

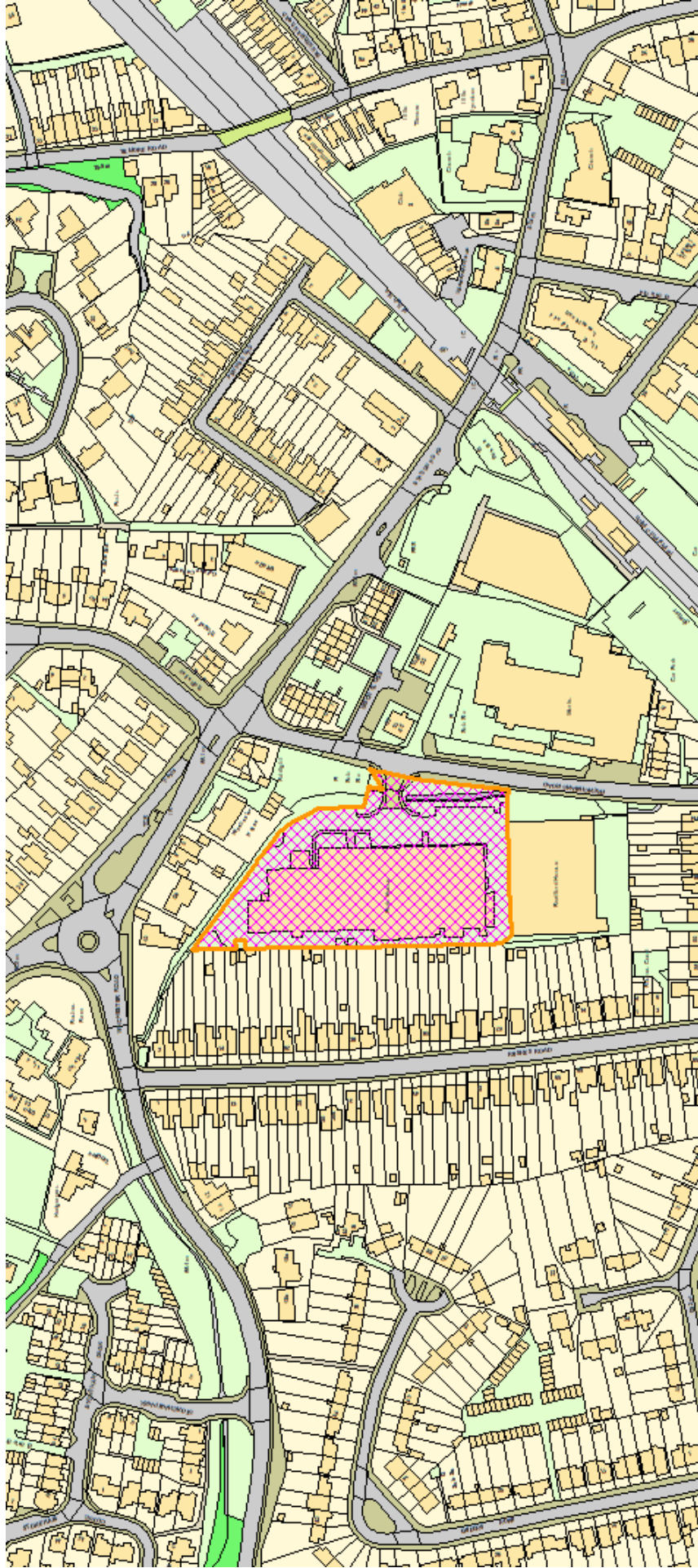
Report to	<b>Planning Committee</b>
Date	<b>11 November 2021</b>
By	<b>Director of Planning</b>
Local Authority	<b>East Hampshire District Council</b>
Application Number	<b>SDNP/20/05058/FUL</b>
Applicant	<b>Aldi Stores Ltd</b>
Application	<b>The erection of a Class E retail unit with access, car parking and associated works.</b>
Address	<b>Paris House, Frenchmans Road, Petersfield, Hampshire, GU32 3AW</b>

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**Recommendation: That planning permission be granted subject to:**

- 1) The completion of a legal agreement to secure the following, to be delegated to the Director of Planning:**
    - Travel Plan for the operational management of the site and monitoring fees.**
    - Off-site highways works on Frenchmans Road and at the junction of Frenchmans Road and Winchester Road.**
  - 2) The conditions as set out in paragraph 10.2 of this report.**
  - 3) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or satisfactory progress is not being made within 6 months of the 10<sup>th</sup> June 2021 Planning Committee meeting.**
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### Site Location Map



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## Executive Summary

The application site is vacant brownfield land formerly occupied by a 1970s large industrial building known as Paris House, which was demolished in 2018. Aldi propose a new food store in the southern part of the site and associated parking. The key considerations are:

- This application was first considered by Members at its Planning Committee meeting on 10<sup>th</sup> June 2021 where a decision was taken to grant planning permission. This report re-assesses the approach taken to employment policy in the Development Plan.
- There are 2 main issues:
  - 1) The loss of the site as an allocated employment site to an alternative use.
  - 2) The retail impact of a new food store upon the vitality and viability of the town centre.

### Issue 1

- The site is allocated in the Petersfield Neighbourhood Development Plan (PNDP) for employment uses (policies BP1, BP2, BP5). Policy SD35 of the South Downs Local Plan (SDLP) also seeks to retain local employment sites in favour of alternative non-commercial uses, unless proposals are sufficiently justified. A new food store would be an alternative use and there would, therefore, be a degree of conflict with policies BP1 and BP5, notwithstanding the introduction of Class E into the Use Classes Order in September 2020 which amalgamates former B Use Classes (eg. office, light industrial) and retail into the same use class.
- The proposals would accord with employment policies BP2 and SD35 regarding the loss of the employment site. Overall, the proposals would accord with the employment policies in the Development Plan as a whole.

### Issue 2

- Policy RPI of the PNDP seeks to restrict large retail stores outside of the town centre and there is therefore some conflict with this policy. However, the Applicant's Retail Impact Assessment, which has been independently assessed for the Authority to determine the likely impacts upon the vitality and viability of the town centre, satisfactorily demonstrates that the new food store would not have a significantly adverse impact. The food store, therefore, accords with policy SD36 and the NPPF.
- A consideration of alternative sites for the food store has been undertaken through a sequential test, as required by the NPPF. No other alternative suitable and available sites were identified that were sequentially preferable to the application site.
- Overall, whilst there is some conflict with policies BP1, BP5 and RPI, it is considered that such conflict does not render the proposals contrary to the Development Plan as a whole.
- The proposed building is of a contemporary design, which has some references to Petersfield in terms of its materials, but an important attribute is its extensive green mono-pitched roof. The proposed design is acceptable.

The application is before Members due to previous applications being considered by the Planning Committee, the scale and nature of the development, the policy issues it raises regarding the site's allocation for employment purposes and retail impact upon the town centre, and the level of third party interest.

## **I. Site Description**

- 1.1 The application site is a 0.91 hectare area of land on Frenchmans Road. It was occupied by a large 1970s building used as a factory, offices and warehousing, which was demolished in 2018. It is now vacant previously developed land but retains these established uses.
- 1.2 The site is located in an area which is characterised by a variety of residential and commercial uses. There is a large warehouse to the south and eastwards is a timber fencing business. The rear gardens of dwellings on Rushes Road abut the site's western boundary,

which consists of a mixture of concrete block walls, timber and chain link fencing and some trees. Conifer trees and fencing define the northern site boundary, beyond which are dwellings on Winchester Road, including a listed dwelling, and a small car park. The site's frontage is along Frenchmans Road where there is a large metal fence, gated access, and mature trees at its southern end. Tilmore Brook also runs along the north and eastern boundaries including underneath the site access and areas of the site are also within designated flood zones 2 and 3.

- 1.3 The site is near to Petersfield Railway Station and west of the defined town centre, between which is a Lidl store next to the railway station. Within the town centre there is a range of convenience and comparison goods retailers which include supermarkets, such as Waitrose M&S and Tesco, other national retailers as well as independent stores. The main retail core is within the vicinity of Petersfield Square, which also lies within a conservation area that extends along Lavant Street up to the railway station.
- 1.4 The site is not particularly visible from within the wider townscape and in elevated views of Petersfield from Butser Hill the site is not prominent or discernible.

## **2. Relevant Planning History**

- 2.1 SDNP/14/04736/FUL: Residential development comprising 47 dwellings following demolition of existing building. Refused 16.11.2015 and dismissed on Appeal on 28 September 2016.
- 2.2 SDNP/17/05795/DEM: Prior notification of proposed demolition of Parish House. Prior Approval not required. 08.12.2017.
- 2.3 SDNP/17/05240/PRE: Pre-application enquiry for assisted living/extra care accommodation. Advice provided 05.02.2018.
- 2.4 SDNP/18/03309/FUL: Erection of 66 apartments for assisted living/extra care accommodation with communal facilities and 45 car parking spaces. Refused 19.12.2018. Appeal dismissed 29.07.2019. A summary of the Inspector's findings are below:
- The loss would remove an element of existing supply of employment land.
  - The viability had not been fully tested in regard to different commercial re-development scenarios.
  - Concerns over the value attributed to the site in its current lawful use.
  - Not sufficiently demonstrated that the site is no longer suitable or fit for purpose for business uses.
  - Had previously been a realistic prospect of new business occupiers being found.
  - Concern over the valuation of the site and that an independent red book valuation could have better informed the marketing campaign.
  - No substantive evidence that the site was marketed at a price commensurate with a value for its existing permitted use.
  - Hasn't been demonstrated that there is no prospect of business users being found that would justify the loss of employment land and its contribution to the supply of employment land within the NP and therefore contrary to BPI and 2 and SD35.

### Design and landscape

- Proposals did not adopt a fully landscape led approach which would lead to harm to the character and appearance of the area. Why? How?
  - The scheme has not 'embraced' a landscape-led approach and this approach includes consideration of townscape and incorporating Tilmore Brook into the scheme.
- 2.5 SDNP/20/04987/SCREEN: Request for Screening Opinion under the Town and Country Planning Environmental Impact Assessment (EIA) (England & Wales) Regulations 2017 for a large retail store. EIA not required. Decision issued 03.12.2020.

