

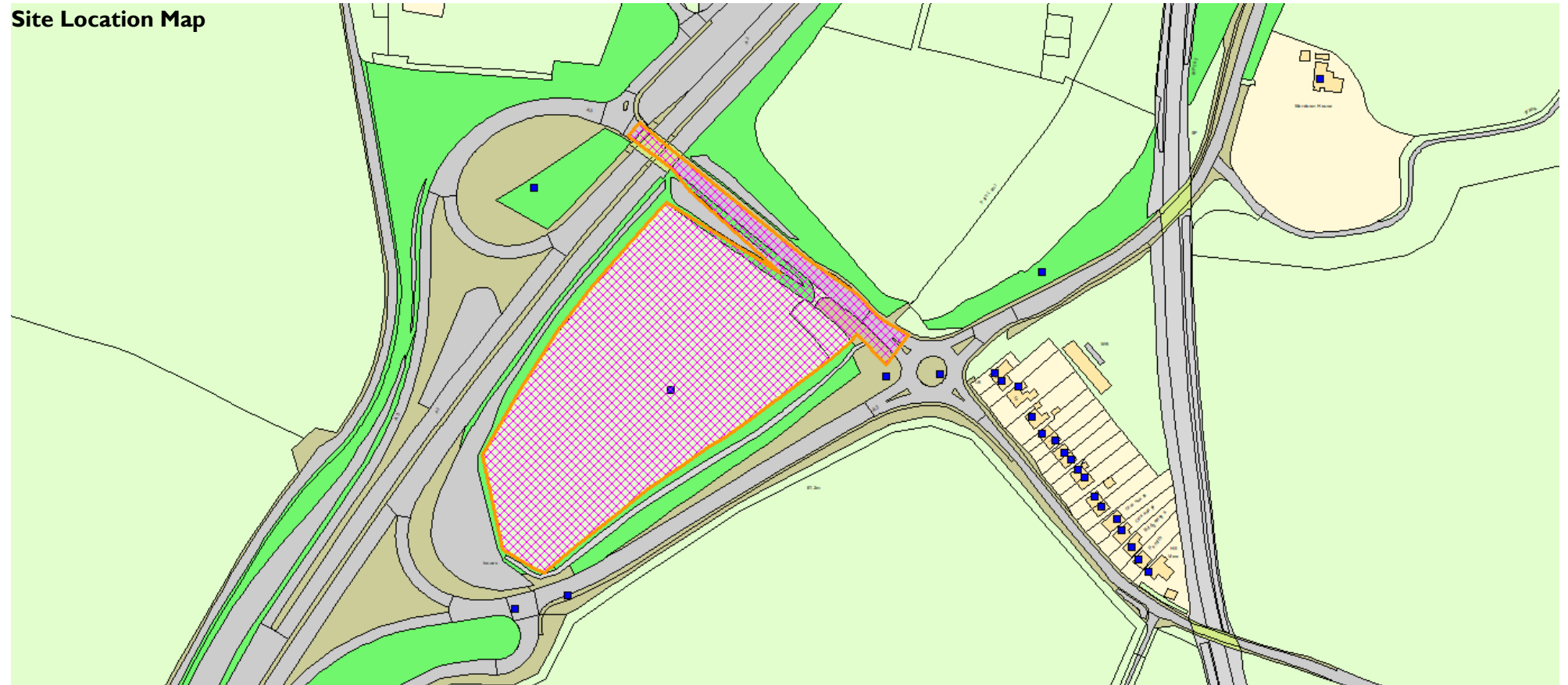


Agenda Item 7
Report PC23/24-41

Report to	Planning Committee
Date	11 July 2024
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/24/00588/CND
Applicant	ReCharge One Ltd
Application	Variation of Condition Numbers: 2, 3, 4, 6, 14, and 33 on Appeal APP/Y9507/W/22/3308885. (Officer note- Description of development: Change of use and redevelopment of the site to provide a recharge centre for electrically powered vehicles, with control and battery room and secure area for the delivery and storage of Bio Gas. Up to 60 eco-lodges (Use Class C1), and engineering work to create an earth sheltered block comprising of tunnel floor space for a flexible mix of uses within classes C1 and E(a)(b)(c). The formation of a two-way entrance off the B2070, the laying of a perimeter vehicular access road, with link roads, cycle tracks, and areas of hardstanding to provide up to 127 parking spaces. Engineering work for the purpose of landscaping and operations to install drainage infrastructure.)
Address	Land north of A3 Junction, The Causeway, Petersfield, Hampshire

Recommendation:

- 1) That authority be delegated to the Director of Planning to grant planning permission subject to the satisfactory completion of:
 - i) **A S106 Legal Agreement, the final form of which is delegated to the Director of Planning, to secure:**
 - **Offsite biodiversity net gain credits**
 - ii) **The conditions set out in paragraph 9.2 of the report and any amendments or other conditions required to address biodiversity net gain credits, as necessary.**
 - 2) **That authority be delegated to the Director of Planning to refuse Planning Permission, with appropriate reasons, if the legal agreement is not completed, or insufficient progress made, within six months of the 11 July 2024 Planning Committee meeting.**
-



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2012) (Not to scale).

Executive Summary**Key Matters**

- This application follows the grant of Planning Permission, via an Appeal Decision dated 29th March 2023, for the electric vehicle (EV) charging station, associated commercial uses and new tourism development on this site. The appeal decision is at Appendix 2.
- The application proposes to amend the approved plans through varying the conditions cited in the description under S73 of the Town and Country Planning Act 1990 (as amended). This legislation allows for a broad scope of amendments to a Permission, provided these do not fundamentally alter the nature of the development or conflict with the description of development.
- The proposed amendments are summarised at paragraph 3.4 of the report. In broad summary, these are:
 1. External and internal alterations to the earth sheltered building (ESB).
 2. Increased amount and re-configuration of the commercial space in the ESB.
 3. Revised layout of the EV charging spaces.
 4. Smaller central open space.
 5. Replacement of 11 no.2 bed lodges with no.1 bed lodges, plus one extra lodge.
 6. Larger no.2 bed lodges than as approved.
- The individual and cumulative effects of the amendments are considered to fall within the scope of a S73 application. This is because the changes would not fundamentally alter the character and nature of the approved development and do not conflict with the description of the development.
- The impacts of the amendments have been assessed on their merits and in the context of the conclusions of the Appeal Decision. The overall layout and character and appearance of the ESB and lodges are fundamentally similar. There are some minor positive changes but, overall, the development would become more urban and intense given the larger ESB (floorspace, footprint, height service yard area), larger no.2 bed lodges, an additional lodge, less central greenspace/planting and more hardstanding.
- The changes overall, however, would not be unduly discernible in immediate views outside of the site nor in distant views from Butser Hill to the extent that, on balance, they would significantly further impact the landscape, character and appearance and amenities of the area to justify refusing permission.
- In response to the loss of new meadow habitat, additional offsite biodiversity net gain (BNG) credits are proposed to be purchased as mitigation. This is considered to be acceptable, and these can be secured via a new Legal Agreement, hence the resolution to grant permission subject to its satisfactory completion.
- The application is before Members due to the planning history, the scale and nature of the approved development and the proposed amendments.

I. Site Description

- I.1 The site is located to the south of Petersfield and north-west of Buriton, within a surrounding landscape characterised by agricultural and pastoral land at the foot of the Downs. It is a 2.6ha field which has been used for horse grazing and has a vehicular access at the north-east corner. The A3 bounds its western side, the A3 slip road on its southern and eastern sides and the B2070 to the north. It is bordered by mature trees and hedging and slopes from north-west to south-east. There is an ephemeral watercourse alongside the south-east boundary.
- I.2 From within the site there are views of Butser Hill and the Queen Elizabeth Country Park (QECP). There are also views of the A3 through boundary vegetation and traffic is audible.

The site is also visible from Butser Hill, a designated Scheduled Monument, Special Area of Conservation (SAC), national nature reserve and Site of Special Scientific Interest (SSSI).

- 1.3 Butser Quarry to the south of the site is a locally designated Site of Importance for Nature Conservation (SINC). The nearest conservation area is within Buriton and there are no listed buildings in the immediate vicinity of the site. A pedestrian/cycle path runs alongside the A3 slip road which provides a link between Petersfield and the QECP.

2. Relevant Planning History

- 2.1 SDNP/21/06431/FUL: Change of use and redevelopment of the site to provide a recharge centre for electrically powered vehicles, with control and battery room and secure area for the delivery and storage of Biogas. Up to 60 eco-lodges (Use Class C1), and engineering work to create an earth sheltered block comprising up to 1,330m² of tunnel floor space for a flexible mix of uses within classes C1 and E(a)(b)(c). The formation of a two-way entrance off the B2070, the laying of a perimeter vehicular access road, with link roads, cycle tracks, and areas of hardstanding to provide up to 127 parking spaces. Engineering work for the purpose of landscaping and operations to install drainage infrastructure. **Refused by SDNPA Planning Committee 20.04.2022.**
- 2.2 Appeal of SDNP/21/06431/FUL allowed by The Planning Inspectorate on 29.03.2023 (Appeal Decision at **Appendix 2**). A summary of the Inspector's conclusions is below:
- Substantial weight given to benefits of EV charging; need for new tourist accommodation; renewable energy generation, efficiency and carbon neutral; and economic benefits.
 - Advantages arising in combating climate change.
 - Aforementioned benefits outweighed landscape harm, which was considered to be minor and localised.
 - The site is an island piece of land dominated by surrounding road infrastructure; a left over from A3 construction. Its specific characteristics divorced it from the surrounding landscape character.
 - Countryside location justified as wholly off-grid utilising biogas from local farms.
- 2.3 SDNP/23/05068/NMA: S96A application. Amendment to the description of development of Appeal Decision APP/Y9507/W/22/3308885. Approved 21.12.2023. (Officer note: This decision removed the cited 1,330sqm figure for commercial space within the description of development.)
- 2.4 SDNP/24/02012/DCOND: Discharge of conditions 35 (Archaeological Mitigation) and 36 (Archaeological Report) for Appeal APP/Y9507/W/22/3308885. Approved 10.06.2024.
- 2.5 SDNP/23/03821/DCOND: Discharge of conditions 34 (Archaeological WSI) and 37A (Contamination Preliminary Risk Assessment) relating to planning appeal decision APP/9507/W/22/3308885. Partial discharge 20.12.2023.

3. Proposal

- 3.1 The application has been made under S73 of the Town and Country Planning Act 1990 (as amended) to vary the following listed planning conditions from the Appeal Decision (**Appendix 2**). The variation of these conditions relates to amending the approved plans cited within them to facilitate the proposed changes described below.

Existing conditions subject of this application

- 2 – To be built in accordance with the approved plans
- 3 – Confirms the location and uses within the ESB.
- 4 - Location of electric vehicle sales within the ESB.
- 6 - Farm shop to only be stocked with a majority of good produced within the national park and its location in the ESB.

14 – Sets out the different power outputs for EV charging spaces.

- 33 - Parking and access arrangements to be laid out in accordance with approved plans.

3.2 The proposed amendments to the approved plans are:

Layout:

- Re-configuration of EV parking spaces around and in front of the earth sheltered building (ESB) and associated landscaping.
- Smaller area of central green space – 22% size reduction (from 3216sqm to 2447sqm) and loss of meadow habitat due to new amenity grassed areas.
- Re-configuration of hard surfacing areas including pedestrian/cycle paths; a new fire access route (increasing the amount of central hardstanding); new seating areas.
- One additional lodge within a row of lodges (now totalling 45).
- Replacement of 11 no.2 bed lodges with no.1 bed units. Scheme now involves 11 no.1 bed, and 34 no.2 bed lodges (previously 44 no.2 bed units).
- Larger turning area and service space adjacent to the ESB to facilitate the delivery of biogas by larger heavy goods vehicles (HGVs).
- Re-configuration of e-bike parking spaces.

Earth Sheltered Building

Externally

- Roof height increased by 1m and a less undulating design. Due to design changes, including a lower acoustic screen on top of the building, it would not exceed the overall height of the permitted building.
- Re-configuration and re-sizing of the battery storage, biogas delivery/safety area at the south western end of the building, including external changes to doors and fenestration.
- Larger gas loading dock to fit 2x 40ft biogas containers – one to power CHP and another to be swapped by deliveries/collections.
- Simplified footprint which involves a more rectangular/straight building lines for main commercial areas. This results in a larger footprint (from 3738sqm to 3955sqm).
- Amendments to appearance of semi-circular window openings, with less projection out from the main wall of the building and new timber cladding.
- A more curved footprint at its northern end.
- Relocated hotel accommodation within the ESB and amended design to frontages.

Internally

- Three new mezzanine floors for commercial use. These involve retail, lounge, spa/treatment rooms.
- Overall commercial area increased from 1330sqm to 1619sqm
- Re-configuration of the ground floor layout to accommodate the farm shop, café, restaurant, cycle shop, and hotel accommodation. The EV car sales area would move from the central section to the northern part. Overall, a more open plan commercial floor space would be created.
- One less hotel room. Mix also changed from 16 no.1 beds, to 9 no.1 bed units and 6 no. 2 bed units.
- Larger EV car sales space.
- Biogas utility area increased from 325sqm to 521sqm.

- Total Gross internal area increased from 1958sqm to 2614sqm.
- Additional 33 E-bike parking bays with integrated battery charging facilities; increases from 173 to 192 spaces.

