



**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 16 April 2019

**DEVELOPMENT:** A Hybrid Planning application comprising: Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2)

**SITE:** Land North of Hilland Farm Stane Street Billingshurst West Sussex RH14 9HN

**WARD:** Billingshurst and Shipley

**APPLICATION:** DC/18/2122

**APPLICANT:** **Name:** Dunmoore **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** The application represents a departure from the development plan;

More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

**RECOMMENDATION:** To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions and the completion of a s106 legal agreement to secure associated highways infrastructure improvements on the A29.

In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

1.2 The application has been submitted as a 'Hybrid', meaning that it seeks part-full planning permission, and part-outline planning permission. Development within 'Phase 1' (located

within the south-western part of the site) is sought in Full, and development in 'Phase 2' (the remainder of the site) is sought as Outline. The total B1c/B2/B8 employment floorspace proposed on this site is 18,147m<sup>2</sup>.

### *Phase 1*

- 1.3 Phase 1 is proposed in Full to comprise 13no. commercial units, totalling 4,692m<sup>2</sup> of employment floorspace, and a new site access including a new 4-arm roundabout junction from the A29. The new roundabout junction would link the existing A29 north and southbound carriageways with a re-aligned New Road, and a new arm enabling vehicular access into the site. This new arm would then lead onto another small 4-arm roundabout within Phase 1 of the development which would enable access to all Phase 1 units, as well as to units proposed within Phase 2.
- 1.4 The 13no. units are proposed to range in individual sizes from 268m<sup>2</sup> to 501m<sup>2</sup>, and would be a flexible B1c/B2/B8 use. The units are set out in four 'blocks' with Units 1 and 2 located near the site entrance; and Units 3 to 13 arranged in three separate rows, facing a central 'courtyard' to be used for access, parking and turning. The units would all be similar in external appearance, and comprise shallow pitched roofs (with roof lights) at maximum ridge heights of either 8.5m or 9m (and 7m to eaves). The external walls are proposed to be clad in a combination of metallic silver (RAL9006) horizontally laid composite wall cladding, and horizontally laid timber wall cladding which sits above a dark grey brick plinth. Profiled cladding in a 'Goosewing Grey' colour is proposed for the roofs, and the loading doors would be dark grey (RAL7016). Glazing for the windows and doors at the front elevation of each unit block is also proposed.
- 1.5 Phase 1 is proposed to include parking spaces for 100x cars (12 of which will be disabled bays), 14x motorcycles and 35x bicycles. Provision has also been made for large HGV's to access and turn within the site, and to load and unload at each unit as required. Hard surfaces within Phase 1 are proposed to comprise tarmac for the roads and pedestrian pavements, block paving (in silver-grey colour) for the parking bays, and concrete slabs for the loading bays. An area for 20x parking bays is proposed using a reinforced grass turf system.
- 1.6 Soft landscaping within Phase 1 would include the establishment of landscape buffers at the western and southern boundaries. The southern buffer (separating units 6-9 from Hillands Farm) would average around 8m in width and would include a 2m earth bund with additional native tree and buffer planting on top of the bund. The western buffer (between the A29 and the development site) would average approximately 15m in width, and would include sections of existing hedgerow and some new hedgerow planting. The landscape buffers and other soft landscaping across the site comprises the planting of around 130 mature, semi-mature and feathered trees, additional ornamental planting, buffer understorey planting, scrub mix, planting of native hedgerows, meadow planting and amenity grass planting. Two permanently wet detention basins and two additional ponds are proposed as part of the site-wide drainage and SUDs system, which comprise aquatic planting.
- 1.7 A cycle link is proposed within Phase 1 connecting the development site to Hilland Drive (to the south of the site) and onto the existing A29 roundabout, which leads to Billingshurst High Street.

### *Phase 2*

- 1.8 Phase 2 is proposed in Outline and is shown indicatively. Phase 2 is shown indicatively to provide 12no. commercial units totalling up to 13,455m<sup>2</sup> of employment floorspace, as well as a 4-pump petrol filling station (PFS) with a 465m<sup>2</sup> ancillary retail offer located to the north of the site; and a separate 200m<sup>2</sup> drive-thru facility proposed at the north-west corner of the

site. The eastern edge of Phase 2 is reserved as an area of landscaped amenity space, which averages at approximately 55m in width.