#### Previous pre-application advice relating to a new retail store

- 2.6 SDNP/17/01790/PRES: Demolition of existing buildings and erection of food store (Use Class A1) and B class floor space with associated car parking, landscaping and associated works. Advice issued 19.07.2017.
- 2.7 SDNP/20/00550/PRE: Proposed Aldi foodstore. Advice issued 26.05.2020. A summary of the advice is below:
- Further justification for the loss of the Site's employment use (former B class uses) and allocation required, in order to address policy SD35 to establish to the principle of development.
  - Retail Impact Assessment required to consider impacts upon the Town Centre and other stores.
  - Consideration of other alternative sites within the Town Centre required under a sequential test.
  - The Site could be an appropriate location for a food store given its characteristic, size, location and accessibility, but the same consideration applies to other new businesses uses.
  - A high quality landscape led design will be required.
- 2.8 SDNP/20/03076/PRE: Redevelopment of the site to provide an Aldi store, car park and associated works. Follow up to advice to SDNP/20/00550/PRE, as follows:

#### Design

- Evidence based approach to explain design rationale required.
- Tilmore Brook needs to become more of a feature and enhance biodiversity.
- Additional green infrastructure within the car park required and multifunctional SUDs approach needed.
- Consider green roof for the building.
- Further consideration of the Sustainable Construction SPD required.
- Consider pedestrian accessibility on Frenchmans Road.

#### Retail and employment

- Sequential approach required.
- EHDC Economic Development Team seek industrial uses on the Site.
- There have been changes to the Use Classes Order and Class E amalgamates retail and other commercial uses.
- SDNPA publishing a Planning Position Statement promoting economic recovery.
- Concerns regarding increased traffic including deliveries.

### **3. Proposal**

- 3.1 A new food store is proposed on the site, which would be occupied by Aldi. The building, described below, would have an internal sales floor area of 1,315sqm, plus staff facilities, service and storage areas.
- 3.2 The store would operate as follows:
- Monday to Saturday: 08:00 and 22:00
  - Sundays and bank/public holidays: 10:00 to 16:00
  - Delivery/collection times: 06:00 and 22:00 Monday to Friday, 07:00 and 22:00 on Saturdays, 08:30 to 20:30 on Sundays, bank and public holidays.

- Goods sold: 70% convenience goods (eg. groceries) and 30% comparison goods (eg. clothing, toys).

#### The building

- 3.3 The building is proposed in the southern part of the site and orientated with its longest elevations (59m) facing Frenchmans Road and dwellings to the west. A contemporary design is proposed with some references to Petersfield in terms of material choices. Its main entrance on the north elevation would have a glazed frontage with a grey aluminium canopy above large windows and doors that would wrap around the corner of the building and extend partly along its east elevation. The north elevation would also have a large area of brick and flint work, which would be hand laid. The main entrance would face the car park.
- 3.4 The eastern elevation, facing towards Frenchmans Road, would have a horizontal row of high-level windows along its entire length with red brick at ground floor level and rendered panels above, with a series of vertical brick piers. The west elevation would include the service area and ramp for deliveries. The elevation would be a mix of brick, render and silver metal cladding and two ground floor windows. This elevation would be the lowest height of the building. The southern elevation would be a mix of the same materials as the west elevation, with no windows. There would also be a fenced area for plant/machinery.
- 3.5 A large mono-pitched green roof is proposed which would cover the footprint of the building and be a wildflower mix (to be further specified via a planning condition). Its eaves would be clad with grey aluminium to match the entrance canopy. Its lowest height of 5.5m would be on western side of the building and it would slope up to a height of 12m on the eastern elevation.

#### Sustainability of the building

- 3.6 The building is proposed to meet the BREEAM 'excellent' rating and in certain specific aspects of its design (energy performance) it exceeds this standard. Aldi propose renewable technologies within the building as opposed to external options such as solar panels. A heat loss recovery system connected with the chiller units would utilise the heat expelled from them within the building. Further renewable technology would be installed to help heat the building without using traditional combustion. The green roof is a sustainability feature which would enable biodiversity enhancements.
- 3.7 The proposed water efficiency standards are 25% higher than current building standards. Means of monitoring water consumption are proposed within the systems of the buildings to achieve high efficiency water savings.
- 3.8 The store would operate a waste management plan which would include facilities for storage of recyclable waste, which would be returned to a regional distribution centre for recycling, which would include cardboard, paper, plastics and batteries. Collected food waste would be returned for recycling and use in anaerobic digestion plants elsewhere.

#### Access and vehicle parking

- 3.9 The existing site access would be used for both deliveries and customers. A pedestrian route running through it is proposed but otherwise there are no fundamental changes to its dimensions. The access bridges Tilmore Brook and due to structural concerns it is proposed to be replaced. The access would lead into a parking area on the eastern side of the building and continue into the main parking area and the goods and service entrance on the western side of the building.
- 3.10 112 car parking spaces are proposed. Disabled parking is proposed directly in front of the building's entrance whilst parent and child parking is proposed on its eastern side. The main parking area in front of the building would be in two central rows with spaces around the edges of the car park. Two seating areas alongside Tilmore Brook are proposed.
- 3.11 Electric vehicle charging points are proposed for 4 spaces. A further 20 'passive' charging spaces are proposed which entail installing the electricity infrastructure ready for future implementation of new charging sockets for vehicles.

- 3.12 40 cycle spaces are proposed for staff and customers. Covered staff cycle parking would be behind the building (southern elevation) whilst cycle parking for customers would be located around the Store's entrance and eastern elevation.

Off-site highways works

- 3.13 New pedestrian footways either side of the access are proposed. Works are proposed to the Frenchmans Road/Winchester Road junction which involve new traffic islands and road markings as well as pedestrian crossings with new tactile paving, dropped kerbs and a new traffic island being used as a refuge point when crossing Winchester Road.

The landscape scheme

- 3.14 A site wide hard and soft landscape scheme is proposed. Immediately in front of the building would be an area of paving to denote the entrance and a pedestrian area. Similarly, paved areas adjacent to the two seating areas are proposed. The main circulation space around the car park would be tarmac whilst spaces would be surfaced with block paving.
- 3.15 The planting scheme would include native mixed hedging along the western and southern site boundaries, which would be accompanied by a 2.4m high timber fence, and between the central rows of car parking spaces. At the ends of rows of parking and other areas shrub planting is proposed. In the northern part of the site and along Tilmore Brook, mixed native species plants new trees and wildflower planting are proposed. Existing trees would predominantly be retained. Alongside Tilmore Brook's channel new marginal planting is proposed.

#### 4. Consultations

- 4.1 **Arboriculture:** No objection, subject to condition.

- 4.2 **Dark Night Skies Officer:** Comments:

- The scheme will increase light pollution from the previous use.
- Whilst the lighting design is well constrained, illuminance upon the surfacing will create secondary light pollution and sky glow from Petersfield.
- Given the surrounding area is well lit, no discernible impact upon dark night skies.
- The external lighting scheme is acceptable.
- Welcome lighting not in use when the store is closed; would welcome a reduction in the lighting use during the later hours of the evening beforehand.
- Concern that any illumination of the store brand logo should follow the Advertisement Regulations and be sited to reduce visibility from surrounding hilltops.

- 4.3 **Design Officer:** Objection.

SUDs and green infrastructure

- Satisfied efforts to maximise opportunities for SuDS made, however, scale and nature of the development constrain what could be further achieved.
- Needs to be landscape led and alternative car park layout should be explored.
- The need to maximise car parking to serve the scale of the store restricts opportunities for more meaningful green infrastructure across the car park.
- Drainage strategy impacts the landscape design and ability for multifunctional SUDs.
- Opportunity for strong network of GI across the car park missed.
- Positive that run off attenuation includes a 100-year storm event and climate change.
- Positive that the green roof would intercept rainfall and excess directed to a rain garden.
- The large areas of permeable paving under car spaces is positive.
- Preferable if ornamental planting in the car park changed to rain gardens with trees.

- Opportunities to provide more, better, and joined up habitats not delivered.
- Important asset of Tilmore Brook wasted and fails to inform the landscape design.
- Recommend changes to the profile of the deep and canalised stream.

#### Siting and building design

- The design's simplicity and modest height is positive but it is otherwise unexceptional.
- Some references through materials (red brick) and its green roof to Petersfield and National Park location, but otherwise not locally distinctive in form and style.
- Green roof is a positive design element; species need to be locally characteristic.
- Use of flint positive but should be hand laid.
- East elevation simple and contemporary; perceived mass reduced by materials.
- Glazing on the north elevation and its corner fits the contemporary aesthetic and complemented by the mono-pitch green roof.
- Ground floor glazing makes the north elevation well animated.
- Support siting the building adjacent to the neighbouring commercial building.
- Height and mono-pitch roof reduces the building's impact upon residential properties.
- Layout driven by operational need to accommodate car spaces and access around the site; combination of a large building and car park results in a 'hard' development.
- The floorscape around the building needs to be high quality, giving this zone a 'lift.'

#### Sustainability

- BREEAM 'excellent' standard achieved and some credits exceeded to reach BREEAM 'outstanding.' No commitment to low/zero carbon energy production by 20%, but given BREEAM standards which can be reached this could be waived.

4.4 **Drainage:** No objection, subject to conditions.

4.5 **Ecology:** No objection, subject to conditions.

- Advise that the landscape plan is updated to include native trees and ornamental shrubs should not be used as a buffer to boundaries. Green roof would be a significant biodiversity net gain.

4.6 **Economic Development (East Hampshire District Council):** Objection.

- Contrary to planning policy; would result in a net loss of employment, impact on the town centre and potential displacement of employment.
- Should remain in business use to meet local industrial occupiers' needs and create jobs.
- Marketing undertaken since December 2019 but prospect of retaining the site in its current use remains; objection to a retail use.
- Still a large demand for industrial and office space; enquiries received for space in excess of 5,000sqm, which can't be met locally.
- Demand for better quality small and serviced office space; policy BP5 identifies Frenchmans Road where this could be significantly delivered.
- Insufficient justification for a new supermarket, especially given the proximity of Lidl.
- No evidence to demonstrate impact upon trade, footfall and the vitality of the town centre and displacement of employment from other supermarkets.
- Would greatly reduce the site's potential for job creation compared with business uses.
- Would create 50 jobs, whereas other commercial schemes could result in 90-239 jobs.



- Proposals would limit opportunities to access higher quality employment in the area.
- 4.7 **Environment Agency:** No objection, subject to conditions.
- 4.8 **Environmental Health (contamination):** No objection, subject to conditions.
- 4.9 **Environmental Health (protection):** No objection provided the store is not open 24 hours and subject to conditions.
- 4.10 **Highways Authority:** No objection subject to securing the following via a legal agreement and condition:
- A full Travel Plan to be submitted to and approved by the Highway Authority and associated approval, monitoring fees and bond prior to occupation; and,
  - The provision of an improved vehicular access and footway on Frenchmans Road with a formalised crossing point north of Rushes Road roundabout, which will need to be completed to adoptable standards prior to occupation of the site
  - Improvement works to the Station Road staggered crossroads as shown on drawing 20060-010 Rev B and will need to be completed to adoptable standards prior to occupation of the site
  - Approval and monitoring fees of £1,500 and £15,000 respectively.
  - Highways works will be subject to a S278 Agreement.
- 4.11 **Historic Buildings Officer:** No objection.
- 4.12 **Lead Flood Authority:** No objection, subject to conditions.
- 4.13 **Petersfield Town Council:** Objection.
- Change of use to Class E retail is inappropriate for this site.
  - Access and egress from the site would be onto a busy Frenchmans Road.
  - Contrary to PNDP policy BP5; outlines that the Frenchmans Road area would be suitable for a Business Enterprise Centre.
  - The plans do not show any footway or cycle links to the Town Centre.
- 4.14 **Planning Policy:** No objection.
- The proposal will provide new jobs on a brownfield site in an accessible location.