Detached Lodges

- 11 No.1 bed lodges introduced.
- Larger no.2 bed lodges: Width increases from 4.2m to 4.8m and length increases from 10.4m to 12m; plus new mezzanine floors.
- Larger extent of solar panels on no.2 bed lodges (from 24 to 30). Increases overall annual energy production by 4%.
- Overall, total amount of lodge floorspace increased from 1661sqm to 2062sqm.

EV charging provision (condition 14)

3.3 The number of EV parking bays across the site remains the same (127). The difference proposed is 2 fast charging spaces would be replaced with 2 slow charging spaces in the main EV re-charging car park area. Overall, the re-configuration would be as follows:

EV charging spaces	Approved	Proposed	Difference
Slow (7KWh)	91	93	+2
Medium (50KWh)	24	24	0
Fast (50KWh-150KWh)	12	10	-2

Sustainability

- 3.4 The off-grid technology is still proposed, utilising CHP power that would be fuelled by biogas. These requirements are set out in conditions 10-14 of the Appeal Decision (**Appendix 2**) and are unaffected by the current proposals. Gas and electricity substations are shown on the amended plans, however, this is for back up services.
- 3.5 Larger deliveries of biogas, via 40ft articulated lorries, every other day are now proposed. This alters the previously stated arrangements of daily tractor with trailer deliveries, up to 3 times a day. Condition 13 still requires that biogas is sourced from within the National Park.

4. Consultations

4.1 Responses received from consultees are summarised below.

4.2 **Arboriculture:** No objection.

4.3 **Buriton Parish Council:** Objection.

- Green credentials of the site appearing to reduce; clarification of whether scheme remains off-grid required; discharge of conditions should not follow this trend.
- Mezzanine floors unacceptable; increases commercial area by 22%.
- Reduction in meadow area by 22% unacceptable; leaves slim strip of chalk grassland, reduces biodiversity net gain and an unnatural appearance in views.
- Would create a more significant out of town retail and leisure area; increased activity to/from the site with associated highway safety concerns.
- Further impact on local businesses from retail and café/restaurant proposals, including 2 pubs in Buriton which are designated assets of community value.

- Addition of health spa/rooms changing the nature of the scheme, with consequent traffic, and is not permitted under approved uses. Material change merits a new application.
- Conference rooms beyond permitted scheme.
- Larger lodges include additional roof lights and larger windows; significant changes whereby low transmittance glass plus black out blinds required.
- Implications for larger solar panels from visibility and glare.
- Hot tubs significant addition; question energy and water use and chemical disposal.
- Question where the biogas will be sourced from.
- 40ft vehicles delivering bottled gas required every other day needs to be assessed.
- Support the Environment Agency and Lead Local Flood Authority views that an appropriate drainage strategy, supported by ground testing/monitoring and management plan, required; situation must not be made worse by amended proposals.

4.4 **Environment Agency:** No response.

4.5 **Environmental Health (pollution):** No objection, subject to conditions. (Officer note – conditions proposed not previously included in the Appeal Decision.)

4.6 **Environmental Health (contamination):** Comments.

- Considerable soil movement required; potential for harm to human occupation.
- A Phase II ground investigation necessary to confirm ground conditions present. (Officer note: this issue is to be addressed separately via an application to discharge condition 19.)

4.7 **Design:** Comments.

- Raising ESB roof by 1m will make it more visually impactful when viewed from the A3 but not significant; overall height remains the same when factoring in acoustic screen.
- ESB large arched windows no longer set back from main façade, but recessed glazing means no significant change regarding light pollution.
- Loss of meadow a retrograde step and intensify the character of the rural location.
- Proportion of meadow to hard surfacing and buildings significantly reduced; already a very intense development and loss of meadow will further intensify the character of this rurally located development.
- Although lodge designs have not changed markedly, their increased size and reduced gaps between them will further intensify the development; however, visual impact from outside of the site unlikely to be significantly affected when compared with the approved scheme.
- Increased area of PV to account for extra heat demand of enlarged lodges.
- Provision of hot tubs is not a sustainable change, even if powered by solar PV; visual impact of more PV cannot be justified for these luxury items.
- Need to confirm that all sustainability conditions (10-14) will still apply.
- Overall, although design changes are largely negative, unlikely to have significant visual impacts when compared with the approved scheme.
- Reduction in meadow and hot tubs makes the proposed variations unsupportable.

4.8 **Drainage:** Comments.

- Drainage related conditions do not form part of this application. However, the drainage strategy report submitted not based on site infiltration investigations and ground water monitoring, which is unacceptable. Management Plan for site drainage required.

4.9 **Ecology:** Comments.

- Results in a reduced area of habitat planting. Recommend permission is not granted until an Ecological Statement that makes the necessary comparison between approved and proposed to detail the implications on protected species, habitats and biodiversity net loss/gain.

4.10 **Landscape:** Comments.

- Poor design of central landscaped area - loss of grassland habitat, its fragmentation and tree planting would further reduce success.
- More hardstanding introduced and poor-quality materials and features (e.g. zebra crossings, speed table, decking) suburbanise the development.
- Inconsistencies exist between submitted drawings – e.g. landscaping and drainage, acoustic barrier details, land management, tree loss and replanting.

4.11 **Sustainable Business Lead (SDNPA):** Support.

- Off-grid resilience via biogas and solar PV supported.
- Larger lodges an acceptably small impact in a large scheme and supports Priority 4 of the SDNPA Economic Profile.
- Mezzanine space in lodges increases capacity, which is positive (albeit doesn't increase provision for accessible users).
- Simplification of internal cycling routes has little impact.
- Provision of 33 additional e-bike spaces for parking/charging supported.
- From economic perspective, greater variety and depth of accommodation proposed.
- Potential for supporting/encouraging sustainable transport and renewables is positive; proposed amendments largely add to this and safeguard the off-grid resilience of the site.
- Justification for reduced meadow unclear, query whether increased BNG needed.
- Query the accessibility of the lodges – proposals include ramps but query whether larger size allow for better wheelchair accessibility (eg bathroom door widths).
- 20% reduction in meadow space and potential for improved accessibility in no.2 bed lodge design should be considered further.

4.12 **Highways:** No objection, subject to the final approval of the access arrangements (to be agreed via S278 process).

4.13 **Lead Flood Authority:** Comments.

- Proposals do not appear to directly relate to the surface water drainage strategy, which is to be dealt with under condition 22.

4.14 **National Highways:** No objection. Queries raised in respect to future discharge of conditions matters (Officer note: these queries relate to design details, ground conditions, drainage, to be addressed in conditions separate to this application.)

4.15 **Southern Water:** No objection.

5. Representations

5.1 8 objections have been received, which raise the following:

Principle

- Out of keeping with National Park objectives.
- Will detract from the area; amendments do not make the development any more acceptable.
- Not a green solution; no respect for the environment.

- Financial gain to detriment of the countryside.
- Unviable development; consent not a means to future re-development, either for poorly located housing or industrial premises.
- EV charging in this location not well thought out; better sites elsewhere.
- Poor destination for holiday makers; site is a traffic island with consequent poor amenity and no easy access for walking.
- Poor appeal decision and proposals go beyond the approved scheme.
- Essentially a hotel and shopping centre; impact on local businesses.
- Government policy on electric vehicles has changed.
- If biogas not viable, connection to the National Grid likely.
- Proposals do not address traffic, road safety, flooding, light pollution.

Landscape and design

- Amendments highlight crowded nature of the development, at odds with the area.
- Impact on dark night skies.
- Height of earth sheltered building.
- Lodges are 'box like' and poor layout; different to approval and appears as housing.
- Increased battery storage and fire risk.
- Restaurant not in original plans; will cause more environmental harm (litter, noise).
- Increased solar panel glare.
- Hot tubs would likely require additional illumination.
- Any offsite parking a concern.

Ecology

- Proximity to Butser Hill designations.

Highways

- Increased traffic.
- Highway safety – short A3 slip roads; further assessment on traffic and risks needed.
- Road changes will make traffic worse.
- Cyclists will not be able to access/egress safely.
- Safety between articulated HGV deliveries, pedestrians and cyclists.
- Construction traffic needs to be managed.
- Already HGV traffic from the neighbouring quarry.

Drainage

- Insufficient drainage and flood risk: flooding caused by site run-off to A3 underpass.
- Flood risk downstream from surface water feeding into Criddell Stream and River Rother.

Amenity

- More traffic, noise and light pollution.
- Increased HGV traffic.

6. Planning Policy

6.1 Most relevant polices of the adopted South Downs Local Plan (2019) (a longer list of other relevant policies can be found in Appendix I)

- SD2: Ecosystems Services
- SD4: Landscape character
- SD5: Design
- SD9: Biodiversity and geodiversity
- SD23: Sustainable tourism

6.2 Relevant supplementary planning documents (SPD) and other guidance

- Design SPD (2022)
- Sustainable Construction SPD (2020)
- Parking for Residential and Non-Residential Development SPD (2021)
- Biodiversity Net Gain Technical Advice Note (TAN)
- Ecosystems Services TAN

6.3 Most relevant sections of the National Planning Policy Framework (NPPF) 2023

- Section 6: Building a strong, competitive economy
- Section 9: Promoting sustainable transport
- Section 12: Achieving well designed and beautiful places
- Section 15: Conserving and enhancing the natural environment

6.4 Most relevant policies of the South Downs Management Plan (2020-2025)

- Policy 1 – Conserve and enhance landscape
- Policy 40 – Integrate the highway network and infrastructure into the landscape
- Policy 43 - Support new recreation and tourism
- Policy 55 – promote diversified economic activity

7. Planning Assessment

7.1 The application has been made under S73 of the Town and Country Planning Act 1990 (as amended) to vary the following planning conditions cited in the Appeal Decision, in order to propose the amendments described in section 3. Although there is limited written justification for the amendments, they have been sufficiently assessed through the consideration of the revised plans.

7.2 As above (paragraph 3.1), the subject conditions are listed below. They are interrelated insofar as they all cite plans which are proposed to be amended.

Varied conditions

- 2 – To be built in accordance with the approved plans
- 3 – Confirms the location and uses within the ESB.
- 4 - Location of electric vehicle sales within the ESB.
- 6 - Farm shop to only be stocked with a majority of good produced within the national park and its location in the ESB.
- 14 - Sets out the different power outputs for EV charging spaces.
- 33 - Parking and access arrangements to be laid out in accordance with approved plans.

Background and scope of S73 applications

- 7.3 S73 grants Local Planning Authorities the power to make changes to planning conditions on extant Planning Permissions. The scope for determining a S73 application is focussed only on the condition(s) in question and how varying and/or removing these may materially affect a Permission.
- 7.4 Under S73, there is no statutory definition or defined limit on permissible amendments to a Permission. Caselaw on S73 decisions in recent years has determined that the scope of these applications is not limited to minor material amendments and more significant changes can be sought. This is on the proviso that changes do not fundamentally alter the nature of the development or conflict with the description of development.
- 7.5 It is, therefore, a matter of judgement on whether the proposed amendments constitute a fundamental alteration to the original Permission, to the extent that a new planning application would be required.
- 7.6 In this instance, the amendments individually vary in significance and relate to the main facets of the development. When considered as a whole, in the context of the scale and nature of the development and impacts, they are not of a significant extent that Officers consider a new planning application is required. This is because the changes do not fundamentally alter the nature of the scheme in terms of its uses, the physical development, its immediate and wider impact, and that they do not conflict with the description of development. Within this context, the acceptability of the changes are addressed below.

Proposed Layout

- 7.7 The main principles of the layout, summarised below, fundamentally would not significantly change.
 - 1. Location of the main access.
 - 2. The internal road layout.
 - 3. Location of the EV charging area, with spaces laid out either side of the road.
 - 4. A central area of green space plus hard landscaped seating areas and paths.
 - 5. Two regimented rows of lodges and their orientation.
 - 6. The location of the CHP unit, its service area and roundabout.
 - 7. The ESB would be in the same location, orientation and its footprint (whilst changes are proposed) would be similar to the Permission.
 - 8. Pedestrian routes through the site.
- 7.8 Amendments to these aspects are addressed in turn below (starting with no.3, as the location of the access is unchanged and there are minor changes to the internal road associated with the amendments addressed below).

3. The EV parking area

- 7.9 The changes are partly due to the need to create a safety cordon for the CHP unit, biogas and battery storage areas. As a result, a more compact parking layout is proposed to accommodate the same number of parking spaces. This involves both lengthening and shortening the previously designed rows of parking and re-designing the landscaping. New tandem spaces alongside the ESB are also proposed.
- 7.10 The key considerations are that the revised parking layout would maintain the overall number of spaces and be consistent with the character and appearance of the public realm that was approved. A proposed curved row of spaces in the north-west corner of the site would better frame the internal road and allow for more planting next to the boundary with the A3 and sets parking back from existing trees, which is a positive change and supported.