- 1.9 The commercial units are proposed to be a mix of B1c/B2/B8 uses, and would range in size between 593m<sup>2</sup> to 2,065m<sup>2</sup> (indicative only). The units are indicatively shown to be approximately 11.5 to ridge, and 9m to eaves, and are shown to be of a similar appearance to units in Phase 1. Parking and access for larger delivery vehicles and cars (as well as disabled bays, motorcycle parking and cycle racks) is shown within the vicinity of each unit.
- 1.10 No elevations are proposed for the PFS or drive-thru facility, but the indicative layouts are shown, and indicate the provision of 8 parking bays for the PFS/retail unit, and 23 parking bays for the drive-thru unit. The Planning Statement suggests that the PFS will be suitable for HGVs. 6m lighting columns are proposed within the PFS and drive-thru area, but no other details of external lighting are provided. Proposed hours of operation of these facilities are not provided.
- 1.11 It is proposed that the naturally rising land within Phase 2 of the development would be partially lowered and levelled to enable buildings to be constructed on flatter land. This would result in parts of Phase 2 being approximately 2.5m lower than New Road to the north, and approximately 5.5m lower than the area of amenity space to the east of the site. Landscaped banks are proposed to conceal this transition. The proposed levelling would result in the proposed buildings within Phase 2 sitting at a lower level than surrounding land.

#### DESCRIPTION OF THE SITE

- 1.12 The site is an undeveloped field, 8.29ha in size; located to the east of the A29 Stane Street, and to the south of New Road. The existing settlement boundary of Billingshurst is located approximately 140m to the south of the application site, therefore the site is located outside of the defined built-up area boundary (BUAB), and within the countryside.
- 1.13 Hillands Farm is located immediately to the south of Phase 1 of the site, which comprises four different address points and several associated farm buildings. Strategic development to the south of Hillands Farm (permitted under Outline application DC/13/0735) has commenced, which includes the development of 475 houses and the creation of a new spine road. Parcel H2 of this development is partially complete, and can be seen from the application site.
- 1.14 Other existing dwellinghouses adjacent to the application site are Friskeys (located approximately 90m to the north of the site), and Hilland House (located approximately 40m to the east). Whilst existing boundary treatments afford some screening, the application site can be seen from both of these dwellings via glimpses between tree vegetation. Sumners Place is a Grade II listed building (used as offices) located approximately 350m to the north of the application site. Due to the distance involved, changing land levels and intervening woodland; this listed building cannot be seen from the application site.
- 1.15 New Road (located to the north of the application site) is narrow, and rural in character. An uninterrupted, mature and well-maintained hedgerow (measuring around 1.5m in height) runs alongside New Road and separates it from the application site.
- 1.15 Around  $\frac{3}{4}$  of the site is designated as an Archaeological Notification Area, which includes sections through the A29 Stane Street (a Roman Road). A Public Right of Way (ROW1942) defines the eastern boundary of the site, and leads onto the development under construction to the south and beyond into Billingshurst village centre. An area of Ancient Woodland (Church Wood) is located approximately 130m to the north of the application site. No other land constraints or designations relate to this site.

- 1.16 An electricity pylon route passes through the site in a north-west and south-east route. A 45m pylon tower is sited to the western part of the site, approximately 30m to the east of the A29, and overhead cables cross the south-western portion of the site linking to another tower located approximately 150m to the south of the application site.
- 1.17 Natural land levels across the site are relatively flat towards the west, but rise by about 12m in an eastward direction to the most raised part of the site at the north-east corner. There are 2 existing trees within the site, which are located along the edge of an open drainage channel (running north/south) which is partially culverted. Several mature trees are located on the southern boundary of the site, and dense tree coverage defines the eastern boundary – separating the site from Hilland House to the east.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

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

#### **Horsham District Planning Framework (HDPF 2015)**

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
- Policy 13 - Town Centre Uses
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 43 - Community Facilities, Leisure and Recreation

#### Supplementary Planning Guidance:

- Planning Obligations and Affordable Housing SPD (2017)
- Community Infrastructure Levy (CIL) Charging Schedule (2017)
- Billingshurst Village Centre SPD (2017)
- Billingshurst Parish Design Statement SPD (2009)

## RELEVANT NEIGHBOURHOOD PLAN

Billingshurst Parish Council were formally designated as a Neighbourhood Development Plan area in December 2015. The Parish Council are at the early stages of preparing a pre-submission plan (pre-Reg 14 evidence gathering stage). As no draft plan has yet been published for consultation, very limited weight can therefore be given to the Neighbourhood Planning process at this stage.