#### Loss of employment land

- Proposals would contribute to the regeneration of the area, but it would not offer the enterprise centre sought in the Petersfield Neighbourhood Development Plan (PNDP).
- The store would create 50 jobs.
- Satisfied that the marketing information provides sufficient detail of the marketing campaign to meet policies SD35 and BP2.
- Changes to the Use Classes Order to incorporate retail and commercial uses demonstrates a change in direction by Government.
- Planning Position Statement includes SD35 and no longer requiring marketing evidence over a period of at least 12 months for a change of use from an employment use to another commercial use.

#### Retail

- Support the conclusions of the independent review of the Applicant's Retail Impact Assessment, which is robust and well considered.
- The Applicant has demonstrated that there are no sequentially preferable sites.

4.15 **Southern Water:** No objection, subject to condition.

## 5. Representations

5.1 53 objections and 7 responses in support have been received, which raise the following:

### Objections

- Need to explore alternative uses; more suitable for a retirement home, small dwellings, affordable housing with greenspace, light industrial units with greenspace, business centre, or a garden centre; more beneficial community use.
- Site should be developed in accordance with PNDP, to create greater employment.
- Site should not be used for retail or industrial given proximity to dwellings.
- Too many supermarkets already, not needed. – Lidl already close to the site.
- Historic market town with abundance of independent shops, Aldi will negatively affect this and attract less visitors to Petersfield.
- Unsuitable location; too far from the town centre and within a residential area.
- Impact upon town centre trade, including smaller businesses and supermarkets.
- Will lead to loss of employment within smaller businesses and minimal jobs created.
- Will divert people from the town centre and won't result in linked trips; need to support local businesses.
- Increased online shopping.
- More likely town centre shops would be used by workers of new industrial units.
- Inadequate assessment in light of Covid-19 pandemic.
- Insufficient engagement from Aldi.

### Character and appearance

- Development will change the feel of the area.
- Precedent for similar development in Frenchmans Road.
- Need to consider significant changes to environment and lifestyles to deliver a sustainable future; new store will add to the climate issues long term.

### Loss of employment site

- Contrary to the PNDP allocation and creation of a business enterprise centre.
- Believe lower offers for the site for alternative uses were received.

### Amenity

- Noise, disturbance and air pollution from vehicles, including HGVs deliveries during unsociable hours.
- Light pollution towards residential properties and dark night skies.
- Need to maintain the privacy of adjoining dwellings.
- Increase in traffic on residential roads (eg. Rushes Road, Princes, Noreuil Road).
- Increase in pedestrian traffic through Meon Close.
- Potential for anti-social behaviour within the car park and seating area.
- Rear gardens of Rushes Road properties will be less secure.
- Insufficient boundary treatments with Rushes Road.
- Rear gardens of Rushes Road experience water saturation; urbanisation will exacerbate.

- Not demonstrated how Tilmore Brook and on site drainage (rainwater garden) will cope with rainfall and affect the water table.
- Industrial units would provide a better amenity – closed at weekends.
- Overlooking from seating area towards opposite residences.
- Scheme would be more acceptable with additional trees and hedges at the rear of the development and delivery times were limited.
- Increase in pedestrian traffic through Meon Close and impact on amenity.
- Lack of new planting within the site and further trees needed to block views between seating area and Meon Close.

#### Highways

- Roads are already busy and congested; proposals for automated gates at the railway crossing will exacerbate congestion.
- Increased traffic on surrounding residential roads and vehicle speeds.
- Traffic calming measures should be considered.
- Junction of Frenchmans Road and Station Road poorly designed and causes issues.
- Impact on highway safety, including pedestrians crossing roads.
- Unsuitable location due to poor access.
- Need to provide good pedestrian access into the town centre.
- Need to encourage more pedestrian and cycle traffic.
- Frenchmans Road too narrow for heavy traffic.
- Cumulative impact of extra traffic from nearby supermarkets.
- Transport Assessment not robust.
- Increased flow of traffic will be affected by on street parking and HGVs accessing commercial sites on Frenchmans Road.
- Increased traffic has the potential to impede fire engines.
- Excessive car parking and insufficient consideration of public transport, electric charging points and pedestrian/cycle access; more sustainable transport options needed.

#### Biodiversity

- Need to landscape the Brook and retain areas suitable for wildlife.
- Tilmore Brook needs to be enhanced and made more of a feature.
- Risk of proposed landscaped areas becoming overgrown and unsightly.
- More existing habitat needs to be retained.
- Better provision of SUDs to improve the stream for wildlife, to help mitigate flooding.
- Green roof needs to be diverse.

#### Design

- Unattractive building and go against principles of the National Park Authority.
- Would not be an exemplary standard of design to be a positive contribution to the character and appearance of the area, local distinctiveness and sense of place.
- Proximity of the loading bay to neighbouring properties.
- Benches by the Brook would encourage loitering.

- Little consideration for dark night skies.
- Insufficient sustainability targets within the building.
- A carbon neutral building needs to be achieved, including whole lifecycle of the building.
- Need solar panels on the roof.
- All hard surfaces to be permeable and from recycled materials.
- Would disrupt the character of Petersfield.
- Design officer outlines concerns that the scheme would not be in keeping with the area.

#### Lidl objection

- Contrary to the Development Plan – site retained for BI (now class E)/B2/B8 uses.
- Departure from the Development Plan, yet the application has not been explicitly advertised as such. The decision would therefore be liable to challenge.
- Robust marketing not undertaken particularly given previous Appeal decisions, and details submitted.
- Aldi relying on changes to the Use Classes Order however wider Class E uses are not what are envisaged in the Development Plan and Class E(a) would be contrary to policy.
- Contrary to the NPPF.
- Walking distance and accessibility to the town centre means pedestrian linked trips would be small.
- Concern over transparency and availability of information.
- Development is a departure from the Development Plan as clearly contrary to policy which allocate the site and seek to resist out of centre retail development.

#### Major development

- Proposals fall within the definition of ‘major’ development within planning legislation (Development Management Procedure Order 2015).
- Application has been registered as ‘major’ development but it has subsequently been decided it is not for the purposes of the presumption against such development within National Parks, as per paragraph 172 of the NPPF.
- Therefore, conflict between the approach of the application and interpretation of policy, which would be grounds for challenging a planning permission.

#### Employment allocation

- Suggestion that the proposals are an employment/business use because of retail and offices now both within Class E should be given zero weight.
- Development Plan seeks to safeguard the site for ‘traditional’ office, light industrial, general industrial and storage and distribution uses and not retail/shops.
- Alternative uses have been refused twice.
- Robust marketing not undertaken, particularly given previous Appeal decisions, and details submitted. Marketing campaign is flawed. Expressions of interest have been turned down due to offers not being high enough; given proposed retail use concern raised as to whether any offer of employment development would ever be accepted.
- EHDC Economic Development team maintain objection, stating there is a demand for industrial and office space; proposals contrary to policies BP2 and SD35.
- Has not been satisfactorily demonstrated that the redevelopment for continued employment use is unviable (reference 2019 Appeal Decision).

### Retail impact

- Retail Impact Assessment inaccurate regarding Lidl's store turnover and inflow of shoppers into the town.
- Significant adverse impact on Lidl, which is under-estimated, and as a town centre store is a material consideration.
- Reduced linked trips to the town centre.
- 29% impact on Lidl accepted by SDNPA's consultants but this cannot be anything other than a significantly adverse impact.
- 29% loss of trade is an under-estimate and is based on assumptions. – These previous concerns have not been addressed.
- Proposals contrary to policy RPI and no demonstrable case as to why the conflict with this policy is acceptable; no overriding need for the new food store.

### Tesco objection

- Due to Aldi's business model they cannot meet all shopping needs and other stores will need to be relied upon, which is not modelled in the traffic assessment work.
- The submitted Transport Assessment is inconsistent with the Planning, Retail and Economic Statement.
- Use of household survey data to model shopping patterns provides an inaccurate and misleading picture to assess the impact on the town centre.
- Lack of an up to date post Covid-19 town centre health check.
- Sequential assessment of potential sites is inappropriately limited and needs to include a wider range of potential opportunities given the site's allocation.
- Cleared site is allocated for employment purposes and available. Retaining the employment use has been recognised by two Inspectors.
- Impact from noise and light pollution.
- Impact on setting of heritage asset.
- Petersfield Town Council meeting suggests that there is business interest in the site for employment purposes, contrary to marketing evidence provided – which should be afforded limited weight.

### Waitrose objection

- Contrary to the site's allocation in an up to date Development Plan.
- Retail Impact Assessment insufficiently robust and inaccurate.
- Recommend an independent assessment of the retail impacts.
- Covid-19 has underlined the vital role of food stores to meet local needs challenges of the retail and leisure sectors and supporting the vitality and viability of the town centre.
- Insufficient assessment in relation to NPPF policy (para 89).
- Waitrose has an anchor role in the town centre, which affects town centre health.
- Retail Impact Assessment not robust. It under states Aldi's turnover and proportions of sales of convenience and comparison goods is different to usual trading model; understates the impact on Waitrose and other food stores; a design year of 2023 should be applied which would identify a greater impact; inaccurate expenditure figures within the town centre given a bigger shift to online shopping which will reduce the turnover of bricks and mortar stores; greater clarity on market share of other stores needed.
- Over trading of town centre supermarkets not a justification for a new food store.

- Not all food stores in the town centre are trading strongly.
- Aldi compete for market share with all existing supermarkets.

#### Support

- Would add competition and offer more choice in Petersfield.
- Welcome addition to grocery offer and would sit well amongst existing stores.
- Offers a more 'ordinary' affordable shop as opposed to more boutique shops.
- Would reduce carbon footprint of shoppers who travel further afield to shop at Aldi elsewhere (eg. Havant, Alton) and allow people to shop more locally.
- Would reinforce the town as a centre for surrounding areas and provide competition.
- Would create employment in construction and operation.
- Would regenerate a disused brownfield site.
- Store would be easy to reach and offer easy parking.
- Would complement other businesses including butchers, bakers and convenience stores.
- Traffic already a problem.
- Landscaping and layout very good and will enhance the appearance of Frenchmans Road.

