 of the NPPF that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Following the implementation of the agreed mitigation proposals, these are considered to mitigate the impact of the development on the highway network and therefore a reason for refusal on this basis could not be justified.

(iv) Flood Risk/Drainage

7.43. The site is located within Flood Zone 1, an area at low risk from flooding. A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted as part of the application. The application has been considered in detail by the Local Lead Flood Authority (Hampshire County Council) and Southern Water.

7.44. 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.

7.45. The FRA indicates that surface water runoff from the application site will be managed through permeable paving and an attenuation tank. Additionally, surface water runoff will be discharged, at a discharge rate of 100.0 l/s, into the surface water public sewer network at Elettra Avenue. Southern Water have reviewed the proposals and have advised that they can facilitate both surface and foul sewerage run off disposal to service the proposed development.

7.46. 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.

(v) Ecological Considerations

- 7.47. The application is supported by a Preliminary Ecological Appraisal. No evidence of Hazel Dormouse or Badger has been recorded, and the site is considered unsuitable for supporting Great Crested Newt and no reptiles were recorded during the presence/absence survey.
- 7.48. The proposed landscaping scheme would provide useful pockets of greenspace within the site. This will include areas of wildflower grassland, native hedgerow, trees and shrubs. Mitigation measures are provided entailing timing vegetation removal to avoid nesting bird impacts.
- 7.49. The ecological mitigation, compensation and enhancement measures would be secured by condition.

(vi) Impact on Archaeology

- 7.50. The County Archaeologist (CA) has been consulted on the application and advises that although the area does have some archaeological potential, the site has been impacted by previous development and any archaeological potential will have been severely composed. In this regard, no objections are raised.

(vii) Impact upon residential amenity

- 7.51. The application is set within a commercial environment with Lidl and McDonalds located adjacent to the site, with the wider immediate area being defined by retail and 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.

(viii) Sustainable construction

- 7.52. Criterion 3 of Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 states that on completion, non-residential development of over 500 sq m must at least meet the "very good" standard of BREEAM. Therefore, a statement is required to be submitted demonstrating how the relevant BREEAM standard would be met for the various elements of the proposal(s). This detail can be secured by condition.

(ix) Contamination

- 7.53. With regards to potential contamination on the site, the Council's Environmental Health Team and Portsmouth Water were consulted and have provided comments on the Phase 1 Environmental Desk Study Report submitted in support of the application and no objections have been raised. The report provides a review and summary of previous reports which have previously been reviewed by both the Environmental Health Team and Portsmouth Water. The report concludes that there are no contamination issues and anticipates the observance of a watching brief, in lieu of improving the sampling resolution at the site and this approach has been accepted by the Environmental Health Team.

(x) Developer Contributions/CIL and S106 requirements

- 7.54. The CIL liability for the site stood at £309,103.57 as at 22nd December 2022.
- 7.55. In addition, having regard to the consultation responses received and the planning considerations set out above a S106 Agreement will be required in respect of the following matters in the event that planning permission is to be granted: -

- Payment of the Travel Plan approval and monitoring fees along with the Travel Plan bond.
- Prior to commencement of development to enter into a Highways agreement for the access works and offsite pedestrian and cycle improvement works located within the adopted highway as shown indicatively in drawing number 19325-08-GA Rev P.
- To implement the works to the satisfaction of the Highway Authority prior to occupation.
- Payment of the £152,064 Toucan Crossing Contribution split 50% prior to commencement of development and 50% prior to first occupation.
- Prior to commencement of development, to pay the £60,000 Roundabout Improvement Contribution