4. The central space

- 7.11 Turning to the central area of greenspace, its reduced size is an unfortunate change. This is primarily caused by a new surfaced route for fire appliances and that the adjacent row of lodges has been brought further into this space, as a consequence of making space for larger units. The smaller amount of green space would also change from wholly meadow to amenity grassed areas encircling this habitat. The meadow would also be more fragmented as a result.
- 7.12 Consequently, these changes would create a more urban and intensively planned and managed character and appearance to the central area than approved. Consultee and representations have raised concerns in this regard. This space is, however, enclosed by the ESB and the densely laid out lodges. In this context, a more urban character to this central area would not be incongruous within the character of the development and anticipated level of activity. From outside of the site, the central area would not be visually prominent in either immediate views or from Butser Hill, whereby further urbanisation in this central area would significantly detract from the rural character of the area.
- 7.13 As mitigation for the reduced meadow habitat, the Applicant is willing to purchase additional off site BNG credits, which would be secured via a new Legal Agreement. This additional contribution would go towards arguably more meaningful BNG than the central greenspace could perhaps have ever achieved. Furthermore, in response to the concerns of the ecologist, there is already a programme for translocating slow worms from the site and in this respect reduced meadow habitat and impact upon this protected species is not a significant issue to justify refusal of the application. For these and aforementioned reasons, on balance, the amendments are acceptable.

5. Layout of the lodges

- 7.14 The two rows of lodges would broadly cover the same area as approved, apart from encroaching into the central open space. The variety of 1 and 2 bed lodges is positive by providing some variety to the street scene of the internal road, compared with two rows of homogenous no.2 beds in the approved scheme. These smaller units do, however, appear to be a design response for the loss of available space caused by larger no.2 bed lodges and amendments to the ESB footprint. They do not mitigate for a more intensive built form due to the 1 additional lodge, larger no.2 bed lodges, larger areas of solar panels and smaller greenspace.
- 7.15 However, the amended layout of lodges would not be readily discernible in immediate views from outside of the site and distant views from Butser Hill. The increase in solar panels would also not be discernible from Butser Hill either. On site, the changes would not fundamentally alter the approved layout of two regimented rows of lodges. For these reasons and given that the approved scheme is an intense development the amendments do not cause the scheme to become significantly more intense to warrant a refusal of the application.
- 7.16 Revised plans have also been received which remove the proposed hot tubs adjacent to lodges, which is a positive change to address consultee feedback and representations.

6. Changes to the CHP service area

- 7.17 The changes to the biogas delivery area have been made in response to the type of HGVs (40ft) delivering biogas and the safety requirements regarding its storage and also battery storage. The alterations to the road layout, circulation and turning space would not fundamentally change the character and appearance of this part of the scheme nor be discernible from outside of the site. For these reasons, this aspect of the revised plans is acceptable.

7. Layout of the ESB

- 7.18 Its overall position in the scheme remains unchanged. Its re-configured footprint around the CHP unit service area is not a significant issue because of the scale and appearance of

the changes. Its straighter building lines facing onto the EV charging and central space do not cause significant issues within the layout. A new curved element at its north-eastern end is an improvement insofar as it would better frame the central open space and improve pedestrian accessibility onto the roof top walkway.

8. Pedestrian routes

- 7.19 The pedestrian routes around the whole site are broadly similar. There is one less path through the central green space which is positive. A path along the south-east site boundary has been removed in favour of various contained seating areas along this boundary, which would be accessible through the rows of lodges. This change is arguably immaterial to the scheme as a whole and less surfacing here is a positive change and acceptable.

Summary on the layout

- 7.20 Overall, the revisions would not fundamentally alter the overall layout. In the context of the approved scheme, the amendments would not significantly further impact upon the surrounding rural character and appearance of the area nor the elevated views from Butser Hill regarding immediate and wider views of the site. Whilst the reduction in greenspace and loss of meadow area would result in a more intensive built form of development, a reasonable level of amenity on site for either short or longer overnight visitors would be maintained and the loss of BNG is satisfactorily mitigated through the additional purchase of offsite BNG credits.

The ESB - Re-configuration of internal uses

- 7.21 The proposals involve a reconfiguration of the internal layout and increases in commercial floorspace. These increases are a result of changes to the footprint to create straighter building lines and more open plan. Three mezzanines are also proposed which increase the floor space.
- 7.22 These changes would not significantly affect the scale and nature of the uses, restricted to retail (including EV sales) and café/restaurant - all within Use class E, to the extent that they would materially cause further impact upon the character and appearance of the area, landscape character and surrounding amenities.
- 7.23 Third party representations have raised concern about the revised floorspace, however, the scheme fundamentally does not alter its relationship with surrounding uses and public houses have a different offering in comparison. The loss of one hotel unit within the ESB also balances out the additional no.1 bed lodge. Overall, the proposed changes are acceptable.

The ESB- Revised elevations

- 7.24 The internal amendments have resulted in external changes to the ESB, including its height. A significant change is a less undulating and higher roof, combined with a lower height acoustic screen on top. It would remain as a grassed roof. The shallower undulations would improve the accessibility of the roof top pedestrian route, which is positive in this regard. Whilst the overall height of the building (including acoustic screen) would be slightly lower than the approved scheme, raising its walls by c.1m plus the relatively more level roof would add additional mass and bulk to the building.
- 7.25 Its distinctive character of the large semi-circular openings would, however, be retained. The scale, design and number of these glazed openings would sufficiently visually reduce the overall bulk and massing. Importantly, the planted walls and roof of the building also would visually soften its scale, bulk and massing.
- 7.26 Whilst the semi-circular openings would no longer project out as far from the main parts of the building, they would remain a prominent feature and the revisions would not detract from the approved scheme. The glazing would still be recessed which is positive in reducing light pollution, which addresses consultee advice and objections. Also, the proposed timber cladding around the openings would add a new material which articulates these openings reasonably well.

- 7.27 The re-positioning of some of the openings does not largely affect the overall character of the building. Re-designed frontages of the accommodation units embedded within the building would have a more urban and prominent appearance in comparison to the approved design, but they would not be unduly harmful to the overall character of the building. The re-designed frontages would also be wholly timber which is consistent with the approved scheme.
- 7.28 The building's visual prominence when passing along the A3 would increase. However, for the reasons above and consultee advice, this would not be significantly harmful to the character and appearance of the surrounding immediate and wider landscape to justify refusing the application. Furthermore, boundary trees along the A3 would be retained and supplemented which would help to filter immediate views of the site from the A3, for the short duration when passing. These changes to the building are also unlikely to significantly impact views from Butser Hill as they are unlikely to be discernible.

Amendments to the lodge design

- 7.29 The no.2 bed lodges would have the same character and appearance of the approved units. Their heights remain unchanged. Their larger footprints would not have an overly discernible visual impact upon immediate views from outside of the site, given the oblique views of the lodges when passing, which would also be filtered by boundary vegetation.
- 7.30 Furthermore, the larger footprints and increases in solar panels would not be readily apparent in views from Butser, including any further potential for sunlight glinting off the panels (which would be sought to be minimised via condition 9). The newly introduced no.1 bed lodges follow the design of the approved lodges and, therefore, have an acceptable character and appearance.

Highways

- 7.31 The minor change in the capacity of EV chargers (see paragraph 3.5) would not have a significant material difference in vehicular traffic. The submitted information details a small decrease in trips during mornings and evenings due to the difference in turnover of these charging spaces. This is unlikely to be discernible within the overall anticipated traffic movements overall.
- 7.32 The submitted information also details that the introduction of no.1 bed lodges is unlikely to cause any discernible difference in traffic, given a wholly no.2 bed lodge scheme (approval) likely would attract one visitor/family at a time. This view is supported. Regarding the overall anticipated traffic movements from EV charging and overnight visitors, the Highways Authority and National Highways raise no objection. They similarly raise no objection concerning minor increase in traffic from the reconfiguration of the commercial uses within the ESB.
- 7.33 The proposals involve larger 40ft tankers visiting the site to deliver biogas fuel every other day. These may visit the site once a day as worst case depending on energy usage. The submitted information details that these deliveries would be less than the approved scheme, which outlined 3 tractor with trailer deliveries a day. The Highways Authority and National highways raise no objection on highway safety grounds. It is noteworthy to highlight that condition 13 still applies which requires biogas to be sourced from within the National Park.
- 7.34 Regarding any impacts upon surrounding amenities, the changes in traffic from the amendments is minor and unlikely to be significantly discernible compared to the approved scheme. The site is sited at a junction for both carriageways of the A3 whereby visitors and delivery/servicing vehicles are likely to use these arterial routes. Furthermore, condition 31 requires details of a Delivery Management Plan to be agreed which can consider any impacts in further detail.

Neighbouring amenities

- 7.35 The scale and nature of the proposals would not have a material significant impact upon surrounding private amenities of the nearest neighbours or public rights of way beyond the approved development. Third party objections include concerns about additional noise and

litter from the café/restaurant uses, however, this could be sufficiently managed through the operation of the development.

Drainage

- 7.36 The drainage consultees have raised concerns. Drainage matters, however are not subject to this application and applications(s) to discharge foul and surface water drainage related conditions have not yet been submitted. It is incumbent upon the Applicant to address these conditions separately to this current application.

8. Conclusion

- 8.1 Overall, the proposed amendments fall within the scope of a S73 application due to their overall nature, scale and design. There are some minor positive changes to the scheme, but these do not mitigate for the concerns raised about the more, overall, urban form of development created by the more significant changes in comparison. A notable example of this is the reduced central greenspace. The purchase of further offsite credits is, however, a positive step by the Applicant to mitigate for the reduction in habitat.
- 8.2 The changes, as a whole are not considered to be so extensive to materially cause further significant landscape impact beyond the approved development, to justify a refusal of Permission.
- 8.3 Whilst officers previously contended that the appeal scheme did not accord with landscape and design related policies and the Local Plan as a whole, the Inspector reasoned that this was not the case and found no conflict with these policies and the NPPF in the planning balance. The Inspector's conclusions have had a bearing, as a material consideration of significant weight in this application, upon the recommendation regarding how the proposed changes accord with the Local Plan, given they do not fundamentally alter the overall nature and character of the development. There are no further material considerations of sufficient weight which would justify refusing permission.
- 8.4 The NPPF outlines overarching economic, social and environmental objectives to sustainable development. The Inspector gave significant weight to the economic and social benefits and wider environmental benefits (eg, tackling climate change), which outweighed the landscape impact which he considered was minor and localised. The proposed changes would not undermine the Inspector's conclusions in the planning balance in these respects.
- 8.5 In the event of this Planning Permission being granted, the other conditions attached to the Appeal Decision would be reproduced and are required to be complied with.
- 8.6 Having taken into account consultee responses, representations, impacts upon the landscape and its special qualities, the character and appearance of the area and the effect of the changes upon the approved development, the application is recommended for approval. This recommendation is subject to the completion of a Legal Agreement to secure further off site BNG credits, to be delegated to the Director of Planning and the planning conditions below.

9. Reason for Recommendation

- 9.1 It is recommended that:
- l) That authority be delegated to the Director of Planning to grant planning permission subject to the satisfactory completion of:
 - i) A S106 Legal Agreement, the final form of which is delegated to the Director of Planning, to secure:
 - Off site biodiversity net gain credits
 - ii) The conditions set out in paragraph 9.2 of the report and any amendments or other conditions required to address biodiversity net gain credits, as necessary.
 - i) That authority be delegated to the Director of Planning to refuse Planning Permission, with appropriate reasons, if matters relating to surface water drainage and water neutrality have not been resolved, or the legal agreement is not completed, or

insufficient progress made, within six months of the 11 July 2024 Planning Committee meeting.

9.2 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:

- 369_P_00 REV D – Site Location Plan
- 369_P_301 REV S – Proposed Masterplan
- 369_P_302 REV W – Site Layout Plan
- 369_P_307 REV D – Site Elevations
- 369_P_412 – 1 bed Eco Lodges (Elevations)
- 369_P_415 REV D – 2 bed Eco Lodges (Type A – Floor and Roof plans)
- 369_P_416 REV E – 2 bed Eco Lodges (Type B – Floor and Roof plans)
- 369_P_417 REV D - 2 bed Eco Lodges (Type A – Elevations)
- 369_P_419 REV C – 1 bed Eco Lodges (Floor and Roof plans)
- 369_P_421 REV L – Earth Sheltered Building (Plan and Section)
- 369_P_431 REV A – Gas Safe Area (Plan and Section)
- 369_P_432 REV B – Earth Sheltered Building (Gas Safe Area- Sections)
- 369_P_440 REV A – 2 bed Eco Lodge (Masterplan Type A)
- 369_P_441 REV A – 2 bed Eco Lodge (Masterplan Type B)
- 369_P_442 REV C – 1 bed Eco Lodges (Masterplan Type B)
- 369_P_443 REV B – 2 bed Eco Lodges (Masterplan Type B)
- 369_P_444 REV C – 1 bed eco lodge (Masterplan)
- 369_P_501 REV B – Site Layout M&E plan
- 369_P_609 REV D – Earth Sheltered Building 4 – (Floor Plan and Sections)
- 369_P_611 REV C – Earth Sheltered Building (Big Vault 1)
- 369_P_612 REV C – Earth Sheltered Building (Big Vault 2)
- 369_P_613 REV C - Earth Sheltered Building (Big Vault 3)
- 369_P_614 REV C – Earth Sheltered Building (Construction Details)
- 369_P_615 REV B – Earth Sheltered Building (Wall Details)
- 369_P_616 REV C – Earth Sheltered Building (Vault Sections)
- 369_P_617 REV B - Earth Sheltered Building (Roof and Foundations Details)
- 369_P_618 REV B - Earth Sheltered Building (East Elevation)
- 369_P_619 - Earth Sheltered Building (West Elevation)
- ITL15608-GA-001 REV H – Proposed Site Access Arrangement
- ITL15608-GA-003 REV G – Swept Path Analysis
- ITL15608-GA-004 REV G - Swept Path Analysis (Fire Appliance)

ITL15608-GA-005 REV F – Swept Path Analysis (Large Mini-bus)

ITL15608-GA-006 REV F – Swept Path Analysis (10m Rigid Vehicle)

ITL15608-GA-015 REV A – Swept path analysis (Articulated Vehicle)

ITL15608-GA-016 – Swept Path Analysis (Articulated Vehicle and Estate Car)

Reason: For the avoidance of doubt and in the interests of proper planning.