#### 5.2 **The Petersfield Society:** Objection.

- Site should be safeguarded for a Business Enterprise Centre as identified in the PNDP.
- Insufficient justification for an additional supermarket.
- Strong trend towards on-line shopping and home deliveries drawing customers away from visiting large outlets.
- Additional traffic on Frenchmans Road would overload local highway network.
- Frenchmans Road used as a 'rat-run' by drivers avoiding the railway station barriers
- Most visits would be single car journeys; few customers would travel on foot or cycle.
- Impact on surrounding residential amenities from activity on site.
- The building is of a poor design and not of distinction.
- Variety of materials unnecessary and not cohesive. Flint work tokenistic.
- Site frontage should have more substantial planting as per PNDP indicative master plan.
- Off site footpath and cycleway works needed to improve town centre connectivity.
- Recommend refusal in favour of serviced office space, including a Business Enterprise Centre.

#### 5.3 **EHDC Councillor Mr Jamie Matthews:** objection.

- Insufficient justification for a large retail store in this location.
- It has not been robustly demonstrated that there is no other viable alternative use.
- Proposed retail use contrary to the site's allocation in the PNDP.
- The retail assessment fails to recognise that the two large town centre supermarkets are intrinsically linked with other town centre small and independent retailers by their physical location and ease of pedestrian access in the town centre.
- Justification that no suitable town centre sites exist is inadequate and unconvincing.
- Site is outside of the town centre boundary and disconnected from the town centre.

- Traffic study out of date. Does not reflect temporary town centre closure to through traffic, which is anticipated to be permanent as part of the Town Spine project.
- Increased traffic along Rushes Road detrimental to residents.
- Improvements at the site access welcomed but it is disconnected from the town centre with no proposals to enhance pedestrian or cycle connections.
- The height of the building and green roof are positive attributes, but otherwise it is a poor design that doesn't reflect local vernacular.
- Landscaping proposals designed to fit around the space left by the building and car park.
- Proposals make little attempt to be landscape led.
- Disappointing the highways issue regarding increased traffic on Rushes Road and congestion has not been satisfactorily addressed.
- No evidence in Applicant's submission that traffic will not use Rushes Road.
- Lack of community engagement by the Applicant. They have not engaged with residents in regard to highways concerns, subsequent to their initial single consultation.
- Insufficient pedestrian crossings, additional crossings at the junction of Rushes Road/Winchester Road and Bell Hill roundabout required.
- Further assessment required and evidence gathered in regard to need. – Request additional condition if approved that the junction of Rushes Road and Winchester Road be modified to improve pedestrian movements and discourage traffic from using Rushes Road as a short cut.
- Tilmore Brook better known as Drum Stream.

## 6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises the South Downs Local Plan (SDLP) 2014-2033 and the Petersfield Neighbourhood Development Plan (PNDP) 2013-2028. The particularly relevant policies are set out in section 7 below.

### National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the Local Planning Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

### National Planning Policy Framework 2021 and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) (2021). The Circular and NPPF confirm that National Parks have the highest status of protection. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks. It states "*the scale and extent of development within all these designated areas should be limited, while development within*

*their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”.*

#### Major development

Paragraph 177 of the NPPF also outlines that *“planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”*

6.4 Footnote 60 to paragraph 177 provides further clarification; *“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”.*

6.5 Having assessed the application and considered relevant case law, the scheme is not major development for the purposes of paragraph 177 of the NPPF and its footnote (no.60) and policy SD3. This is a matter of judgement based on the scale, character, nature and setting of the development and whether there would be a significant adverse impact on the purposes for which the National Park has been designated or defined.

6.6 In this instance, the site is located well within the urban context of Petersfield and is surrounded by a mix of commercial uses and dwellings. It is not discernible from elevated vantage points towards Petersfield. Given the overall scale of development and its surrounding built context there would not be a significant adverse impact upon the National Park landscape and the purposes for which the area has been designated or defined.

#### Relationship of the Development Plan to the NPPF and Circular 2010

6.7 The Development Plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

#### National Planning Policy Framework (NPPF) 2019

6.8 The NPPF has been considered as a whole and its following sections are particularly relevant in the assessment of this application:

- Achieving sustainable development
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Meeting the challenge of climate change, flooding and coastal change.

#### The South Downs National Park Partnership Management Plan 2020-2025

6.9 The Environment Act 1995 (as amended) requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute



to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include: 1, 3, 5, 9, 24, 25, 38, 39, 40, 48, 50.

#### Legislation for Heritage Assets

- 6.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.11 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

#### The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- 6.12 Paragraph 2.5 above summarises that a previous screening opinion determined that a retail development was not EIA development within the meaning of the relevant 2017 legislation and therefore did not require an EIA. A screening of the current application has concluded that the proposals do not constitute EIA development for reasons of its scale, use, character and design and environmental considerations associated with the site and proposals.

#### The Conservation of Habitats and Species Regulations 2017

- 6.13 Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

#### Other relevant material considerations

- 6.14 The following are relevant considerations:
- Adopted Sustainable Construction SPD.
  - Adopted Parking for Residential and Non-Residential Development SPD.
  - Ecosystems Services Technical Advice Note 2019.
  - The Petersfield Town Design Statement 2010.
  - South Downs National Park Planning Position Statement 2020.
  - Dark Night Skies Technical Advice Note 2020.
  - Draft Design SPD.

## **7. Planning Policy**

- 7.1 Whilst the SDLP must be read as a whole, the following policies are particularly relevant:
- SD1: Sustainable Development
  - SD2: Ecosystems Services
  - SD3: Major Development
  - SD4: Landscape Character
  - SD5: Design
  - SD8: Dark Night Skies
  - SD9: Biodiversity and Geodiversity
  - SD11: Trees, Woodland and Hedgerows

- SD12: Historic Environment
- SD13: Listed Buildings
- SD17: Protection of the Water Environment
- SD19: Transport and Accessibility
- SD21: Public Realm, Highways Design and Public Art
- SD22: Parking Provision
- SD25: Development Strategy
- SD34: Sustaining the Local Economy
- SD35: Employment Land
- SD36: Town and Village Centres
- SD37: Development in Town and Village Centres
- SD38: Shops Outside Centres
- SD45: Green Infrastructure
- SD48: Climate Change and Sustainable Use of Resources
- SD49: Flood Risk Management
- SD50: Sustainable Drainage Systems
- SD52: Shop fronts
- SD53: Advertisements
- SD55: Contaminated Land

7.2 Whilst the PNDP must be read as a whole, the following policies of the PNDP are particularly relevant:

- BEP1: The character, setting and quality of the town's built environment
- BEP6: The settlement boundary
- BEP7: Sustainable and adaptable Buildings
- NEP1: Natural environment policy I
- NEP7: Biodiversity, trees and woodland
- NEP8: Flooding risk and waterway enhancement
- BPI: Allocate sites specifically for employment Use
- BP2: Protect existing employment sites
- BP3: Encourage business to come to Petersfield
- BP5: Redevelopment of the Frenchmans Road Area
- RPI: Encourage new retail development in the town centre
- RP2: Maintaining an appropriate mix and balance of retail uses
- GAP1: Provide pedestrian, cycle and mobility scooter access to the town centre from new developments

## 8. Planning Assessment

### Background

- 8.1 This brownfield site has been vacant since the former industrial building was vacated in 2015 and demolished in 2018. There have been two dismissed appeals for different uses and forms of development during this time (see paragraphs 2.2 and 2.5).
- 8.2 The site has been marketed for employment uses since 2015, albeit the two previous Inspectors considered this had not been sufficiently robust. Since the latest appeal, the marketing continued which resulted in Aldi's renewed interest following their pre-application enquiry in 2017.
- 8.3 Petersfield has a buoyant economy with a reasonably high occupancy rate of business premises and a relatively low vacancy rate within the town centre. The PNDP outlines a need for small flexible units to support the growth of local firms and that there is an unfulfilled demand for business premises, such as good quality small scale office space and workshops. It identifies Frenchmans Road, which includes the application site, as an area for a potential business enterprise centre of flexible space with shared facilities, as this area is seen as needing investment and is in a good location to the town centre and railway station.
- 8.4 It is unclear at present how the Covid-19 pandemic will affect the town centre in the future once a 'new normal' is more established through the recovery. The SDNPA published a Planning Position Statement (PPS) in August 2020 which sets out the Authority's response to the Covid-19 pandemic (**Appendix I**), with an aim to support the economic recovery. It is a material planning consideration that has been afforded some weight in the recommendation.
- 8.5 Government changes to the Use Classes Order (UCO) in September 2020 attempt to support town centres through the amalgamation and simplification of different use classes (eg. retail, food and drink and offices) into a new Class E (commercial, business and services uses), which is also a material planning consideration that has been afforded significant weight.

### PNDP employment policies

- 8.6 The relevant PNDP policies below outline a position of retaining sites allocated for employment uses, which originate from the PNDP's objectives of Petersfield remaining as a town where people can live and work. The term 'employment uses' referred to in PNDP policies relates to former B class uses – those which existed at the time of adoption of the Policy. The recent legislative changes with the introduction of Class E does not change the fundamental meaning of the adopted policies.
- 8.7 Policy BPI allocates the application site for employment use. It states:  
*"Planning permission will be granted for appropriate new employment development on the sites outlined in Table 7 (officer note- including Paris House) and as detailed in section 11, provided the development complies with the design principles set out in section 12 and meet the requirements of other relevant policies of this Plan and the East Hampshire Joint Core Strategy. Applications for alternative uses on these sites will not normally be approved except for those town centre sites shown in Table 8."* (officer note – table 8 does not include the application site.)
- 8.8 The objective of BPI, to support new employment use development on allocated sites in favour of alternative uses, is an important consideration regarding the principle of a new food store on this site. It is important to interpret this policy based upon the context in which it was adopted in 2016, that is 'alternative uses' refers to those outside of the former B Use Classes. New retail development is, therefore, an alternative use within the meaning of BPI as future changes to the UCO, in particular the introduction of Class E, would not have been anticipated when it was adopted.
- 8.9 There is therefore a degree of conflict with policy BPI specifically on the basis that an alternative use is proposed which will 'not normally' be approved outside of identified town centre sites (see policy wording above).

- 8.10 Policy BP5 is also relevant as it identifies Frenchmans Road for potential economic regeneration, with an objective of creating a business enterprise centre focussed on small scale office space. An indicative masterplan associated with BP5 includes the application site and the neighbouring commercial sites to the south and east and indicates a preference for new office space. In this respect, the proposals are contrary to BP5, however, this policy has been balanced against compliance with other employment and retail policies considered in this report, which are considered to outweigh any conflict with this particular policy.
- 8.11 However, the conflict identified with those particular policies needs to be assessed in the context of other relevant policies in the development plan relating to employment which, in summary, allow the loss of employment floor space and uses if justified. Those are considered below.