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. Whilst the evidence provided by the applicant does not present compelling evidence that the Waitrose store site in Waterlooville town centre is not suitable, it is evident that the applicant would need to demonstrate an unreasonable degree of flexibility on format and scale in order to make the development 'fit' within the existing store. Furthermore, it is uncertain whether the existing Waitrose store could be made available within a reasonable timeframe. There are significant benefits in terms of retail provision by the provision of economic and employment opportunities and notwithstanding the allocation of the site for town centre uses, it is not considered that a policy objection could be sustained on sequential test grounds.
- 8.2 The proposed landscaping scheme, consisting of 41 new trees around the site boundaries and within the hard landscaped areas, together with areas of hedgerow, shrubs and wildflowers would reduce and mitigate the landscape impact of the development arising from the removal of the existing boundary vegetation. On balance, it is considered that the loss of vegetation on the site is outweighed by the benefits of the scheme.
- 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. In addition, it is concluded that the proposed development would not give rise to any harmful impacts on pollution, drainage/flooding, the natural environment and residential amenity.
- 8.4 In summary and having regard to the presumption in favour of sustainable development and the requirements of the NPPF, it is considered that planning permission should be granted for development unless any other material considerations indicate otherwise. There are public benefits from the environmental, social and economic dimensions that would result from this proposal and therefore, the proposal constitutes sustainable development.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT OUTLINE PLANNING PERMISSION** for Application APP/21/00399 subject to:-

- (A) a Section 106 Agreement as set out in Paragraph 7.55 above; and
- (B) the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):

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 21A77-HNW-ZZ-ZZ-DR-A-2100_P14
Detailed Planting Plan 836 - PP-P-01 Rev J
Hard and Soft Landscape Plan 836 - LA -P-01 Rev G
EX1 Site Plan Flood lighting Layout - P4
EX2 Site Plan Flood lighting Levels - P4
1618_PL001_P2 Site Location Plan
1618_PL002_P2 Block Plan
1618_PL005_P2
1618_PL006_P2 Unit B Proposed Site Plan
1618_PL100_P2 Unit A Proposed Floor Plan
1618_PL101_P2 Unit B Proposed Floor Plan
1618_PL102_P2 Unit B Proposed Roof Plan
1618_PL103_P2 Unit C Proposed Floor Plan
1618_PL104_P1 Proposed Unit C Costa Coffee Roof Plan
1618_PL105_P1 Proposed Unit A Aldi Roof Plan
1618_PL200_P3 Unit A Elevations
1618_PL201_P2 Unit B Proposed Elevations
1618_PL202_P2 Unit C Proposed Elevations
Landscape Management Plan REV A
Landscape Specification
Tree Protection Plan 15217-3
Air Quality Assessment Dated February 2021
Arboricultural Assessment dated 26 January 2021
Travel Plan 19235-14- Rev C dated March 2021
Transport Assessment dated March 2021
Design and Access Statement 20.01.2021
Planning Statement dated 11 March 2021
Retail Impact Assessment
Sequential Test Report
Preliminary Ecological Assessment dated 26 February 2021
Preliminary Risk Assessment dated January 2021

Reason: - To ensure provision of a satisfactory development

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

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

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

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 The visibility splays hereby approved shall be maintained free of any obstruction at all times throughout the lifetime of the development and any walls, fences and vegetation shall not exceed 1m above the level of the carriageway,

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 Prior to commencement of the development hereby approved, the final details of the cycle improvement scheme to the south of McDonalds as shown indicatively in drawing number 19325-08-GA3- Rev P shall be submitted to and approved in writing by the Local Planning Authority. The Units shall not be occupied until the agreed cycle improvement scheme has been implemented in accordance with the approved details.

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.

- 7 Prior to the occupation of development, the offsite pedestrian and cycle improvements located outside of the highway boundary as indicatively shown in drawing number 19325-08-GA Rev P shall be implemented and operational at all times unless otherwise first agreed 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.

- 8 Prior to the occupation of the development, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be managed and operated only in accordance with the approved details.

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.

- 9 Prior to commencement of development, details of a surface water management plan and the site levels, to ensure that no surface water flooding of the Highway result from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Any mitigation measures shall be implemented as approved, 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.