Uses

3. The floorspace of the farm shop, café and cycle shop hereby approved shall only be used for purposes within Use Class E(a) or E(b) (Commercial, business and service use) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes within Class E, or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification; The areas associated with these uses shall accord in full with Plan 369_P_421 L.

Reason: To clarify the terms of the permission.

4. The electric vehicles sales area hereby approved shall only operate within the area identified on Site Plan 369_P_421_L.

Reason: To clarify the terms of the permission.

5. The uses pursuant to conditions 3 and 4 shall only be open for trading between 06:00-22:00 on any given day.

Reason: To clarify the terms of the permission.

6. The farm shop (area marked '10' on approved Site Plan 369_P_421_L shall only be stocked with a majority of goods produced within the National Park. For the avoidance of doubt, the farm shop is not an unrestricted E(a) or E(b) Use Class in the Use Classes Order 1987 (as amended).

Reason: To ensure the farm shop does not result in an un-restricted retail use which is not related to the local economy.

7. The lodges/pods hereby approved shall not be used at any time for any purpose other than as holiday and/or short stay accommodation. The lodges shall not be used as permanent residential accommodation or for any other purpose in Use Class C3 (dwelling houses) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: This development in the countryside, outside of any identified settlement, is only acceptable as holiday/short stay accommodation for reasons of sustainable travel.

8. The accommodation hereby approved shall not be occupied by person(s), their dependants, or group for a period of more than 28 consecutive days. A register of the occupancy of the accommodation shall be maintained and kept up-to-date by the operator of the units, and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). It shall record the names and addresses of all visitors and their arrival and departures dates.

Reason: This development is only acceptable as holiday accommodation and for use by short term visitors to the area.

9. No development shall commence until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used on the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. These details shall include, but not be limited to, the materials for walls (including locally sourced timber), roofs, windows (including glazing, head, cill and window reveal details), doors, eaves, porches, and rainwater goods. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To ensure a suitable appearance and to protect the character and appearance of the area.

10. No development shall commence until detailed information in a Design Stage Sustainable Construction Report for the commercial building as a whole is submitted to and approved in writing by the Local Planning Authority. The report shall include:

- 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 Materials Report; and
- vi) Building design details.

The report shall demonstrate that the development will achieve BREEAM NC “Excellent” standard and, as part of the above, achieve the following specific BREEAM NC credits:

For net zero carbon operational energy, all 9 ENE01 performance credits and at least 2 Ene01 exemplary performance credits

- At least half the Material credits.
- All 5 credits in Wat01.
- At least half of the remaining Water credits
- At least three of the credits in Wst01
- The Wst02 credit
- The Wst03 credit
- The Tra01 credit
- At least one of the two available flood resilience credits in Pol03
- Two SuDS credits in Pol03
- Four out of nine of the mandatory credits in Ene01.
- The Ene04 credit.
- The Wst03 and Wst05 credits.
- All the LE02, LE03, LE04, LE05 credits
- At least half of the Health and Wellbeing credits and
- Minimum 95% of site waste diverted from landfill
- Implementation of green roof on commercial building
- For all timber products, the use of certified “Grown in Britain” timber where possible, and where not possible, FSC or PEFC certified.

Reason: To ensure the development demonstrates a high level of sustainable performance to address the mitigation of, and adaptation to, predicted climate change, in accordance with policy SD48.

11. Within 3 months of the occupation of the development, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in full accordance with all the requirements of the details pursuant to 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, BREEAM NC certification and associated assessment report with post construction SBEM calculations.

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

12. The detached lodges hereby approved shall be carbon neutral in energy performance (for regulated and unregulated energy) through their construction, which shall be demonstrated through a method statement to be submitted to and approved in writing by the Local Planning Authority. The Statement shall detail the means of construction, energy and water efficiency, use of materials (including locally sourced timber), construction and operational waste, details of the Solar PV panels and glazing specifications. The lodges shall thereafter be constructed in full accordance with the agreed details.

Reason: To ensure a highly sustainable form of development in accordance with Policies SD3 and SD48.

13. The development hereby approved shall incorporate and utilise a fully installed off-grid Combined Heat and Power system, in accordance with the approved plans, to be fuelled by biogas sourced from within the National Park and battery and solar PV attached to the 45 detached lodges. Once installed, the approved power generation shall be operated and maintained in perpetuity. Only in exceptional circumstances shall the development rely on power from the National Grid.

Reason: To achieve a highly sustainable development, in accordance with the terms of the application proposals.

14. The electric vehicle charging spaces shall be provided in full accordance with approved plan 369_P_302 W and shall comprise the following charging capacity:

- 91 chargers of up to 7KWh (including the chargers for the lodges) (slow)
- 24 chargers of 11-22KWh (medium); and
- 12 chargers of 50-150KWh (fast)

The electric vehicle charging points shall, thereafter, be maintained and retained unless otherwise agreed by the Local Planning Authority.

Reason: To accord with the terms of the application and provide a range of charging options commensurate with the proposals.

15. No development shall commence until details of site levels and longitudinal and latitudinal sections through the site have been submitted to and approved in writing by the Local Planning Authority. These shall show how the buildings and public realm are proposed to be set into the topography of the site, in comparison to existing levels. These details shall also show how spoil from excavations is intended to be used on site, including in the creation of the public open space. The development shall, thereafter, be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory development which responds to the characteristics of the site.

16. No development shall commence until a Soil Resource Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following details, in accordance with the DEFRA Code of Practice for the Sustainable Use of Soils on Construction Sites:

- Existing soil survey;
- Method of stripping existing soils on site and the method of exporting soils;
- Sustainable sourcing of soils to be imported onto the site for the construction of the development.

Reason: To conserve and enhance soils and ensure the appropriate use of soils to ensure the successful creation of chalk grassland within the open space and on the commercial building for the long term, in accordance with policies SD2 and SD9.

17. No development shall be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CEMP shall be fully implemented and adhered to throughout the entire construction period. The CEMP shall provide details as appropriate but not be restricted to the following matters:
- a. The anticipated number, frequency and types of vehicles used during construction and routing of vehicles;
 - b. How deliveries would be managed in terms of vehicles entering and leaving the site and timings;
 - c. The method of access and routing of vehicles during construction;
 - d. The parking of vehicles by site operatives and visitors;
 - e. The loading and unloading areas of plant, materials and waste;
 - f. Measures to control surface water run off;
 - g. Construction timings to avoid disturbance of protected species;
 - h. Dust suppression, mitigation and avoidance measures;
 - i. Noise reduction measures;
 - j. Details of site monitoring and logging of results;
 - k. Hours of operation during construction;
 - l. The storage of plant and materials used in the construction of the development;
 - m. The erection and maintenance of security hoarding;
 - n. The provision of wheel washing facilities; and
 - o. A scheme for recycling/disposing of waste resulting from construction works.
 - p. Construction lighting and its operation.
 - q. A programme of and phasing of demolition (if any) and construction work;
 - r. The arrangements for deliveries associated with all construction works;
 - s. Methods and phasing of construction works;
 - t. Access and egress for plant and machinery;
 - u. Location of temporary site buildings, compounds, construction material, and plant storage areas.

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

Reason: In the interests of highway safety, the amenities of the area and managing the environmental considerations during the construction phase.

18. Prior to the commencement of development, a detailed phasing plan for the completion of the development, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be implemented in accordance with the agreed details.

Reason: To ensure timely delivery of all parts of the development, including aspects of mitigation and enhancements.

19. Prior to the commencement of the development, geotechnical submissions relevant to the construction of the development shall be submitted to and approved in writing by

the Local Planning Authority. The development shall, thereafter, be implemented in full accordance with the agreed details.

Reason: To ensure that the A3 continues to be an effective part of the national system of routes for through traffic and in the interests of road safety.

20. Piling or other deep foundation works using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

Reason: Piling or deep foundation, has the potential to mobilise contamination (if present) from the shallow soils into the chalk/upper greensand bedrock, and increase the potential of mobilisation/migration to the underlying chalk aquifer.

21. No development shall be commenced until full details of the proposed connection to the sewerage mains system and its maintenance and management arrangements have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in full accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed in full. The foul drainage connection and system shall be maintained as approved thereafter.

Reason: To ensure a satisfactory drainage scheme for the development

22. No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: 19832-HYD-XX-XX-RP-FR-0001, has been submitted to and approved in writing by the Local Planning Authority. The design shall include a detailed drainage layout plan, full construction details, run-off calculations for the peak event and:

- a. Infiltration testing in accordance with the BRE365 (2016 methodology), and a groundwater assessment.
- b. Infiltration testing should be carried out at a depth and location commensurate with the proposed infiltration features. The groundwater assessment should demonstrate that there will be at least 1m unsaturated zone between the base of any proposed infiltration feature and the highest groundwater level recorded, including seasonal variations. If infiltration is not viable, a drainage strategy based on discharge to the watercourse in accordance with option 2 of the FRA will be acceptable.
- c. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
- d. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.

The condition of the existing watercourse, proposed to take surface water from the development site, shall be investigated before any connection is made. If necessary, improvement to its condition as reparation, remediation, restitution and replacement should be undertaken. Evidence of this, including photographs shall be submitted.

Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. These details shall include maintenance schedules for each drainage feature type and ownership; and details of protection measures.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

The development shall, thereafter, be undertaken in full accordance with the agreed details.

Reason: To ensure an appropriate surface water strategy is achieved.

23. Prior to the first occupation of the development, the external lighting scheme shall be implemented in full accordance with the approved Lighting Strategy (prepared by DFL ref: RMA-C2285, dated December 2021) and 'Horizontal Illuminance (LUX) Plan 1954.S3.P01 (1 of 1 and 2 of 2). The lighting shall thereafter be retained, maintained, and operated in full accordance with the approved details, and no additional external lighting on site is to be installed.

Reason: To minimise impacts upon dark night skies and ecology, plus accord with the BREEM 'Excellent' rating requirements.

24. Prior to the first occupation of the development, details for the management and implementation of curfew times for dimming and switching off of external lighting and within the commercial building shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be operated in full accordance with the approved details.

Reason: To minimise impacts of light pollution upon dark night skies and wildlife.

25. 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 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 within the first five years of planting, 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.

26. Before any part of the scheme is brought into use, details of the design and materials of the acoustic barrier shall be submitted to and approved in writing by the Local Planning

Authority, and the barrier shall be constructed in full accordance with the approved details.

Reason: To ensure an appropriate form of development consistent with the context of the proposals and character and appearance of the area.

27. Notwithstanding the details provided, a full tree survey report and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. These details shall ensure the retention of trees proposed to be retained along the site boundaries. The development shall, thereafter, be undertaken in full accordance with the agreed details.

Reason: To safeguard existing trees to be retained.

28. Prior to the occupation of any building, a Landscape and Ecological Management Plan (LEMP) which covers the whole application site shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall follow the principles and objectives of the approved landscape scheme and biodiversity enhancements, and include long term objectives for the site and management responsibilities. Once approved, the LEMP shall be fully implemented and used for the management of the development. The content of the LEMP shall include the following:

- a. description and evaluation of features to be managed;
- b. ecological trends and constraints on site that might influence management;
- c. aims and objectives of management;
- d. appropriate management options for achieving aims and objectives;
- e. prescriptions for management actions, together with a plan of management compartments;
- f. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g. details of the body or organisation responsible for implementation of the plan;
- h. implementing the mitigation and enhancement measures of the Environmental Statement, Ecosystems Services Statement and ecology reports;
- i. ongoing monitoring and remedial measures.

Reason: To ensure a high-quality landscape scheme is maintained which will contribute to the setting of the development and the surrounding character and appearance of the area, biodiversity and the amenity of future occupants.

29. No development shall commence until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 4.5m by 11.4m and 4.5m by 62.5m provided in accordance with the approved plans. The lines of sight shown on the approved Site Plan shall be kept free of any obstruction exceeding 0.6m high above the adjacent carriageway and shall be subsequently maintained thereafter.

Reason: To provide satisfactory access and in the interests of highways safety.

30. No development shall commence until details including alignments, levels and materials of the internal roads, and the footway/cycleway connection to the B2070, as shown on drawing ITL15608-GA-001 REV H, have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be implemented in full accordance with the agreed details.

Reason: To ensure safe and suitable provision of sustainable transport connections within the site and to the B2070.

31. 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 include delivery times, frequency and routing of delivery vehicles, measures to

minimise disturbance from activities associated with deliveries and/or waste collections to surrounding amenities during delivery times. Once approved, the DMP shall be implemented in full.

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

32. Prior to the development being brought into use, a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall, thereafter, be implemented in full accordance with the approved details.

Reason: To manage the car parking areas and avoid highway safety issues.