- 8.12 Policy BP2 states that:

*“Proposals that result in the loss of business floor space whether through change of use or redevelopment will not normally be allowed (except the mixed use sites shown in table 8) unless it can be demonstrated to the satisfaction of the Local Planning Authority that the premises are no longer suitable for business use and evidence has been submitted that demonstrates that the property has been actively marketed for at least 6 months on realistic market terms and it is shown that there is no prospect of new business occupiers being found.”*

- 8.13 Its reference to ‘business’ floorspace should be interpreted to mean employment uses as per the former B Use Classes, in the same way as how BP1 has been considered above. The proposals do not conflict with BP2 insofar as they would not result in the loss of business (employment) floorspace and there isn’t a need to demonstrate that premises are no longer suitable because none currently exists following the demolition of the former building, albeit the site retains its use. Nonetheless, the marketing evidence provided by the Applicant is considered to be sufficient to accord with this policy to justify the proposals. In all of these respects, the proposals accord with BP2. Details concerning the marketing are outlined further below.

#### SDLP economy/employment policies

- 8.14 Policy SD34 offers general broad support for fostering the economic and social wellbeing of local communities, in line with the National park duty, and supports the provision of new business enterprises.
- 8.15 Policy SD35 outlines an overall provision for new employment land and its supporting text identifies that this need is being met through sites with extant permission, Neighbourhood Plan allocations (including Paris House) and SDLP allocations. It also safeguards principal and local employment sites that are fit for purpose from non-employment uses.
- 8.16 This policy, like BP1 and BP2, seeks to safeguard employment uses (i.e remaining and former B Use Classes) and it should be interpreted by its meaning at the time it was adopted (2019). Criterion (3) of SD35 safeguards all existing employment sites and allocations that are fit for purpose from development for non-employment uses. The application site is also identified as a local employment site within the SDLP policies map and, therefore, criterion 4(b) of SD35 is relevant which outlines that commercial uses will be safeguarded from proposals for non-commercial uses unless a robust marketing campaign of at least 18 months has been undertaken. In these respects, the premises no longer exist however the site could be said to still be fit for purpose as an employment site in terms of any future re-development. However, the marketing evidence, considered below, is sufficient. The Authority’s PPS also provides some relaxation of marketing requirements, however, this is afforded limited weight.

#### Marketing Evidence

- 8.17 Marketing evidence has been provided and considered. It details that the site has been marketed through a variety of means and the records of enquiries include interested parties such as a builders merchants and trade counter businesses, rather than any notable interest regarding light industrial uses or offices as emphasised in the PNDP. In regard to marketing,

the PPS is a relevant consideration as it outlines some flexibility of marketing requirements at present.

- 8.18 The EDT acknowledged the marketing which had been undertaken but object on the basis that there remains the prospect of the site being retained in its current use. Furthermore they have advised that there is still a large demand for industrial and office space and have received such enquiries. They also consider that there is a demand for better quality small and serviced office space.
- 8.19 In response, the Applicant provided further information on available existing available and new premises. Officer's sought further detail from EDT concerning their comments such as clarifying the demand and extent of enquiries for industrial and office premises and querying the additional information submitted, however, no further detailed comments were forthcoming.
- 8.20 In terms of available premises and demand, this will vary over time and it is uncertain how Covid-19 and future working patterns will affect demand for office space in particular in the future. It is noteworthy that in 2020 the SDNPA approved outline permission for a mixed development at the allocated employment site of Buckmore Farm near to Frenchmans Road, which includes 4,730sqm of new employment floorspace which would, if delivered, provide modern new premises. In this respect, there is potential for new provision to be realised elsewhere in Petersfield. Furthermore, the current application proposals represent deliverable investment in Petersfield and the creation of new jobs.
- 8.21 In summary, the marketing evidence provided is considered to be sufficient to meet the tests in both BP2 and SD35. This is supported by the SDNPA Policy response, which raises no objection in regard to the marketing which has been undertaken.
- 8.22 The District Council's Economic Development Team's (EDT) views were not convincing. It is understood they object to the conceptual loss of a particular type and physical arrangement of employment opportunities but that is not the application for consideration. Differing views are held by the Applicant and the EDT officer as regards the number of jobs to be created but weight is given to the fact that there will be employment opportunities created by this proposal and it is noted the Applicant advises that there would be direct and indirect economic benefits with the provision of a new store.

#### Policy summary - employment

- 8.23 There is some conflict identified above with BP1 and BP5. The proposals do, however, accord with policies BP2 and SD35, outlined above, which are relevant in the consideration of the loss of the employment site to an alternative use and need to be taken into account in the planning balance, and which, in summary, allow the loss of employment uses if justified. In this respect, given that the proposals meet with the requirements of these two other policies, one of which (SD35) is more up to date as it is part of the more recently adopted SDLP, it is not considered that the degree of conflict with BP1 and BP5 identified above in itself renders the proposals contrary to the development plan policies relating to employment uses as a whole.
- 8.24 The proposed retail use is a commercial use with the introduction of Class E. This is a wider consideration in terms of a national legislative change in how employment uses are viewed. However, it is not a significant material consideration and, as such, it has been afforded limited weight.

#### Retail considerations – Development Plan policies and impacts upon the Town Centre

- 8.25 Officers appointed consultancy Lichfields to provide independent advice on the application in regard to the retail impact of the Aldi store upon the town centre. It advises that a spike in town centre vacancies in the short term are anticipated but this is likely to happen regardless of the proposed Aldi food store. An issue therefore is how the proposals would impact the town centre in the longer term. The conclusions of the Retail Impact Assessment are outlined below.
- 8.26 The NPPF (paragraph 85) outlines that planning decisions should support the role that town centres play within communities by taking a positive approach to their growth, management

and adaptation. It goes on to outline considerations for assessing the impacts of new stores outside of town centres, as in this instance, which are addressed below.

- 8.27 Policies SD36, SD37 and RPI encourage new development in town centres and RPI furthers this by restricting new larger retail stores outside of it, as below. Given the site is outside of the town centre policies RPI and SD38 are particularly relevant. Their supporting text state that Petersfield is 'well supplied' with supermarkets and currently there are various stores in the defined town centre (eg. Tesco, Waitrose, M&S and Lidl).
- 8.28 RPI restricts new retail provision outside of the town centre to small scale convenience shops with a maximum floor space of 280sqm, in appropriate locations to meet local needs. The application site is considered to be an 'edge of centre' site. In this respect, the proposals are contrary to RPI insofar as a large retail store is proposed outside of the town centre, albeit close to its boundary (approximately 250m). Whilst the PNDP and representations outline that Petersfield's needs are met by existing stores, importantly, SD38 and the NPPF outline an impact based approach is required to determine the acceptability of a new store rather than whether it is needed, where out of centre stores are proposed. More weight has, therefore, been given to SD38 than RPI because it is a more up to date policy and is more consistent with the NPPF.
- 8.29 Policy SD38 requires a Retail Impact Assessment (RIA) when proposals exceed 750sqm in market towns, which has been provided. This approach is supported in the NPPF. The submitted RIA has been independently assessed by consultancy Lichfields for the Authority. They have previously undertaken an East Hampshire district wide retail and main town centre uses study for EHDC in 2018 and are experienced in critiquing RIAs and their advice is considered below.
- 8.30 As above in paragraph 8.20, the proposals are contrary to RPI and as such the following two aspects of the NPPF (paragraph 89) listed below have been considered. Where these tests are not met paragraph 90 of the NPPF advises that proposals should be refused.
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and;
  - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 8.31 In addition to the above, the NPPF (para 86) outlines that a 'sequential test' for proposals for main town centres uses (eg. retail) which are neither in a town centre or in accordance with an up to date plan should be undertaken. Furthermore, that when considering edge of centre proposals preference should be given to accessible sites which are well connected to the town centre. This test is considered first below followed by an assessment of the impacts upon the vitality and viability of the town centre.

#### The Sequential Test

- 8.32 A sequential test's purpose is to consider whether there are potential sequentially preferable alternative sites for such proposals within a town centre first. Where edge of centre sites are considered, preference should be given to readily accessible sites, which are well connected to the town centre, and Frenchmans Road is an accessible location. The sequential test is also based on whether alternative sites for new stores have the same or similar catchment areas and in this instance the proposed store is anticipated to largely serve Petersfield and its hinterland.
- 8.33 Importantly, this test focuses on the suitability and availability of sites to accommodate the proposed development and not an alternative form of retail development (eg. disaggregating the proposed floorspace into smaller units). The assessment should also not be specific to an individual retailer, rather it is the type of retail offer proposed – in this case Aldi is a 'Limited Assortment Discount' retailer. In addition, both the Applicant and local planning authorities should adopt a flexible approach on issues such as the format and scale of new stores when considering other sites, so that opportunities of potential sites are fully explored.

- 8.34 At the pre-application stage, the Applicant's agents undertook an assessment of alternative sites which included a review of the town centre retail and mixed use allocated sites in the PNDP and edge of centre sites. In addition, in the absence of any further central sites within Petersfield being identified as suitable or available, they considered other employment use allocated sites in wider locations further away from the town centre. These allocated sites were, however, subsequently discounted at that stage from the assessment because it was agreed with officers that the application site was in a more favourable location to the town centre compared to those wider allocations and was therefore 'sequentially preferable'. Subsequently, the sequential assessment submitted has not resulted in an alternative site being identified due to sites being too small and not available, as they are already in use and are unlikely to become available within a reasonable period of time.
- 8.35 The Sequential Assessment has been scrutinised by officers and Lichfields. Lichfields have cited a variety of appeals and High Court judgements, as have the supermarket retailers and applicants, concerning how sequential tests should be undertaken. Taking these into account, it is considered that the sequential test has been satisfactorily addressed to justify a new store on this site as no alternative sites are suitable and available.