Environmental Health

- 10 No development shall commence on site until such time as a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall explicitly include the mitigation options presented in section 6.1 of the Stantech Air Quality Assessment Report Ref: 50641/3001 where these are proposed to be implemented. Where not otherwise covered by those proposals, the plan shall also include-;
- a) Procedures & logistics for managing deliveries or at or collections from the site, including the timing of haulage trips, the parking & loading of vehicles, provisions for materials handover and transport to secure storage areas, and the means of minimising the risk of release of fuel & other materials capable of causing harm to health or the environment
 - b) Provisions for the segregation & storage of wastes destined for both disposal & for recycling, and details on the procedures and logistics for collection and transport from the site.
 - c) Measures to ensure safe pedestrian movement on the public highway & footpaths
 - d) The means of minimising dust, smoke and fume emissions from the site during construction works, including minimising dust emissions from vehicles transporting materials or waste within the curtilage of the site, or from the site.

- e) The means of preventing track-out of mud & spoil on to the highway, and preventing runoff from the site adversely impacting the local surface water drainage network, or local surface waters.
- f) The means of minimising noise and vibration arising from construction processes, and/or mitigating the impact of noise & vibration on the occupiers of neighbouring land
- g) Details of the training of site operatives to follow the Construction Management Plan requirements

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

- 11 In the event that soil or groundwater is encountered during groundwork that is suspected of being contaminated (including discolouration, oils, sheens that are oily, metallic or brightly coloured, foul or solvent odours, or deposits & inclusions comprising obvious waste materials), or if groundwork staff report acute symptoms (skin, eye or respiratory) suspected of being related to soil quality; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) A site investigation in the vicinity of the suspected contamination, of a scale sufficient to characterise its nature, and likely origin, extent & mobility
- 2) An appropriate assessment of the risks to all receptors that may be affected, including those off site.
- 3) Where the Risk Assessment (2) identifies potentially unacceptable risks, a Remediation Strategy that includes;
 - appropriately considered remedial objectives, and;
 - clearly defined proposals for the remediation &/or mitigation of identified risks, having due regard to sustainability
- 4) Where a remediation strategy (3) identifies actions required to remediate contamination or mitigate risks associated with the presence of contamination, a Verification Report that includes;
 - Photographic documentation of any relevant physical works, sampling/monitoring results, and any other technical or statistical information as may be required to demonstrate that Remediation Strategy objectives have been met, and where necessary;
 - Further plans for monitoring, provision for maintenance of barriers or other structures required for remediation or risk mitigation, and any relevant trigger values and contingency actions as may be required to address the identified risks (a “long-term monitoring and maintenance plan”).

All assessments, works, monitoring & other actions required by (1)-(4) above shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy (2011), and DM17 of the Havant Borough Local Plan (Allocations) (2014); there is a low probability of the presence of Contamination associated with previous R&D activities at the site that could, if present, pose a significant risk to surface waters.

- 12 Prior to the development being first brought into use, full details of any extraction equipment to be installed shall be submitted to, and approved in writing, by the Local Planning Authority. The ventilation equipment shall be installed and operated in accordance with the approved details and shall thereafter be retained and maintained for the lifetime of the development.

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

- 13 The extraction equipment installed in pursuance to Condition 12 above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.

Reason: To ensure the amenities of the locality are not impacted having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

Drainage

- 14 The drainage system shall be constructed in accordance with the Flood Risk Assessment and Drainage Strategy ref: D1934/FRA1.0. Surface water discharge to the public sewer network shall be limited to a discharge rate agreed with Southern Water and not greater than 100.0 l/s. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework;

- 15 Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;

- a) Maintenance schedules for each drainage feature type and ownership
- b) Details of protection measures.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework;

- 16 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework;

- 17 If any of the piles penetrate the full depth of the Clay cover, a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) shall be submitted to and approved in writing by the Local Planning Authority. Any piling shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework;

Landscaping

- 18 The hard and soft landscaping scheme shall be carried out in accordance with the approved details Detailed Planting Plan 836 - PP-P-01 Rev J Hard and Soft Landscape Plan 836 - LA -P-01 Rev G. 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

Sustainability

- 19 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.

- 20 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) Proposed Site Plan
- (C) Hard and Soft Landscaping Plan
- (D) Proposed Access
- (E) Unit A Elevations
- (F) Unit A Layout
- (G) Unit B Elevations
- (H) Unit B Layout
- (I) Unit C Elevations
- (J) Unit C Layout