33. The parking and access arrangements on site shall be completed in full accordance with the approved Site Plan 369_P_302 W prior to the development being occupied and thereafter be used for such purposes at all times.

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

34. The development shall proceed in full accordance with the archaeological 'Written Scheme of Investigation for Archaeological Evaluation' (by AB Heritage, dated 31.07.2023), as approved by the Local Planning Authority via discharge of condition application SDNP//23/03821/DCOND.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

35. The development shall be undertaken in full accordance with the Archaeological Evaluation (by AB Heritage, dated 18.12.2023), as approved by the Local Planning Authority via discharge of condition application SDNP/24/02012/DCOND.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

36. The development shall proceed in full accordance with the Archaeological Evaluation (undertaken by AB Heritage, dated 18.12.2023), as approved by the Local Planning Authority via discharge of condition application SDNP/24/02012/DCOND.

Reason: To ensure that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

37. 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 shall include the following components:

- A) Development to be undertaken in full accordance with the Preliminary Investigation Report (by 40 Soils Ltd, dated September 2023), as approved by the Local Planning Authority via a partial discharge of this condition in application SDNP/23/03821/DCOND.
- B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- C) The results of the site investigation and the detailed risk assessment referred to in (B) 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.
- D) 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 (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components will take place without the written consent of the Local Planning Authority.

The development shall, thereafter, be implemented in full accordance with the agreed details.

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

38. Prior to the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

39. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by 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: The above condition ensures that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Mike Hughes

Interim Director of Planning

South Downs National Park Authority

Contact Officer:	Richard Ferguson
Tel:	01730 819268
Email:	Richard.Ferguson@southdowns.gov.uk
Appendices	Appendix 1- Legislation and policies Appendix 2 – Appeal Decision (29 March 2023)
SDNPA Consultees	Legal Services, Development Manager
Background Documents:	All planning application plans, supporting documents, and consultation and third party responses SDNP/24/00588/CND Variation of Condition Number(s): 2, 3, 4, 6, 14, and 33 on SDNP/21/06431/FUL (Approved Appeal APP/Y9507/W/22/3308885). Land North of A3 Junction The Causeway Petersfield Hampshire (southdowns.gov.uk) South Downs Local Plan (2014-33) South Downs National Park Partnership Management Plan SDNPA Supplementary Planning Documents and Technical Advice Notes

Appendix I – Information concerning consideration of applications before committee.

Officers can confirm that the following have been taken into consideration when assessing the application:-

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

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 National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. 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 important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks 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 confirms that when considering applications for development within the National Parks, 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.

For the purposes of Paragraph 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.

For the purposes of this application, the proposals are not considered to be major development given the scale and nature of the proposals and their context.

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

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

The Conservation of Habitats and Species Regulations 2017

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 the proposals. The most pertinent issues affecting the National Park are nitrate and water neutrality considerations and recreational pressures regarding European designated sites, none of which are relevant in this case.

Relevant legislation for heritage assets

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."

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.

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered compliant with it.

The South Downs National Park Partnership Management Plan 2020-2025

The Environment Act 1995 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. Relevant Policies are listed in each report.

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

All Relevant Policies of the South Downs Local Plan which are of relevance to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD17 – Protection of the Water Environment
- Strategic Policy SD19 - Transport and Accessibility
- Development Management Policy SD22 - Parking Provision
- Development Management Policy SD23 - Sustainable Tourism
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD45 - Green Infrastructure
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Strategic Policy SD49 - Flood Risk Management
- Strategic Policy SD50 – Sustainable Drainage Systems

Human Rights Implications

These planning applications have 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.

Equality Act 2010

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

Crime and Disorder Implication

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

Proactive Working

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



Appeal Decision

Inquiry held over seven days between 21 February - 7 March 2023

Site visit made on 1 March 2023

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/Y9507/W/22/3308885 A3 Buriton Interchange, Petersfield

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Recharge One A3 against the decision of South Downs National Park Authority.
 - The application Ref. SDNP/21/06431/FUL, dated 22 December 2021, was refused by notice dated 20 April 2022.
 - The development proposed is a change of use and redevelopment of the site to provide a recharge centre for electrically powered vehicles, with control and battery room and secure area for the delivery and storage of Bio Gas. Up to 60 eco-lodges (Use Class C1), and engineering work to create an earth sheltered block comprising up to 1,330m² of tunnel floor space for a flexible mix of uses within classes C1 and E(a)(b)(c). The formation of a two-way entrance off the B2070, the laying of a perimeter vehicular access road, with link roads, cycle tracks, and areas of hardstanding to provide up to 127 parking spaces. Engineering work for the purpose of landscaping and operations to install drainage infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use and redevelopment of the site to provide a recharge centre for electrically powered vehicles, with control and battery room and secure area for the delivery and storage of Bio Gas. Up to 60 eco-lodges (Use Class C1), and engineering work to create an earth sheltered block comprising up to 1,330m² of tunnel floor space for a flexible mix of uses within classes C1 and E(a)(b)(c). The formation of a two-way entrance off the B2070, the laying of a perimeter vehicular access road, with link roads, cycle tracks, and areas of hardstanding to provide up to 127 parking spaces. Engineering work for the purpose of landscaping and operations to install drainage infrastructure at the A3 Buriton Interchange, Petersfield in accordance with the terms of the application, Ref. SDNP/21/06431/FUL, dated 22 December 2021, subject to the conditions contained within the attached Schedule.

Preliminary Matters

2. The application is accompanied by an Environmental Statement (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), including technical appendices and a non-technical summary. I am satisfied that the totality of the information provided is sufficient to meet the requirements of Schedule 4 of

the EIA Regulations and this information has been taken into account in reaching a decision.

3. With the agreement of the parties, I was able to visit a prototype of the proposed tourist lodges in advance of the inquiry, which was under construction. This allowed me to see its general scale and design, though my assessment of the appeal is based on the submitted plans. During the course of the inquiry, I visited the site and surrounding area, both in daylight and darkness.
4. An executed legal agreement securing planning obligations pursuant to S106 of the Town and Country Planning Act 1990 was received after the inquiry, in accordance with an agreed timetable and has been taken into account.
5. In advance of the inquiry, the National Park Authority (the Authority) confirmed that, following the submission of further information, and subject to suitable conditions and planning obligations, its third (relating to ecology) and fourth (relating to highways matters) reason for refusal had been overcome. As such, the Authority opted not to defend these reasons for refusal.
6. It is common ground between the parties that the development would not harm the wildlife or cultural heritage of the South Downs National Park¹.

Main Issues

7. In light of the above, the main issues are:
 - (a) Whether the proposal would conserve or enhance the National Park's landscape and scenic beauty; and
 - (b) Whether the proposal constitutes 'major development'², and if so, whether there are exceptional circumstances indicating that the development would be in the public interest.

Reasons

Landscape and scenic beauty

8. The purposes and duty for national parks are identified in the South Downs Local Plan (2019) and derive from statute³. Purpose 1 seeks to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Purpose 2 requires the promotion of opportunities for the understanding and enjoyment of the special qualities of the National Park (NP) by the public. Additionally, there is a duty to seek to foster the economic and social well-being of the local communities within the NP.
9. The National Planning Policy Framework (the Framework) is consistent with the purposes, noting that National Parks, amongst other designations, have the highest status of protection. Great weight should be given to conserving and enhancing their landscape and scenic beauty, wildlife and cultural heritage.
10. Further detail as to the importance of the NP landscape, indeed its reasons for designation, are identified in its Special Qualities. These are set out in the Partnership Management Plan and are fundamental to any assessment of

¹ Having regard to paragraph 176 of the National Planning Policy Framework

² In the terms of paragraph 177 of the National Planning Policy Framework

³ National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995

effects on natural beauty, as they are the reason why the NP designation exists.

11. There may be parallels in considering proposal-specific landscape and visual impacts and the effects on special qualities, but a distinction should be drawn between the two. Harm in local landscape or visual terms does not necessarily equate to a failure to conserve natural beauty, having regard to the NP's special qualities.

Landscape and visual impacts

12. Landscape and visual assessments are necessarily subjective in nature and require the exercise of professional judgement. There is, therefore, always scope for legitimate disagreement between professionals, as was the case here.
13. The submitted Landscape and Visual Evidence (LVE) undertakes a short but proportionate assessment of the local landscape context, whilst the Landscape and Visual Impact Assessment (LVIA) considers the landscape and visual effects of the appeal proposal. The Authority's concern is largely focused on the baseline assessment within the LVE, specifically that the landscape context has not been properly understood by the appellant and that the proposals are, consequently, not landscape led.
14. The Authority has not undertaken its own comprehensive assessment of landscape and visual impacts but has instead undertaken a critical evaluation of the appellant's. I did not find this approach persuasive compared to the appellant's more balanced assessment of the landscape and visual impacts, which considered relevant published landscape character assessments from the national, regional and local level and made reasonable observations, both positive and negative, about the relevant landscape characteristics.
15. Fundamentally, I disagree with the Authority that the site is an intact part of the NP landscape that contributes in any meaningful way. Whilst the site has always been a small field, its historic field boundaries have been altered as part of works to introduce the A3 slip roads, which now entirely separates the appeal site from the wider landscape. The site is dominated by the surrounding road infrastructure and embankments and is evidently an island piece of land left over after the introduction of the trunk road. The treed boundaries are characteristic of the area, but these would largely remain in place, supplemented with further planting. Similarly, the ancient watercourse would be retained and incorporated into the scheme.
16. The low level of dispersed development in the area is a key characteristic. Beyond the towns, settlements are small and stand within abundant countryside. That would not change as a result of the appeal scheme. The development would be located alongside a major trunk road and surrounded by infrastructure associated with it. It would provide facilities specifically designed to serve road users, albeit along with tourist accommodation. The arrangement of tourist lodges, parking areas and an earth covered commercial building could not reasonably be mistaken for a settlement akin to a village, hamlet or farmstead, which are scattered throughout the landscape.
17. Instead, it is likely that it would be viewed for what it is, a roadside electric vehicle charging station with tourist accommodation and supporting facilities.

It would be well related to existing road infrastructure and quite distinct from any settlement. The closest residential properties are located at Greenway Lane but these are themselves an anomaly within the landscape, standing distinct from any nearby settlement. Vast areas of countryside would continue to surround the site, maintaining the area's low level of dispersed development.

18. The site has some of the landscape characteristics associated with the area, its geology and topography are intact, and it is a small irregular grass covered field enclosed by treed boundaries and a stream. However, it makes little positive contribution to the wider landscape given its isolated context and poor condition.
19. There would of course be notable changes to the landscape within the site to accommodate the development. Some trees would need to be removed to facilitate improved vehicular access and ground levels would be altered. However, the site is heavily influenced by the road infrastructure and is already much altered, including its boundaries and landscaping. It would be an exaggeration to suggest that the field on which the development is proposed is representative of the wider K2 landscape character area or that development of the site would diminish the identified characteristics across the wider area.
20. The development has been designed to work with the site characteristics, maintaining and enhancing positive features such as the stream and boundary planting. The earth covered building would be landscaped and would also provide a visual and acoustic screen from the A3 to the remainder of the site. The lodges, although regimented in their linear layout, would subtly follow the line of the ancient watercourse. It seems to me that the development has been designed to work with the few positive characteristics that the site possesses, as well as the wider landscape, bearing in mind operational requirements and the constrained nature of the site. That being the case, I am satisfied that the site context has been understood and the design of the scheme can reasonably be described as landscape led.
21. The LVIA also assesses the visual effects of the development from various representative viewpoints and further visualisations were submitted to the appeal. From the range of views identified, it is striking that the development would be relatively well contained, assisted in large part by the established trees on the site boundaries, which would be reinforced. The focus of the concerns from the Authority were in relation to two views, first from a bus stop opposite the site entrance and secondly from the elevated position of Butser Hill Nature Reserve, across which runs the South Downs Way long distance footpath.
22. The bus stop is directly opposite the site and so direct views towards it are available, albeit with a road in the foreground. Existing boundary planting heavily filters the view into the site and beyond, though clear views can be gained through the gap accommodating the existing site access, towards a hardstanding serving an established horse paddock. The experience is currently heavily influenced by the sight and sound of cars passing by on the A3, as well as the road infrastructure close by, including an underpass beneath the A3.
23. That said, Butser Hill can be seen in the distance, beyond the site, providing an impressive backdrop. Some trees would be removed either side of the existing

site access to facilitate improvements and so views would potentially increase. The introduction of built form within the site would be a notable and adverse change from the existing horse paddock in a rural area, notwithstanding its current poor condition. However, views of Butser Hill, likely the primary focus of any receptor, would remain visible in the background as a positive attribute. Bearing in mind that bus stop users and passers-by are likely to be making a journey as opposed to coming to the location to appreciate the view, the harm would be minor.