Impact upon the Town Centre's vitality and Viability

- 8.36 The impacts of the pandemic upon town centres and what a 'new normal' trading pattern for retailers in the longer term are uncertain. An important issue is whether the proposed store would significantly exacerbate potential medium to longer term impacts of the pandemic. There is a variety of data which can be used to assess impacts upon a town centre which includes population growth and expenditure in East Hampshire, financial turnover in town centres and individual stores as well as household survey data.
- 8.37 Such data has been used in the submitted RIA. It contends that there would not be a significantly adverse impact upon the town centre overall from a diversion of trade and that the impacts on other supermarket retailers to the smaller independent shops would not undermine their viability. Representations from three supermarkets operating within Petersfield and other third party responses raise concerns about town centre impacts and the robustness of the RIA.
- 8.38 Initially, key aspects for consideration in policy terms are that a RIA is required by SD38 and the likely impacts need to be satisfactorily demonstrated, from which a judgement can be made as to the acceptability of these impacts. There is no accepted threshold for whether a certain amount of diverted trade to stores outside of town centres is significantly adverse or not, as it depends on a wide range of factors such as the existing health of a town centre and the attractiveness of its environment for shoppers.
- 8.39 Understanding the health of the town centre is based on a variety of indicators. These include the diversity of uses, amount of independent stores, vacancies and its physical characteristics for example. Approximately half of the total town centre floorspace is occupied by convenience and comparison goods retailers, which range from independent stores (eg. butcher, newsagent) to national chains such as Boots, Superdrug, Poundland and Holland and Barrett as well as major supermarkets. The information submitted shows that the town centre is reasonably healthy with a vacancy rate of 4%, which is below the 11% national average.
- 8.40 Given Aldi trade in both convenience and comparison goods, the impact of trade diversion for each of these is addressed below. Lichfields' assessment is based on likely impacts once the new store would reach a 'mature' trading pattern or in national planning guidance known as the 'design year'. There are differing views on the design year between the RIA and representations and Lichfields have determined a more middle ground of 2024 as the year from which to base their assessment, which is a reasonable approach. A sensitivity analysis has also been undertaken where a worst case scenario has also been assessed in terms of a higher percentage of convenience goods being sold by Aldi. Currently a split of 70% convenience and 30% comparison goods are proposed but also an 80/20 split has been considered for added robustness.

#### Convenience goods (food, groceries)

- 8.41 Based on the RIA submitted, Lichfields outline that the Aldi store would generate a total of £12.24m turnover. Convenience goods sales are stated as £10.26m with the majority of this (85%) being trade diverted from the town centre. The RIA outlines that the majority of this would be experienced by the major supermarkets, with Lidl being the most affected, rather than the more independent local shops. Lidl's could experience a reduction in trade of 28.8% whilst other larger retailers would experience smaller reductions of between 6.7% to 10.9% with the largest out of these being Tesco. In terms of the much smaller and independent stores the estimated loss of trade overall is estimated at 5.4%.

#### Comparison goods (clothing, toys)

- 8.42 Aldi's sale of comparison goods varies significantly on a weekly basis within their 'central aisle' offers. There would, therefore, be a more dispersed impact upon town centre stores. Aldi contend that there would be no trade diversion from the town centre from selling such goods however this is unrealistic. Based on 30% of the new store's sales being comparison goods, Lichfields outline this could equate to £2.67m of turnover with 85% of this being diverted from the town centre (worst case).

#### Overall impacts on the town centre

- 8.43 As a worst case scenario there would be an average impact of 12.6% loss of turnover amongst town centre convenience stores. Importantly, over 70% of this loss would be experienced by Lidl and Tesco which are outside of the traditional retail core of the town centre. The average impact across stores in the retail core area is estimated at 8.2% with 85% of this reduction experienced by Waitrose. The more specialist convenience shops would be less affected with an estimate 5.7% fall in turnover Lichfields has advised that these losses would not result in stores becoming unsustainable and vulnerable to closure, even though trade may fall below a company average benchmark. This is pertinent for the health of the town centre regarding anchor stores like Waitrose which draw people in and encourage linked trips for shopping. Tesco and Lidl are more peripheral in this respect but nonetheless could draw in linked trips to the town centre. Estimated linked trips are anticipated to fall by between 32,000 to 36,000 trips per annum.
- 8.44 Regarding comparison goods, an estimated reduction in turnover of between 2.9% to 3.7% is forecast. Importantly, Lichfields advises that this trade diversion would be offset by future anticipated expenditure growth in the town centre by 2024, whereby Aldi would not significantly impact the trade of comparison goods in the future as a result.
- 8.45 Based on the above and consideration of linked shopping trips the overall combined reduction in turnover in the town centre is likely to be 7.5% with most of the impact affecting the large food stores.
- 8.46 The trade diversion figures and anticipated growth in expenditure within the town centre suggest the associated impacts of the Aldi store would not result in a large number of shop closures or a significant increase in the overall vacancy rate within the Town Centre. Also, a significant reduction in consumer choice or existing investment within the town centre is not envisaged.

#### Policy summary - retail

- 8.47 Based on the considerations above, whether the impacts are considered significantly adverse to refuse the application is a matter of judgement taking all considerations into account. The proposals would accord with policy SD38 and the NPPF in terms of satisfying the sequential approach and demonstrating that a significantly adverse impact upon the vitality and viability of the town centre is not envisaged as outlined in Lichfields' advice.

#### Design considerations and impact on the character and appearance of the area

- 8.48 The siting and orientation of the building has resulted from a range of considerations such as environmental constraints (eg. flood risk) and opportunities (Tilmore Brook), relationship with neighbouring properties and creating a frontage onto Frenchmans Road and utilising the existing access. The building is large however it would sit reasonably comfortably within the



site and the southern part is considered the most appropriate location. Its siting affords the greatest opportunities for enhancements within the site, accommodate parking efficiently and create an acceptable relationship with neighbouring development. The car park design adopts a functional character in form and layout as it tries to efficiently use the space available.

- 8.49 A contemporary form of architecture is proposed. The Design Officer has advised that it is 'unexceptional' and representations have also criticised its design, but that there are positive elements to it. There is reasonably good articulation within the elevations in terms of detailing and use of materials, which also help to 'break up' the massing of the building. The substantial green roof is a great asset for the building and it is unfortunate that this has not been able to be showcased through the design. An interpretation board is proposed at the seating area next to Tilmore Brook which could include details about the roof as well as the Brook itself. This is recommended as a condition.
- 8.50 The building is of a sufficiently good design to be in keeping with the mixed commercial and residential area character of Frenchmans Road and its overall scale would not appear overly dominant in the street scene, given it would be set back from the road frontage and seen in the context of the large warehouse to the south. Indeed, it is smaller in scale to the adjacent warehouse building. Its high sustainability credentials, including reaching BREEAM 'excellent' standard also contribute to its acceptability and whilst no external renewable technologies are proposed (eg. solar panels) this has been balanced against the provision of the extensive green roof and the building's sustainability attributes within it.
- 8.51 The scale of the store and need for parking does reduce the potential for maximising green infrastructure throughout the site. There does, however, need to be balance between making best use of the site and weight given to individual policies concerning green infrastructure (SD45). In urban areas schemes should reflect local landscape character and be multifunctional wherever feasible. It is accepted that the proposed scheme maximises its opportunities for multifunctional SUDS and green infrastructure within the context of the scale of development, however, the design officer considers opportunities are missed as a result of the amount of development proposed.
- 8.52 On balance, the proposed surface water drainage scheme and the landscape scheme is acceptable and, in addition to the considerations above a landscape led design is sufficiently achieved to accord with SD5. To further improve the scheme, a condition which seeks further work on the Tilmore Brook in terms of re-profiling the banks to facilitate further planting to enhance it as a feature and contribute to amenity and biodiversity.

#### Flood risk and drainage

- 8.53 Further to the above, there is an identified flood risk on site. The County Council, as Lead Flood Authority, the Environment Agency and the district council engineer have not raised objections regarding the drainage scheme subject to conditions.

#### Eco-systems services

- 8.54 In regard to eco-systems services and policy SD2, the landscape enhancements assist the scheme according with this policy as well as the surface water strategy. Further biodiversity enhancements such as bug hotels are also proposed within the scheme. The green roof would also make a notable contribution to improving biodiversity and managing surface water including via a rainwater garden for excess run-off. In light of these aspects, and those above, it is considered that SD2 is accorded with. These enhancements would be secured via conditions.

#### Highways considerations and parking provision

- 8.55 The existing access would be retained and is of a sufficient scale and visibility to accommodate the proposals. The Highways Authority has not raised a concern regarding its use.
- 8.56 Local concerns have been raised about the additional traffic the scheme would create. The Highways Authority has also not raised an objection in regard to the capacity of the local network to accommodate anticipated traffic movements and highways safety issues. They

have also not objected to alterations to the junction of Frenchmans Road and Winchester Road would help to facilitate better vehicle and pedestrian movements.

- 8.57 Third party objections have raised concern about the robustness and accuracy of the Transport Statement and its anticipated trips and linked trips and consistency with other documentation submitted. It is considered that the Transport Assessment is acceptable insofar as it accounts for anticipated vehicular trips to and from the new store, including linked trips to the town centre. It is understood from considering the Transport Statement and other documentation that there would not necessarily be a linked trip to the town centre every time a customer visits the new store, but there is an acknowledgement that customers also need to visit other shops and services to fulfil their shopping needs.
- 8.58 In regard to parking arrangements, policy SD22 requires development to provide an appropriate level of vehicle and cycle parking to serve the needs of the development. The Parking SPD provides further detail and based on the scale of the store 129 spaces are required. 112 spaces are proposed however the parking SPD allows for flexibility and outlines that applicants need to carry out a site specific assessment of parking for proposals.
- 8.59 The submitted Transport Assessment outlines that the 112 spaces would be sufficient based on a modelling of vehicle movements, which concludes that this amount of parking provision is sufficient. Given the reasonably sustainable location and its accessibility it is considered that on the basis of the information provided and the Highways Authority's views regarding highway safety the level of parking is acceptable. No.4 electric vehicle charging spaces are proposed and a further 20 'passive' spaces for future use would be provided. This would accord with the SD22 and the Parking SPD guidance. The proposed 40 cycle spaces would also accord with the SPD.
- 8.60 The Highways Authority have requested transport contributions in relation to securing and monitoring an agreed Travel Plan. It is considered that this contribution is justified in order to monitor the impact of the development and ensure the mitigation in the Travel Plan is implemented and managed. Therefore, it is to be secured in a S106 Agreement.

#### Impact on surrounding amenities

- 8.61 Representations have raised concern regarding noise and disturbance as well as light and air pollution. The site has been vacant for many years and the proposals would introduce new activity 7 days a week, within the proposed store hours, from customers using the store. In addition, there would be on average 4 HGV deliveries per day plus 1-2 weekly collections of waste. Visits by smaller deliveries, such as newspapers, would also occur.
- 8.62 Regarding noise and disturbance, a row of car parking spaces would run parallel with the adjacent rear garden boundaries and 3m away from it whilst other spaces are more centrally located and alongside the Brook. Regarding deliveries, the service entrance is on the western side of the building and therefore near to the rear garden boundaries of Rushes Road properties. The delivery ramp would extend downwards into a contained area where, due to the equipment and mechanisms used for the loading/unloading of lorries this can be done without any external activity such as forklift trucks that would generate additional noise. The service area is also a reasonable distance from residential boundaries.
- 8.63 Conditions are recommended to manage delivery/waste collection times and require a Delivery Management Plan to be agreed in order to minimise the impacts upon neighbouring amenities. Furthermore, a condition requiring details of a new acoustic fence along the site boundary adjacent to the delivery yard is recommended to further ensure any disturbance is minimised. These conditions address the resolution of Members when this application was previously considered.
- 8.64 External lighting within the car park is proposed. Concern have also been raised regarding light pollution. Lighting columns are proposed within the car park and would be angled downwards. They are also of an appropriate luminosity. The proposals also involve switching off lights when the store is closed.
- 8.65 Environmental Health have not raised any objection regarding impacts upon surrounding amenities, subject to conditions. Concerns have also been raised about increased traffic in

the area and road congestion. The Highways Authority and Environmental Health again have not raised objections on these grounds. Having considered their advice and assessed the impacts, it is not considered that there would be a significantly harmful impact to justify a reason for refusal on amenity grounds, particularly bearing in mind former uses and its allocation.

- 8.66 Regarding the design of the building, the main west elevation (minus the loading bay area) would be a sufficient distance away from the neighbouring properties, which have long rear gardens, and given its height, which would be commensurate with the height of adjacent properties, no significant harm would be caused in regard to unneighbourly impacts. Given the distances from other surrounding residential properties to the north and east no significant harm would be caused by the siting and design of the building to the amenities of these properties. The building would also not have any significant impact upon the large commercial premises to the south.

#### Ecology and trees

- 8.67 The site is a cleared brownfield site and there has been limited opportunity for protected species to currently inhabit the site. The ecologist has not raised any concerns. Existing trees are limited to site boundaries. The proposed landscape scheme would deliver biodiversity enhancements and the Applicant has used the 'DEFRA Metric' to determine that at least a 10% net biodiversity gain can be achieved via the scheme. The majority of existing trees are proposed to be retained with the exception of a maple in the south east corner of the site. Conditions are recommended to secure a landscape scheme and biodiversity enhancements and ecosystems services benefits.

#### Dark Night Skies

- 8.68 A lighting scheme has been proposed which includes lighting columns within the car park. The Dark Skies officer has reviewed the information and does not raise an objection. A condition relating to the implementation of the scheme is recommended.

#### Cultural Heritage

- 8.69 The closest listed building is a dwelling north west of the site which fronts onto Winchester Road. No concerns are raised in regard to impact upon the setting of this building and, consequently, its special architectural and historic interest would be preserved. Also, the proposals are not likely to affect the character and appearance of the conservation area or its setting.

#### Contributions

- 8.70 The proposed development is CIL liable.

### **9. Conclusion**

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act (199)(as amended) states that determinations of applications for planning permission must be made in accordance with the plan unless material considerations indicate otherwise.
- 9.2 Consideration has been given to the two main issues of the site's status as an allocated employment site and the impact upon the vitality and viability of the town centre. Whilst there is some conflict with policies BPI, BP5 and RPI, for the reasons set out above, it is not considered that any such conflict renders the proposals contrary to the development plan as a whole.
- 9.3 The proposals would also not have a significantly adverse impact upon the vitality and viability of the town centre, having independently assessed the Applicant's Retail Impact Assessment. Furthermore, the Sequential Test satisfactorily demonstrates that there are no other suitable or available sequentially preferable sites.
- 9.4 It is considered that the impacts are not harmful in planning terms and the proposals represent investment in the Frenchmans Road area on a vacant brownfield site, which would create jobs and would add to the choice of retail offer for Petersfield residents primarily.

- 9.5 The design and layout of the scheme is acceptable. Whilst there are some outstanding concerns from the design officer and other third parties, the design is of a sufficient quality to accord with relevant policy and guidance and includes a number of good features.
- 9.6 Representations have raised a breadth of concerns which range from planning professionals representing supermarkets to local residents and an EHDC Member. Concerns have been assessed in the context of consultee advice as well as through the independent advice from Lichfields. It is not considered that those concerns are sufficient to justify a refusal of planning permission.
- 9.7 The application has been assessed in relation to the Development Plan, the NPPF, National Park Purposes and duty, material planning considerations and relevant legislation. The proposals represent sustainable development in regard to social, economic and environmental considerations. In accordance with section 38(6), it is considered that the proposals accord with the development plan taken as a whole and that there are no material considerations of sufficient weight which would justify refusing permission.
- 9.8 In light of the above assessment, the application is recommended for approval subject to the completion of a S106 Agreement and conditions.

## **10. Reason for Recommendation and Conditions**

- 10.1 The recommendation is to grant planning permission subject to:
1. The completion of a legal agreement to secure the following, to be delegated to the Director of Planning:
    - Travel Plan for the operational management of the site.
    - Off-site highways works on Frenchmans Road and at the junction of Frenchmans Road and Winchester Road.
  2. The conditions as set out in paragraph 10.2 of this report.
  3. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or satisfactory progress is not being made within 6 months of the 10<sup>th</sup> June 2021 Planning Committee meeting.
- 10.2 And the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.
  2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".  
Reason: For the avoidance of doubt and in the interests of proper planning.

### Use

3. The development hereby approved shall only be used as a retail shop within Use Class E(a) (commercial, business and service use) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose within Class E or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.  
Reason: To enable the Local Planning Authority to manage the use of the site.
4. The net sales floor area of 1,315sqm shall only be used for the sale of no more than 70% convenience and 30% comparison goods at any time.  
Reason: To manage the impacts of the development upon the vitality and viability of the town centre economy.
5. The development shall only be open for trading during the following times:

- Monday to Saturday: 08:00 and 22:00
- Sundays and bank/public holidays: 10:00 to 16:00

Reason: To safeguard the amenities of the area.

6. Deliveries to and waste collections from the store, and the operation of plant and machinery associated with deliveries and/or waste collections, shall be limited to the hours between 06.00 and 22:00 Mondays to Fridays, 07.00 and 22:00 on Saturdays and 08:30 to 20:30 on Sundays, Bank and Public Holidays.

Reason: In the interests of the amenities of nearby residential properties.

7. Prior to the development being brought into use, a Delivery Management Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP shall outline measures to minimise disturbance from activities associated with deliveries and/or waste collections to surrounding amenities during delivery times specified in condition 6. Once approved, the DMP shall be implemented in full.

Reason: In the interests of the amenities of nearby residential properties.

#### Materials & construction

8. No development above slab level shall be commenced unless and until a schedule of materials and samples of such materials, finishes and colours to be used for external walls, windows and doors, roofs, chimneys and rainwater goods of the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development.

9. Prior to the construction of the flint wall on the north elevation of the building hereby approved, a 1sqm sample panel of the flintwork shall be constructed on site for approval in writing by the Local Planning Authority. The flintwork shall thereafter match the approved details.

Reason: To ensure a high quality development.

10. Prior to development above slab level, a detailed information in a design stage sustainable construction report in the form of:

- i. Interim stage BREEAM NC certification and associated assessment report
- ii. SBEM calculations
- iii. product specifications
- iv. Grown in Britain or FSC certificates;
- v. sustainable material strategy
- vi. building design details
- vii. demonstrating that the development will:
- viii. achieve BREEAM NC excellent standard
- ix. reduce predicted CO2 emissions by 20% due to on site renewable energy compared with the maximum allowed by building regulations.
- x. provide at least 4 EV charge points with a minimum power rating output of 7kW and a universal socket together with cable routes for 20 passive spaces.

Achieve these specific BREEAM NC credits:

- Ene 01 – ‘outstanding’ mandatory credits (minimum 6).
- Ene 04 (passive design analysis);

- Wst 01 (diversion of resources from landfill credit);
- At least half of Material credits;
- Pol 03 credit (minimum no.2 SUDs credits achieved);
- Wst 05 credit;
- Provision of green roof.
- for timber used, shall be certified 'Grown in Britain' timber where possible, and where not possible, FSC or PEFC certified.

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with these agreed details.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

11. Within 3 months after the development hereby permitted is brought into use, detailed information in a post construction stage sustainable construction report demonstrating how the development has been carried out in accordance with all of the requirements set out in condition 10 shall be submitted to and approved in writing by the Local Planning Authority. This documentary evidence shall include, but not be limited to, interim stage BREEAM NC certification and associated assessment report together with post construction SBEM calculations.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

12. Prior to the development being brought into use, details, specification, and siting of an acoustic fence to be erected on the western site boundary adjacent to the delivery service yard shall be submitted to and approved in writing by the Local Planning Authority. The fence shall, thereafter be erected in full accordance with the approved details and be maintained and retained.

Reason: In the interests of the amenities of nearby residential properties.

13. No development shall commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to in full throughout the construction period. The Plan shall provide for:
- a) An indicative programme for carrying out of the works and methods and phasing of construction works;
  - b) Construction work shall only take place in accordance with the approved method statement.
  - c) The arrangements for public consultation and liaison during the construction works;
  - d) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method for constructing foundations, the selection of plant and machinery and use of noise mitigation barrier(s);
  - e) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
  - f) The parking of vehicles of site operatives and visitors;
  - g) The arrangements for deliveries associated with all construction work;
  - h) Loading and unloading of plant, machinery, and materials and access and egress;
  - i) Storage of plant and materials used in demolition (if any) and constructing the development;
  - j) Location of temporary site buildings and compounds;
  - k) Protection of pedestrian routes during construction.

- l) The erection and maintenance of security hoarding, where appropriate;
- m) Wheel washing facilities;
- n) Measures to control the emission of dust and dirt during construction;
- o) A scheme for recycling/disposing of waste, including spoil, resulting from demolition and construction works;
- p) Working hours.

Reason: In the interests of highway safety and the amenities of the area.

#### Landscaping and ecology

14. No development above slab level shall take place until a detailed Scheme of Soft and Hard Landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) Written specifications (including cultivation and other operations associated with plant and grass establishment;
  - b) Planting methods, tree pits & guying methods;
  - c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
  - d) Retained areas of trees and hedgerows;
  - e) Details of all hard-surfaces, including paths, kerb edges, access ways, boundary treatments, bin and cycle stores and parking spaces, including their appearance, dimensions and siting.
  - f) Details of the siting, specifications and management of the Sustainable Urban Drainage systems.
  - g) A landscape schedule and management plan designed to deliver the management of all new and retained landscape elements to benefit people and wildlife for a minimum period of 5 years including details of the arrangements for its implementation;
  - h) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping works shall be implemented in full accordance with the approved details and timetable. Any plant which dies, becomes diseased or is removed shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a setting for the new development.

15. No development above slab level shall take place until a site-wide detailed Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not necessarily be restricted to, details of measures to retain existing boundary features; long term objectives and management responsibilities; the management regime of the landscape scheme; measures to enhance ecology through the provision of landscape species; and the recommendation within the Ecological Appraisal by Ecological Solutions (November 2020). The approved measures shall thereafter be implemented in full and maintained in accordance with the approved details.