24. From Butser Hill, the site is visible at some distance amongst wide panoramic views. As walkers make the journey over the downs, different perspectives are gained with particularly impressive views over the Meon Valley and towards Portsmouth, Southampton and the Isle of Wight beyond large swaths of undulating countryside. Such views showcase the rich landscape tapestry that make the NP special.
25. The appeal site is seen in a view containing Petersfield, a relatively close large urban settlement that is clearly visible by day and night. In the immediate vicinity of the site, the houses on Greenway Lane are readily apparent, along with the scrapyard behind, and of course the A3, its slip roads and infrastructure. The view is a pleasant one, but it is not without built form, indeed built form is a significant component of the view in contrast with those available in other directions from Butser Hill.
26. The development would be seen in this context, as a very small part of the view, contained by established roads and screened heavily by existing and proposed boundary landscaping. The fact that it might be visible to a limited extent, in its context, does not equate to harm.
27. The amount of built form visibly reduces with distance from Petersfield and the area becomes far more rural in appearance. That would remain the case, even with the appeal proposal in place. The appeal site is relatively close to Petersfield, with its substantial industrial estate and service area close to the A3. The appeal proposal would become a part of the diminishing level of development seen on passing by Petersfield, sitting subtly alongside the trunk road as drivers begin to appreciate views of the downs ahead.
28. To some extent, the lack of visibility is predicated on the boundary planting being retained, much of which is located on land maintained by National Highways and outside of the appellant's control. Some of the trees are Ash and show signs of Ash dieback but these are a relatively small proportion of the overall tree mix, particularly on the west and south boundaries, between the site and Butser Hill. In any case, National Highways' published position is that it will retain the trees for as long as possible and replace where practical should they need to be removed. I see no reason to expect that this would not be the position. Furthermore, the year 1 visualisations demonstrate a good level of existing boundary screening, and it can be expected that other trees will continue to grow. The proposed development would also introduce new planting such that I am satisfied sufficient screening would exist.
29. The Authority makes the point that attempts were made to exclude the A3 corridor from the NP designation but that it was subsequently decided that, whilst the landscape was impacted to some degree, the visual impact of the road was very localised. If such a huge infrastructure project can be accommodated without unacceptably detracting from the special qualities of

the wider NP landscape, then it seems to me, that the proposed development could be equally well assimilated alongside it. This aptly demonstrates that the NP is not void of development or any built form that could detract from the landscape. Buildings and other development exist, can be seen and further development should not be presumed inappropriate out of hand, albeit that the NP benefits from the highest status of protection.

30. Overall, the scale and extent of the development would be limited, being contained within the established trunk road infrastructure. The LVIA concludes that the development would result in a neutral landscape and visual impact after new planting was established. I think it unlikely that the effects would be mitigated entirely, but they would certainly be no more than minor in nature.

Dark night skies

31. The NP is designated as an International Dark Sky Reserve (IDSR) for its exceptional or distinguished quality of starry nights and nocturnal environment. The appeal site stands within the buffer zone (E1a – Intrinsic Rural Darkness and buffer) surrounding the core area and has some areas where Sky Quality Measurements (SQM) are close to or exceeding 20.5, the point at which the Milky Way generally becomes visible to the naked eye.
32. Policy SD8 of the South Downs Local Plan (2019) (LP) seeks to protect the intrinsic quality of dark night skies. If lighting cannot be avoided, it should be demonstrated that the proposed lighting is necessary and appropriate for its intended purpose and any impacts should be avoided or mitigated to the greatest reasonable extent. Detailed requirements for the level of protection applicable to each environmental zone are specified.
33. A lighting strategy is proposed as part of the development which details the specification of the proposed lighting and includes a phased curfew for switching lights off at different stages, amongst other measures. The Authority accepts that lighting would be necessary for the proposed use and that the proposed lighting strategy is a good one that would minimise the impact of the development as much as is reasonable and technically prudent. It also accepts, that whilst a small modification to the boundaries might be needed at any subsequent review, the development would not threaten the continued existence of the reserve. I agree with this assessment, even bearing in mind that the IDSR is relatively narrow in this area, referred to as a pinch-point by some.
34. From Butser Hill, the site can be seen from a distance. The site would be lit and visible by night, but the effects of lighting would be minimised by the proposed lighting strategy and would again be seen in the context of other significant local light sources, including the urban area of Petersfield, the brightly lit roundabout to the north of the site, houses on Greenway Lane and headlights using the A3 and surrounding roads. In this context, the effect of lighting from the development would be minor.
35. From the immediate environs of the site, the presence of lighting would be apparent, but again, in the context of the other existing light sources nearby. The amount of lighting currently reduces as people pass by Petersfield, predominantly along the A3, but the effects of the development would be very localised in their extent and in proximity to the other sources of lighting I have described above. Bearing in mind the lighting strategy proposed, the lighting

would have only a minor impact with little consequence beyond the site boundaries.

36. It has been demonstrated that all opportunities to reduce light pollution have been taken and that the adverse impacts would be mitigated to the greatest reasonable extent. The detailed policy requirements relevant to the environmental zone within which the appeal site is located are all met. As such, I find no conflict with policy SD8 of the LP. To the extent that there would be minor effects from the visibility of light on the site, at odds with the area's intrinsic dark night skies, this weighs against the development but only to a limited extent.
37. In addition, for all of the above reasons, I do not consider that the development would result in any material harm to the Buriton Dark Skies Discovery Site or the Clanfield Observatory, both of which are some distance from the appeal site.

Special Qualities

38. So far as the special qualities of the NP are concerned, the Authority accepts that five out of seven would be conserved or enhanced. Those in dispute are Special Qualities (SQ) 1 and 7.
39. SQ1 refers to diverse, inspirational and breathtaking views, which is certainly an appropriate description for the South Downs National Park but that is not as a result of any contribution made by the appeal site. For the reasons I have set out above, the appeal site does not possess this SQ or contribute to it. Whilst it is within the landscape's rich tapestry, its isolated nature means that its predominant relationship is with the trunk road and associated infrastructure as opposed to the wider landscape. The appeal development would be a modest and insignificant component of the wider landscape and would not materially detract from its scenic beauty. In addition, by opening the site to the public, the opportunities to view and appreciate the Butser Hill escarpment would be increased.
40. SQ7 refers to the NP's distinctive towns and villages, and communities with real pride in their area. It is difficult to see how the proposed development, standing apart from any town, village or community would have any negative effect. The design of the development would be very different to the historic towns and villages found in the area but that is not at all surprising given its purpose and the modern needs that it seeks to meet. This would be readily understood by anyone that visited and there is no imperative to seek to replicate traditional buildings. This site offers an opportunity for innovation and the fact that modern design techniques and materials are proposed in this discrete location is entirely appropriate. I have set out above that the development would not be seen as a new settlement that might be at odds with the special qualities exhibited elsewhere in the NP and I see no reason why it should make SQ7 any less applicable.
41. The development would result in a 15% biodiversity net gain within the NP, contributing positively to wildlife and habitats (SQ2). The site is not currently tranquil or unspoilt (SQ3) given the effects of the A3 but the development would provide a more tranquil environment within the site by virtue of the earth covered building and acoustic screen. SQ3 would be conserved.

42. SQ4 recognises that the environment is shaped by centuries of farming and embracing new enterprise. The proposed development would not detract from this as the site is no longer used for agriculture, having been severed from the wider landscape. Instead, it would contribute, delivering a new enterprise aimed at tackling climate change, by utilising local produce in the farm shop and café supporting farms and businesses within the NP, and through the utilisation of innovative biogas technology that would allow local farms to make use of waste methane from their agricultural enterprises.
43. The development would contribute to opportunities for recreation activities and learning experiences in the area (SQ5), drawing people to the NP to stay at the proposed tourist accommodation and allowing them to visit the nearby Queen Elizabeth Country Park or Butser Hill Nature Reserve, as well as local towns and villages.
44. SQ6 refers to well-conserved historical features and rich cultural heritage. The site does not currently contribute to this special quality in any meaningful way and the development would not detract from this aspect of the NP in areas where this special quality is apparent.
45. I find that all the special qualities of the NP would be, at the very least, conserved and in some cases enhanced. This is significant in that these are the reasons for the NP designation and highlight what is special about the area. In light of this, it is clear that the development would accord with the first purpose of the NP.
46. Furthermore, the scheme is supportive of purpose 2 and the objective to further economic and social well-being of local communities. This would occur through the opportunities that would be created for an increased number of people to enjoy and understand the special qualities of the NP by visiting the site, with obvious benefits to the local economy.

Landscape and scenic beauty conclusion

47. The landscape and visual impacts of the scheme would be minor and localised. Indeed, they are site-specific impacts that might be expected from any development on greenfield land. The development would not detract from the special qualities of the NP, or its overall landscape and scenic beauty.
48. To the extent that there would be minor landscape and visual impacts, they weigh against the development and attract great weight in the planning balance.
49. However, I find no conflict with policies SD1, SD2, SD4, SD5, SD6, SD7, SD8, SD9, SD42 or SD45 of the LP, or paragraph 176 of the Framework.

Whether major development

50. For the purposes of the Framework, whether a scheme constitutes 'major development' in the NP 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.
51. Both parties presented examples of other schemes that had been found by the decision maker to be major or had not. I have had regard to these examples but none of them were comparable in terms of the specific circumstances

before me in this case. The question cannot be answered simply by comparing the size of various sites or the amount of development proposed. This is only a small element of the factors to be considered.

52. This appeal site is very unusual in that it is surrounded by major highways and very well screened by established boundary planting. The appeal proposal is also very unusual, in that it proposes a novel facility comprising a mix of uses contained within buildings of various typologies, including a large earth covered building that would be landscaped. These factors are all part of the nature, scale and setting of the scheme which distinguish it from the examples provided. Importantly, in this case, I have concluded that the development would not have a significant adverse impact on the purposes for which the area has been designated. As such, the appeal proposal does not, in my view, constitute major development in the terms of paragraph 177 of the Framework. It is not, therefore, necessary for exceptional circumstances to be demonstrated for the purposes of the Framework.
53. As such, I find no conflict with policy SD3 of the LP, or paragraph 177 of the Framework.

Other Matters

Sustainable tourism and development strategy

54. Policy SD23 of the LP seeks to deliver sustainable tourism and it is accepted by the Authority that there is a need for additional tourist accommodation. The proposed development would help to meet this need and would positively fulfil several policy criteria in that it would provide opportunities for visitors to increase their awareness, understanding and enjoyment of the NP's special qualities; it would encourage arrival and subsequent travel by sustainable means, namely electric vehicles, and would also be served by public transport and within easy reach of recreational walking or cycling routes; and it would be closely associated with other attractions, such as the Queen Elizabeth Country Park and Butser Hill Nature Reserve.
55. Whilst the appeal site is located outside of settlement policy boundaries and would not positively contribute to natural beauty or cultural heritage, it would not be harmful. A biodiversity net gain would result and so there would be an overall net benefit from the scheme, in accordance with Policy SD23.
56. Policy SD25 of the LP seeks to restrict development outside of settlement boundaries to exceptional circumstances, including that with a need for an essential countryside location.
57. Individually, it could be argued that the different components of the appeal scheme do not require a countryside location, but they are not being proposed individually in this case. The two main components of the development would be tourist accommodation and electric vehicle charging facilities. The Authority accepts that there is a need for rapid electric vehicle charging points somewhere on the A3 and that there is a need for tourist accommodation in the NP.
58. Both could, in theory, be provided in or close to existing settlements, but the electric vehicle charging facilities seek, partly at least, to provide a convenient location for charging on the strategic road network. Necessarily, this needs to be conveniently located alongside the A3. The need for tourist accommodation

- in the area might not in itself, justify a countryside location but would nevertheless be a beneficial element of the scheme when considering the development comprehensively.
59. I consider there to be merit in the appellant's argument that the mix and range of uses have a symbiotic relationship in this case. The uses are all interconnected in that the technology required to power electric vehicle charging facilities without reliance on the national grid can be deployed at scale, powering both the electric vehicle chargers, tourist accommodation and ancillary buildings. The development would be entirely off-grid.
60. The commercial building would provide a café and farm shop that would serve both road users and tourists staying on the site, stocked with produce sourced within the NP and so allowing local goods to be promoted and providing a clear local economic benefit. It would also accommodate complimentary uses such as electric bicycle hire and a NP information centre, allowing visitors to learn about the area and experience the nearby recreational activities. This could be enjoyed whilst an electric vehicle is charging or by business or tourism guests staying on site.
61. The Authority accepts that there is a general need for additional rapid electric vehicle charging facilities in the area and that there is a national, regional and local need for a huge roll out of Electric Vehicle Charging Points (EVCPs) in appropriate locations as EV take up increases. The Government has legislated to prevent the sale of new petrol and diesel vehicles from 2030 and is actively encouraging the uptake of electric vehicles, whilst noting that the infrastructure necessary to support them is not currently in place. This infrastructure must be facilitated and will be required on a significant scale if a cultural shift is to be achieved.
62. The NP is not exempt from this need and the delivery of a significant number of EVCPs alongside the very busy A3 trunk road is very beneficial, even bearing in mind the potential for charging in other locations such as at home or workplace. It is not realistic to expect that existing fuel forecourts or service stations will convert from petrol and diesel at any scale whilst combustion engines remain predominant and so delivery of bespoke provision is likely to be part of the solution. In short, the country, and the NP in particular, is nowhere near the threshold of EVCP provision where it can be argued that there is no demonstrable need for more.
63. Similarly, there is likely to be a market for charging at different speeds, depending on the purpose of ones visit and bearing in mind the relative costs. As such, the provision of a mix of EVCP speeds is understandable and does not warrant criticism. Nor is the fact that the development would offer drivers something to do whilst waiting, allowing for a break in a pleasant environment, refreshment, browsing local produce or taking a walk or cycle in the surrounding landscape.
64. There are clear and obvious advantages arising from the scheme in combating climate change, an objective of both national and local policy. This supports the Government's target of achieving net zero by 2050. The development would be wholly off-grid, utilising biogas and solar panels to power the entire development using renewable sources. This is not only a benefit in that it avoids the need for power from more polluting sources of energy, but it would utilise waste methane from local farms, making positive use of this damaging

greenhouse gas and removing it from the atmosphere. Heat, a by-product of this process would be used to heat the tourist accommodation and other buildings on site.

65. Consequently, I do not consider it appropriate to seek a disaggregation of the proposed uses in this case so that they might be provided individually elsewhere. The various uses proposed are interconnected and demonstrably support one another, maximising the benefits that are achieved on the site and meeting a variety of established needs. With this in mind, and with particular regard to the need for convenient A3 access, the need to deliver tourist accommodation in the NP and the need for proximity to established tourism uses, I consider that this specific proposed development does require a countryside location. As such, I find no conflict with Policy SD25.

Habitat Regulations Assessment

66. Butser Hill Special Area of Conservation (SAC) is located less than 1km from the site. It is designated for its semi-natural dry grassland and scrub on chalk substrate, as an important orchid site, the richest diversity of lichen flora of any chalk grassland in England, distinctive *Scapanietum aspera* or southern hepatic mat association of leafy liverworts and mosses on north-facing chalk slopes, and yew dominated woodland.
67. The key environmental vulnerabilities are identified as: (1) air pollution, being near to the A3 (nitrogen deposition may cause reduction in diversity and sulphur deposition can cause acidification); (2) direct fertilisation; and (3) spray drift (i.e. eutrophication) from surrounding intensive arable land.
68. The development would result in a notable increase in vehicle movements compared with the existing grazing use. Consequently, there is potential for increased air pollution, particularly from combustion engines. However, the appeal proposal is specifically targeted towards electric vehicle (EV) users (though combustion engines would not be entirely precluded). In this regard, the impact from increased vehicle movements, for the purposes of this assessment, is unlikely to cause significant air pollution.
69. The other vulnerability relates to grazing and other agricultural activities, as highlighted above. The proposals would not have any significant likely effect upon the SAC given the unrelated nature of the proposed uses.
70. Pressure from recreational activities is not identified as a vulnerability for the site. Given the vast number of well-managed recreational opportunities in the area, including defined routes for walking and cycling, it is not expected that habitat would be at risk from recreation pressures.
71. There are no allocations for development within the Local Plan in the close vicinity of the site. All allocations are some distance away, generally close to settlements, and their effects have been considered through the plan making process. As such, no significant in-combination effects are anticipated.
72. It is not considered that the proposals would have any likely significant effect upon the SAC, either alone or in combination with other development, having regard to the SAC's reasons for designation and the vulnerabilities highlighted. An Appropriate Assessment is not, therefore, required. Natural England were consulted and raised no objection.

Heritage

73. The site is approximately 1km from an area of Butser Hill designated as a Scheduled Monument. It is designated due to records of its hilltop being enclosed by Iron Age cross dykes and an associated pattern of field systems, as well as Bronze Age barrows or burial mounds. These features would not be impacted by the appeal proposal, which is some distance away. Although the appeal site might be considered to fall within the setting of the Scheduled Monument, it would be seen only in long distance views and within the context of other modern development, such that it would not harm the significance of the heritage asset.

Highways

74. The application is accompanied by a comprehensive Transport Assessment and further information was submitted during the appeal to address matters raised by the Local Highway Authority, which is now satisfied that the development can be accommodated in transport terms. Whilst the development would draw traffic into the site, this would make use of the existing trunk road infrastructure. I have had regard to concerns raised by local people about previous accidents in the vicinity of the site. However, no detail has been provided and there is no evidence before me to suggest any pattern or frequency of incidents that might be worsened by the development. Subject to appropriate conditions and obligations, the development would not result in unacceptable highway safety impacts or result in a severe residual cumulative impact on the road network.

75. The development would likely be accessed predominantly by car but with a clear focus on electric vehicles, which will likely become more common as charging infrastructure is provided and combustion engines are phased out. The charging facilities provided would encourage sustainable means of travel and there would be opportunities for accessing local tourism facilities by attractive walking and cycling routes, as well as public transport connections to local towns.

Vitality and viability

76. The Authority accepts that the scale of the proposed uses is such that they would not jeopardise the vitality and viability of local town centres.

77. There is an identified need for additional tourist accommodation in the area and the development would help to meet this need, adding to the variety of accommodation currently available. It would not necessarily compete with other local businesses such as the public houses and bed and breakfast facilities in the area as the accommodation offer would be very different and seeks to target those with electric vehicles. Far from drawing perspective customers away from existing facilities, it seems to me that the development would encourage people to visit the area who might frequent local businesses or enjoy a meal at the local pub. I certainly do not consider that the proposal would be harmful to local businesses or the local economy.

Living conditions

78. The appeal site is separated from residential properties and would be accessed predominantly from the A3. Properties on Greenway Lane are the closest and residents are likely to notice an increase in the amount of traffic accessing the

site, but vehicles would not generally need to pass these residential properties directly. The additional traffic movements would be experienced in the vicinity of the A3, an already very busy transport corridor. Given the separation between the site and Greenway Lane, the development would not materially harm residential living conditions.

Planning Obligations

79. The submitted legal agreement would secure planning obligations pursuant to S106 of the Town and Country Planning Act 1990. These include the provision of a Travel Plan to support sustainable modes of transport; highway improvements to facilitate safe access to the site, including a new footway, traffic islands and right turn lane; the translocation of reptiles to a suitable habitat; and means to secure an off-site biodiversity net gain within the NP.
80. The parties agree that these obligations are necessary to make the development acceptable in planning terms and otherwise accord with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. I agree that this is the case and have had regard to the obligations in reaching my decision.

Planning Balance

81. The development would result in minor localised landscape and visual impacts, including from the introduction of lighting within the IDSR. I attach this harm great weight, given the location of the site within the NP.
82. Conversely, the proposal would deliver numerous benefits, notably much needed electric vehicle charging facilities of various types and tourist accommodation, which is again needed within the NP. These uses would be delivered in a contemporary and energy efficient way, powered by novel biogas technology that would make use of waste methane from local farms to provide all the energy requirements of the development. The farm shop would make use of products sourced from within the NP, promoting them to visitors and providing a local economic benefit. A 15% biodiversity net gain would also be delivered within the NP. Taken together, I attach these benefits substantial weight.
83. All of this would be delivered on a site that currently makes little contribution to the special qualities of the NP or its reasons for being designated as such. The NP is not excluded from the effects of climate change, the need to adapt to it or to find means of combatting it. Indeed, the Authority has specifically set out to do so, the LP stating that national parks should lead the way in adapting to and mitigating climate change. Furthermore, a priority for the Authority, contained in the NP Management Plan, is to establish the South Downs as an exemplar in sustainable tourism. Far from the Authority's stance that this development is simply wrong in principle within the NP, it seems to me that this is exactly the type of development that would assist in meeting these objectives.
84. Overall, I conclude that the development would be in accordance with the development plan taken as a whole. There are no material considerations that indicate a decision other than in accordance with the development plan. Whilst there would be some harm as a result of the development, to which I have

attached great weight, the substantial benefits would far outweigh this harm. As such, planning permission should be granted.

Conditions

85. The parties have agreed a range of conditions that are considered necessary if planning permission is granted. These were discussed during the inquiry and amended to reflect those discussions. The appellant also provided written agreement to the wording and reasons for the proposed pre-commencement conditions.
86. I have attached the suggested conditions, as set out in the attached Schedule, which also includes the reason for each one. I have altered the wording as necessary to improve their precision and otherwise ensure compliance with the relevant tests for conditions contained within the Framework.
87. Condition 6 was not agreed between the parties and so alternative wording was provided by the Authority and the appellant. Having regard to the tests for conditions, I do not consider that the Authority's more restrictive approach, requiring the farm shop to be stocked with at least 40% local produce and 40% regional produce to be justified or necessary to make the development acceptable. The proposed shop would not be a rural farm shop of the type contemplated by Policy SD38 and would need to serve the other uses on site. Whilst it is important to secure the promotion of local produce and the local economic benefits anticipated by the appellant, a condition requiring that the majority of goods are produced within the NP would be sufficient and would more appropriately focus these benefits on the NP. The source of stock could readily be compiled and audited so as to allow enforcement by the Authority. It would also allow for a proportion of stock sourced, as opposed to produced, from within the NP and from the surrounding area.

Conclusion

88. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

David Forsdick KC

He called:

Ruth Childs BSc (Hons) MSc CMLI	Landscape Specialist
Mark Waller-Gutierrez BSc MA MSc CMLI	Design Officer
Dan Oakley BSc (Hons) MA Fd.Sc FRAS	Dark Sky Specialist
Richard Ferguson BSc (Hons) MA MRTPI	Development Management Lead

FOR THE APPELLANT:

Charles Banner KC
Robert Williams

They called:

Bill Dunster MA (Hons) Edin RIBA OBE	Founder and Principal, Zedpower
Amit Roy PhD MBA	Founder and CEO, Engas UK Ltd
Lionel Fanshawe BA Dip LA FLI	Managing Director, terra firma
Daniel Spreadborough MSc	Senior Lighting Designer, DFL
Roisin Naughton BSc PGCert MSc	Principal Consultant, Arcadis Consulting Ltd
Neil Marshall CMILT MIHT	Partner, i-Transport LLP
Simon Lester	Chairman and CEO, Lester Hotels
Roger Hepher BA (Hons) MTP FRICS MRTPI FRSA AAoU	Chairman, hgh Consulting

INTERESTED PERSONS:

Christopher Napier	CPRE
Tim Allen	Local resident
Shane Bird	Local resident and business owner

DOCUMENTS SUBMITTED DURING THE INQUIRY

ID1a Appellant's Opening Submission
 ID1b SDNPA Opening Submission
 ID2 SDNPA Design and dark night skies consultee responses
 ID3 CPRE's speaking notes
 ID4 Mr Fanshawe comments – boundary trees
 ID5 SDNPA comments on Habitat Regulations Screening
 ID6 Initial draft conditions with Appellant's comments
 ID7 ILP Professional Lighting Guide 04
 ID8 Kingsmead Site Details (Mr Ferguson Proof, Appendix 4)
 ID9 Trimmingham Site Details (Mr Ferguson Proof, Appendix 4)
 ID10 Photomontage comments from Appellant
 ID11 SDNPA Statement – Scheduled Monument
 ID11a Mr Bird's speaking notes (The Nest Hotel)
 ID12 SDNPA Habitat Regulations Screening Opinion
 ID13 CitiCharge Letter – Recharge One
 ID14 SDNPA Landscape Character Assessment Extract
 ID15 SDNPA Arboricultural Advice
 ID16 Website extract – National Highways and Ash Die Back
 ID17 Plans and images from Appellant – Mr Fanshawe evidence
 ID18 Executive Summary – Beyond Energy - Monetising Biomethane's Whole System Benefits (February 2023)
 ID19 The Ecology Group note 21.02.23
 ID20 SDNPA pre-application advice – Coldwaltham
 ID21 Area schedule – Appellant's response
 ID22 Welcome Break sketches (a 2019 pre-application design iteration)
 ID23 S106 Addendum
 ID24 Petersfield Society comments
 ID25 Updated landscape drawing – Mr Fanshawe evidence
 ID26 Mr B Haverson Proof – 20.02.23
 ID27 SDNPA Closing Statement
 ID28 Appellant Closing Statement

DOCUMENTS SUBMITTED AFTER THE INQUIRY

ID29 Executed S106 agreement

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

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:

369/P/00 Rev D – Site Location Plan (A3)
 369/P/300 Rev D – Existing Site Block Plan (A1)
 369/P/301 Rev H – Masterplan (A3)
 369/P/302 Rev H – Site Layout (A3)
 369/P/303 Rev B – Site proposed levels (A3)
 369/P/306 Rev B – Site Sections (A1)
 369/P/307 Site Elevations (A1)
 369/P/411 Rev A – Eco-lodge Floor Plan (A3)
 369/P/414 Rev A – Eco-lodge Elevations (A3)
 369/P/415 Rev B – Eco-lodge Type A Plans (A3)
 369/P/416 – Eco-lodge Type B Plans (A3)
 369/B/417 – Rev B – Eco-lodge Type A Elevations(A3)
 369/B/418 – Eco-lodge Type B Elevations (A3)
 369/P/421 Rev E – Earth Sheltered Building – Plan and section (A3)
 369/P/606 – Earth Sheltered Building 1 – (A3)
 369/P/607 Rev B – Earth Sheltered Building 2 (A3)
 369/P/608 Rev B – Earth Sheltered Building 3 (A3)
 369/P/609 – Earth Sheltered Building 4 – (A3)
 369/P/610 – Earth Sheltered Building 5 – (A3)
 369/P/611 Rev A – Cafe (A3)
 369/P/612 Rev A – E-car shop (A3)
 369/P/613 Rev A – Farm shop (A3)

REASON: To clarify the terms of the permission.

- 3) The floorspace of the farm shop, café and cycle shop hereby approved shall only be used for purposes within Use Class E(a) or E(b) (Commercial, business and service use) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes within Class E, or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification; The areas associated with these uses shall accord in full with Plan 369_P_421 E.