Reason: To conserve and enhance flora and fauna.

16. The development shall be undertaken strictly in accordance with the submitted Tree Protection Plan 20181-BT4 and Arboricultural Assessment and Method Statement (reference 20181-AA4-PB).

Reason: To conserve trees which are proposed to be retained.

17. Prior to the construction of the green roof, technical details of its design and specification of the species, planting methods, and details of its means of drainage, future management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. In the event that part of or the whole of the green roof does not become established or fails it shall be repaired or replaced with a like for like replacement.

Reason: To secure a satisfactory implementation and management of the green roof and to ensure its establishment and long term retention.

18. The eco-systems services measures outlined in the Ecosystems Services Statement (3.11.2020) and Plan 2212-120A shall be implemented in full prior to the building being brought into use.

Reason: To secure biodiversity enhancements.

19. Prior to reaching the slab level of the building, details, including cross sections, of a re-profiling of Tilmore Brook banks south of the site access to create shallower gradients for the implementation of new landscaping, to be agreed in condition 13, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To improve the amenity and biodiversity of Tilmore Brook.

20. Prior to the building being brought into use, the details to be included for the interpretation board identified on Plan 2212-SHP-123 shall be submitted to and approved in writing by the Local Planning Authority. It shall thereafter be erected in accordance with these details and within 3 months after the building has been brought into use and maintained thereafter.

Reason: To promote the understanding and enjoyment of the scheme to visitors.

#### Environmental Health

21. Details of noise levels from mechanical services plant shall be provided to the Local Planning Authority before installation of any such plant or equipment. The details required must demonstrate compliance with the assessment criteria as set out in Section 4 (Noise from mechanical services plant) of the Environmental Noise Report (Sharps Redmore, dated 3 November, 2020, Project No.2019836).

Reason: In the interests of the amenities of nearby residential properties.

22. The submitted external lighting scheme shall be implemented in full prior to the site being brought into use. External lighting shall be installed and operated in accordance with the details supplied by Building Management Technology in the External Lighting Report & Specification [BMT Ref: B2340; ISSUE: C 26.10.2020 (LSC)].

Reason: In the interests of the amenities of nearby residential properties and dark skies.

#### Highways

23. Prior to the development being brought into use, the car parking and cycle parking shall be provided in full. They shall, thereafter, be retained at all times for their designated purpose.

Reason: To provide sufficient parking on site to serve the development.

24. Prior to the development being brought into use, provision of a minimum of 4 electric vehicle charging spaces and 20 'passive' electric vehicle charging spaces for future implementation of charging points shall be provided. These shall thereafter be maintained.

Reason: To provide on-site sustainable parking facilities.

25. The development shall be operated in accordance with an updated Travel Plan to be submitted and approved in writing by the Local Planning Authority. The measures within the Travel Plan shall, thereafter, be implemented in full.

Reason: To ensure a more sustainable form of development.



## Drainage

26. No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. This shall accord with the Flood Risk Assessment and Sustainable Drainage Strategy (ref:3727231). Surface water discharge to the Tilmore Brook shall be limited to 6.13 l/s. Any amendments to the submitted documentation must include a technical summary highlighting any changes, updated detailed drainage plans and updated drainage calculations. The sustainable drainage scheme shall be managed and maintained thereafter in full accordance with a management and maintenance plan to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of surface water drainage. DR02 and DR04

27. No development shall commence until a detailed drainage scheme detailing the proposed means of foul water disposal has been submitted to and approved in writing by the Local Planning Authority. These details shall include a maintenance plan with management responsibilities. The development shall be carried out in full accordance with the approved details.

Reason: To ensure satisfactory provision of foul water drainage.

28. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development given the shallow groundwater levels in this area and risks from surface water infiltration from the proposed sustainable drainage system (SuDS) and pollution of controlled waters.

29. The drainage system shall be constructed in full accordance with the Flood Risk Assessment (prepared by Stirling Maynard, January 2021) and following the mitigation measures it details:

- a) Finished floor levels shall be set no lower than 65.65m above Ordnance Datum (AOD).
- b) This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
- c) The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To ensure a satisfactory means of drainage for the development.

## Contamination

30. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- I. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Any changes to these components require the written consent of the Local Planning Authority.

Reason: To ensure that contamination risks are identified and mitigated.

31. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources.

32. Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with any such approved details.

Reason: Piling and using penetrative methods can result in risks to potable supplies from, particularly as shallow groundwater is present and groundwater is particularly sensitive in this location because the proposed development site is located upon a Secondary Aquifer.

## **11. Crime and Disorder Implication**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices  
SDNPA  
Consultees  
Background  
Documents

I. SDNPA Planning Position Statement 2020.

Legal Services, Development Manager.

All planning application plans, supporting documents, consultation and third party responses

<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

South Downs National Park Local Plan 2019

<https://www.southdowns.gov.uk/planning/national-park-local-plan/>

Petersfield Neighbourhood Development Plan 2016

<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/petersfield-neighbourhood-plan/>

National Planning Policy Framework (2021)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

SDNPA supplementary planning documents and technical advice notes

<https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/>

South Downs National Park Partnership Management Plan 2020-2025

<https://www.southdowns.gov.uk/partnership-management-plan/>

South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>



## Planning Position Statement by the South Downs National Park Authority during COVID-19 Pandemic

This statement by the South Downs National Park Authority (SDNPA) sets out our response to help local businesses during the COVID-19 Pandemic in line with our socio-economic duty. It was discussed with Members at a workshop on 17 August 2020 and with the Agents' Forum on 30 September 2020. It will be kept under review as we adjust to the new normal and prepare for a green and local recovery.

### Purpose:

- Identify key priority sectors of the local economy that Planning may assist.
- Produce a time limited Planning Position Statement for these unprecedented times to help us build a sustained and green recovery for the National Park without harm to its special qualities. It will be reviewed regularly after its practical implementation.
- It will be a material consideration in the determination of planning applications both by the National Park Authority (NPA) and local authorities through hosted arrangements<sup>1</sup>.

### Context of note:

- National response to Covid-19 and the White Paper: Planning for the Future.
- Duty of National Park Authorities: To seek to foster the economic and social well-being of the local communities within the National Park.
- Partnership Management Plan Outcome (10): A diverse, sustainable, dynamic economy which is positively linked to the special qualities of the National Park. Specifically, (10.1) To strengthen and support sustainably managed land-based industries and local enterprise; (10.2) To increase awareness and desirability of the South Downs as a special place to visit; and (10.3) To establish the South Downs as an exemplar in sustainable tourism.
- Partnership Management Plan Outcome (7) To develop initiatives which enable local communities and individuals to improve health and wellbeing.
- Local Plan objective: To protect and provide for local businesses including farming, forestry and tourism that are broadly compatible with and relate to the landscapes and special qualities of the National Park.

Core Policy SDI of the Local Plan states that 'When considering development proposals that accord with relevant policies in this Local Plan and with National Park purposes, the Authority will take a positive approach that reflects the presumption in favour of sustainable development. It will work with applicants to find solutions to ensure that those development proposals can be approved without delay, unless material planning considerations indicate otherwise.' This Position Statement follows on from this policy.

### Priority sectors of the local economy

Studies carried out for the NPA have identified the following sectors of the National Park Authority to be at greatest risk under the pandemic:

<sup>1</sup> Winchester District Council, East Hampshire District Council, Chichester District Council, Horsham District Council and Lewes District Council



- Land-based industries include agriculture, forestry and fishing. An environment shaped by centuries of farming is one of the National Park's special qualities and 85% of its area is farmed.
- The visitor economy including visitor attractions and visitor accommodation is at greatest risk during the pandemic. The visitor economy is linked to both the second purpose of national parks and our socio-economic duty. With 39 million day visits each year to the South Downs with an annual spend of £333 million<sup>2</sup> it is a vital part of our economy.
- The knowledge sector includes businesses where the production of goods and services is based primarily upon knowledge intensive services such as advanced manufacturing. Almost a third of the National Park's businesses are in this sector and it is classified as medium risk in terms of the current economic climate.

In line with our socio-economic duty and given the impact of Covid-19 on smaller business with less 'back up', we will prioritise micro (fewer than 10 employees) and small (10 to 49 employees) businesses operating in these three sectors.

### **I. Planning process**

In regard to small and micro businesses in the above named sectors the Authority will:

- Prioritise the validation and determination of planning applications arising from the pandemic
- Prioritise the discharge of conditions to allow development to commence and seek details up front for planning applications arising from the pandemic
- Consider the requirement for certain studies such as noise assessments and transport assessment, which cannot be carried out during the pandemic and consider the use of post-commencement conditions so that the studies can take place after permission is granted. We will provide a standard template for S106 legal agreements to address this as necessary
- Work pro-actively with businesses which are currently applying for grants or funding that must have planning permissions in place prior to submission of their full funding application
- Work pro-actively with the Agents' Forum to identify further opportunities for assistance

### **2. Financial factors**

In regard to small and micro businesses in the above named sectors the Authority may consider as matter of discretion to:

- Provide free pre-application advice (one meeting followed up with written advice)

<sup>2</sup> <https://www.nationalparks.uk/students/whatisanationalpark/factsandfigures>



- b) Exceptionally waive monitoring fees for Section 106 legal agreements

### 3. Policy interpretation

There are a number of Local Plan policies that are particularly relevant to small and micro businesses in land-based industries, the visitor economy and the knowledge sector. For example, many people have worked from home using outbuildings. Paragraph 7.96 of the supporting text for Policy SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings states that 'the use of outbuildings to support home working and home-based businesses will generally be supported where this does not involve a change of use of the main dwelling or have an adverse impact on the residential amenities of adjoining residents or the landscape of the National Park.' It is important to remember that all development plan policies will be taken into account when determining applications. The Authority may consider as matter of discretion to show temporary flexibility in regard to the following aspects of the following Local Plan policies:

- a) Policy SD34 Sustaining the Local Economy: Add the 'knowledge sector' to the list of key sectors in criterion 1(a).
- b) SD35 Employment Land: No longer require marketing evidence over a period of at least 12 months currently for a change of use from an employment use (B use) to another commercial use (non-B use). The marketing requirements will stay in place for change of use from employment to residential.
- c) SD36 Town & Village Centres & SD37 Development in Town & Village Centres: Consider positively all applications for commercial uses in our town and village centres that will increase footfall, with less regard to specific Use Classes definitions and more regard to likely impacts.

For further help for businesses please look at the following page of our website:  
<https://www.southdowns.gov.uk/national-park-authority/our-work/coronavirus-covid-19-update/supporting-businesses/information-for-businesses-during-the-covid-19-pandemic/>

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