REASON: To clarify the terms of the permission.

- 4) The electric vehicles sales area hereby approved shall only operate within the area identified on Site Plan 369_P_421_E.
REASON: To clarify the terms of the permission.
- 5) The uses pursuant to conditions 3 and 4 shall only be open for trading between 06:00-22:00 on any given day.
REASON: To clarify the terms of the permission.
- 6) The farm shop (area marked '10' on approved Site Plan 369_P_421_E) shall only be stocked with a majority of goods produced within the National Park. For the avoidance of doubt, the farm shop is not an un-restricted E(a) or E(b) Use Class in the Use Classes Order 1987 (as amended).
REASON: To ensure the farm shop does not result in an un-restricted retail use which is not related to the local economy.
- 7) The lodges/pods hereby approved shall not be used at any time for any purpose other than as holiday and/or short stay accommodation. The lodges shall not be used as permanent residential accommodation or for any other purpose in Use Class C3 (dwelling houses) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
REASON: This development in the countryside, outside of any identified settlement, is only acceptable as holiday/short stay accommodation for reasons of sustainable travel.
- 8) The accommodation hereby approved shall not be occupied by person(s), their dependants, or group for a period of more than 28 consecutive days. A register of the occupancy of the accommodation shall be maintained and kept up-to-date by the operator of the units, and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). It shall record the names and addresses of all visitors and their arrival and departures dates.
REASON: This development is only acceptable as holiday accommodation and for use by short term visitors to the area.
- 9) No development shall commence until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used on the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. These details shall include, but not be limited to, the materials for walls (including locally sourced timber), roofs, windows (including glazing, head, cill and window reveal details), doors, eaves, porches, and rainwater goods. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.
REASON: To ensure a suitable appearance and to protect the character and appearance of the area.
- 10) No development shall commence until detailed information in a Design Stage Sustainable Construction Report for the commercial building as a whole is submitted to and approved in writing by the Local Planning Authority. The report shall include:

- 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 Materials Report; and
- vi) Building design details.

The report shall demonstrate that the development will achieve BREEAM NC "Excellent" standard and, as part of the above, achieve the following specific BREEAM NC credits:

- For net zero carbon operational energy, all 9 ENE01 performance credits and at least 2 Ene01 exemplary performance credits
- At least half the Material credits.
- All 5credits in Wat01.
- At least half of the remaining Water credits
- At least three of the credits in Wst01.
- The Wst02 credit
- The Wst03 credit
- The Tra01 credit
- At least one of the two available flood resilience credits in Pol03.
- Two SuDS credits in Pol03.
- Four out of nine of the mandatory credits in Ene01.
- The Ene04 credit.
- The Wst03 and Wst05 credits.
- All the LE02, LE03, LE04, LE05 credits
- At least half of the Health and Wellbeing credits and
- Minimum 95% of site waste diverted from landfill
- Implementation of green roof on commercial building
- For all timber products, the use of certified "Grown in Britain" timber where possible, and where not possible, FSC or PEFC certified.

REASON: To ensure the development demonstrates a high level of sustainable performance to address the mitigation of, and adaptation to, predicted climate change, in accordance with policy SD48.

- 11) Within 3 months of the occupation of the development, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in full accordance with all the requirements of the details pursuant to 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, BREEAM NC certification and associated assessment report with post construction SBEM calculations.

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

- 12) The detached lodges hereby approved shall be carbon neutral in energy performance (for regulated and unregulated energy) through their construction, which shall be demonstrated through a method statement to be submitted to and approved in writing by the Local Planning Authority. The Statement shall detail the means of construction, energy and water efficiency, use of materials (including locally sourced timber), construction and operational waste, details of the Solar PV panels and glazing specifications. The lodges shall thereafter be constructed in full accordance with the agreed details.

REASON: To ensure a highly sustainable form of development in accordance with Policies SD3 and SD48.

- 13) The development hereby approved shall incorporate and utilise a fully installed off-grid Combined Heat and Power system, in accordance with the approved plans, to be fuelled by biogas sourced from within the National Park and battery and solar PV attached to the 44 detached lodges. Once installed, the approved power generation shall be operated and maintained in perpetuity. Only in exceptional circumstances shall the development rely on power from the National Grid.

REASON: To achieve a highly sustainable development, in accordance with the terms of the application proposals.

- 14) The electric vehicle charging spaces shall be provided in full accordance with approved plan 369_P_302 H and shall comprise the following charging capacity:

- 91 chargers of up to 7KWh (including the chargers for the lodges)
- 24 chargers of 11-22KWh; and
- 12 chargers of 50-150KWh

The electric vehicle charging points shall, thereafter, be maintained and retained unless otherwise agreed by the Local Planning Authority.

REASON: To accord with the terms of the application and provide a range of charging options commensurate with the proposals.

- 15) No development shall commence until details of site levels and longitudinal and latitudinal sections through the site have been submitted to and approved in writing by the Local Planning Authority. These shall show how the buildings and public realm are proposed to be set into the topography of the site, in comparison to existing levels. These details shall also show how spoil from excavations is intended to be used on site, including in the creation of the public open space. The development shall, thereafter, be carried out in full accordance with the approved details.

REASON: To ensure a satisfactory development which responds to the characteristics of the site.

- 16) No development shall commence until a Soil Resource Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following details, in accordance with

the DEFRA Code of Practice for the Sustainable Use of Soils on Construction Sites:

- Existing soil survey;
- Method of stripping existing soils on site and the method of exporting soils;
- Sustainable sourcing of soils to be imported onto the site for the construction of the development.

REASON: To conserve and enhance soils and ensure the appropriate use of soils to ensure the successful creation of chalk grassland within the open space and on the commercial building for the long term, in accordance with policies SD2 and SD9.

- 17) No development shall be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CEMP shall be fully implemented and adhered to throughout the entire construction period. The CEMP shall provide details as appropriate but not be restricted to the following matters:
- a. The anticipated number, frequency and types of vehicles used during construction and routing of vehicles;
 - b. How deliveries would be managed in terms of vehicles entering and leaving the site and timings;
 - c. The method of access and routing of vehicles during construction;
 - d. The parking of vehicles by site operatives and visitors;
 - e. The loading and unloading areas of plant, materials and waste;
 - f. Measures to control surface water run off;
 - g. Construction timings to avoid disturbance of protected species;
 - h. Dust suppression, mitigation and avoidance measures;
 - i. Noise reduction measures;
 - j. Details of site monitoring and logging of results;
 - k. Hours of operation during construction;
 - l. The storage of plant and materials used in the construction of the development;
 - m. The erection and maintenance of security hoarding;
 - n. The provision of wheel washing facilities; and
 - o. A scheme for recycling/disposing of waste resulting from construction works.
 - p. Construction lighting and its operation.
 - q. A programme of and phasing of demolition (if any) and construction work;
 - r. The arrangements for deliveries associated with all construction works;
 - s. Methods and phasing of construction works;

- t. Access and egress for plant and machinery;
- u. Location of temporary site buildings, compounds, construction material, and plant storage areas.

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

REASON: In the interests of highway safety, the amenities of the area and managing the environmental considerations during the construction phase.

- 18) Prior to the commencement of development, a detailed phasing plan for the completion of the development, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be implemented in accordance with the agreed details.

REASON: To ensure timely delivery of all parts of the development, including aspects of mitigation and enhancements.

- 19) Prior to the commencement of the development, geotechnical submissions relevant to the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be implemented in full accordance with the agreed details.

REASON: To ensure that the A3 continues to be an effective part of the national system of routes for through traffic and in the interests of road safety.

- 20) Piling or other deep foundation works using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

REASON: Piling or deep foundation, has the potential to mobilise contamination (if present) from the shallow soils into the chalk/upper greensand bedrock, and increase the potential of mobilisation/migration to the underlying chalk aquifer.

- 21) No development shall be commenced until full details of the proposed connection to the sewerage mains system and its maintenance and management arrangements have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in full accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed in full. The foul drainage connection and system shall be maintained as approved thereafter.

REASON: To ensure a satisfactory drainage scheme for the development.

- 22) No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: 19832-HYD-XX-XX-RP-FR-0001, has been submitted to and approved in writing by the Local Planning Authority. The design shall include a detailed drainage layout plan, full construction details, run-off calculations for the peak event and:

- a. Infiltration testing in accordance with the BRE365 (2016 methodology), and a groundwater assessment.

- b. Infiltration testing should be carried out at a depth and location commensurate with the proposed infiltration features. The groundwater assessment should demonstrate that there will be at least 1m unsaturated zone between the base of any proposed infiltration feature and the highest groundwater level recorded, including seasonal variations. If infiltration is not viable, a drainage strategy based on discharge to the watercourse in accordance with option 2 of the FRA will be acceptable.
- c. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
- d. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.

The condition of the existing watercourse, proposed to take surface water from the development site, shall be investigated before any connection is made. If necessary, improvement to its condition as reparation, remediation, restitution and replacement should be undertaken. Evidence of this, including photographs shall be submitted.

Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. These details shall include maintenance schedules for each drainage feature type and ownership; and details of protection measures.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

The development shall, thereafter, be undertaken in full accordance with the agreed details.

REASON: To ensure an appropriate surface water strategy is achieved.

- 23) Prior to the first occupation of the development, the external lighting scheme shall be implemented in full accordance with the approved Lighting Strategy (prepared by DFL ref: RMA-C2285, dated December 2021) and 'Horizontal Illuminance (LUX) Plan 1954.S3.P01 (1 of 1 and 2 of 2). The lighting shall thereafter be retained, maintained, and operated in full accordance with the approved details, and no additional external lighting on site is to be installed.

REASON: To minimise impacts upon dark night skies and ecology, plus accord with the BREEAM 'Excellent' rating requirements.

- 24) Prior to the first occupation of the development, details for the management and implementation of curfew times for dimming and

switching off of external lighting and within the commercial building shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be operated in full accordance with the approved details.

REASON: To minimise impacts of light pollution upon dark night skies and wildlife.

- 25) 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 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 within the first five years of planting, 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.

- 26) Before any part of the scheme is brought into use, details of the design and materials of the acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority, and the barrier shall be constructed in full accordance with the approved details.

REASON: To ensure an appropriate form of development consistent with the context of the proposals and character and appearance of the area.

- 27) Notwithstanding the details provided, a full tree survey report and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. These details shall ensure the retention of trees proposed to be retained along the site boundaries. The development shall, thereafter, be undertaken in full accordance with the agreed details.

REASON: To safeguard existing trees to be retained.

- 28) Prior to the occupation of any building, a Landscape and Ecological Management Plan (LEMP) which covers the whole application site shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall follow the principles and objectives of the approved landscape scheme and biodiversity enhancements, and include long term objectives for the site and management responsibilities. Once approved, the LEMP shall be fully implemented and used for the management of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) implementing the mitigation and enhancement measures of the Environmental Statement, Ecosystems Services Statement and ecology reports;
 - i) ongoing monitoring and remedial measures.

REASON: To ensure a high-quality landscape scheme is maintained which will contribute to the setting of the development and the surrounding character and appearance of the area, biodiversity and the amenity of future occupants.

- 29) No development shall commence until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 4.5m by 114m and 4.5m by 62.5m provided in accordance with the approved plans. The lines of sight shown on the approved Site Plan shall be kept free of any obstruction exceeding 0.6m high above the adjacent carriageway and shall be subsequently maintained thereafter.

REASON: To provide satisfactory access and in the interests of highways safety.

- 30) No development shall commence until details including alignments, levels and materials of the internal roads, and the footway/cycleway connection to the B2070, as shown on drawing ITL15608-GA-001 REV G, have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be implemented in full accordance with the agreed details.

REASON: To ensure safe and suitable provision of sustainable transport connections within the site and to the B2070.

- 31) 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 include delivery times, frequency and routing of delivery vehicles, measures to minimise disturbance from activities associated with deliveries and/or waste collections to surrounding amenities during delivery times. Once approved, the DMP shall be implemented in full.

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

- 32) Prior to the development being brought into use, a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall, thereafter, be implemented in full accordance with the approved details.

REASON: To manage the car parking areas and avoid highway safety issues.

- 33) The parking and access arrangements on site shall be completed in full accordance with the approved Site Plan 369_P_302H prior to the development being occupied and thereafter be used for such purposes at all times.

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

- 34) No development shall commence until details of a Written Scheme of Investigation and its implementation for an archaeological evaluation of the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

- 35) No development shall commence until details and a programme of implementation and timetable for archaeological mitigation, pursuant to condition 34, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

- 36) Within 3 months following completion of archaeological fieldwork, a written report shall be produced in accordance with the findings pursuant to conditions 34 and 35, and submitted to the Local Planning Authority for approval. It shall set out and secure appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

REASON: To ensure that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

- 37) 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 shall include the following components:

A) A preliminary risk assessment which has identified:

- (i) all previous uses;
 - (ii) potential contaminants associated with those uses;
 - (iii) a conceptual model of the site indicating sources, pathways and receptors; and
 - (iv) potentially unacceptable risks arising from contamination at the site.
- B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- C) The results of the site investigation and the detailed risk assessment referred to in (B) 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.
- D). 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 (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components will take place without the written consent of the Local Planning Authority.

The development shall, thereafter, be implemented in full accordance with the agreed details.

REASON: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

- 38) Prior to the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

- 39) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by 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: The above condition ensures that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