## PLANNING HISTORY AND RELEVANT APPLICATIONS

None

### 3. OUTCOME OF CONSULTATIONS

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### 3.1 INTERNAL CONSULTATIONS

##### **HDC Strategic Planning: Objection**

[Summary]

##### HDPF Policies 1, 2, 3, 4 and 26

The HDPF seeks to focus growth within defined built-up area boundaries (Policies 1,2,3), while the countryside is protected against inappropriate development thus only development essential to its countryside location is considered acceptable (Policy 26). This proposed development site is located outside of the BUAB of Billingshurst. It therefore does not accord with Policy 3 and conflicts with Policy 26 because it is not essential to its countryside location.

The proposal would conflict with Policy 4 (1) as the site is not allocated within a Local Plan or Neighbourhood Plan and does not adjoin an existing settlement boundary. The proposal is not considered to meet the other criteria given the proposed level of expansion in a countryside location, and the lack of robust evidence demonstrating:

- the proposal meets identified local employment needs (taking into account existing permissions); and
- its impact won't prejudice comprehensive development in accordance with the development strategy or landscape features given the sites location in the countryside.

##### HDPF Policies 7 and 9

These policies promote economic growth and seek to achieve sustainable employment development. They seek to focus development on existing employment sites, as well as promoting the development of small, start-up and move-on business units. Both policies are to be read alongside policies 1-4 and 26 of the HDPF. It is therefore considered that whilst the proposal would business units consistent with Policies 7 and 9, this would not override the conflict with policies 1-4 and 26 of the HDPF.

##### HDPF Policy 10

This allows for rural economic development within the countryside provided it is appropriate to the countryside location and meets specified criteria. The proposal is considered to conflict with Policy 10 of the HDPF.

### HDPF Policies 12 and 13

Policy 13 and NPPF paras 86-90, require a sequential test to be undertaken for out of centre proposals that seek main town centre uses. It is indicated that the proposed 465sqm A1 retail unit and 200sqm A3 food and drink unit would come forward as 'ancillary' to the petrol filling station. The proposed A1/A3 uses are considered to be more than ancillary given that they are larger than the majority of the retail units in Billingshurst's Town/Village Centre.

The sequential test undertaken by the applicant is not considered to be appropriate. The A1/A3 floorspace indicated is significantly larger than the majority of units within the town/village centre. It is therefore considered the scale of A1/A3 proposed requires further justification in respect of the sequential test approach given the sites location and approximate 10 minute walking distance to the town/village centre. The importance of the town/village centre's vitality and viability is reinforced by the Billingshurst Village Centre SPD, adopted March 2017.

The proposed petrol filling station may be acceptable in this location off the A29. However, taking into account the above, something more akin to a 'service station' at this location, which draws the existing community away from the centre for their convenience goods, would conflict with HDPF Policies 12 and 13. Without the submission of further evidence to address the matters raised above this proposal is considered to conflict with HDPF Policies 12 and 13, and the guidance in the Billingshurst Village Centre SPD.

### The Local Plan Review (Issues and Options (I+O) Paper, April 2018)

The I+O paper commented on the additional employment need and sites that may be necessary in the period to 2036. The NPPF makes clear that weight may be given to emerging plans according to their stage of preparation, but as the I+O paper is an early stage to the Local Plan Review, it is considered that very limited weight can be given to the proposals contained within it.

The I+O recognised that the 2015 EGA update identified a need for 38.1 hectares of employment land in the period to 2031. It also acknowledged that some of the total land needed for employment growth had already come forward, been granted planning permission or been allocated (not including 4.6 hectares at Land at North Horsham). This therefore reduced the total additional land required for employment development in the period to 2031 to around 23.3 hectares (excluding the North Horsham which would further reduce the requirement to 18.7 hectares).

The I+O paper considered that it would not be unreasonable to plan for an estimated 27.6 hectares of additional land in the period up to 2036. The document made it clear that further updates to the evidence base would be needed to support the Local Plan review. The paper also recognised that there would be a need for some additional employment land, and consulted on a number of sites which had been put forward. The document clearly indicated that the total site areas of all sites in the consultation document was greater than the estimated need set out.

The I+O paper identified the application site as a potential employment/commercial allocation, and assessed its positive and negative attributes. Two other sites in Billingshurst were also assessed, and fifteen sites throughout the District were identified in total (in excess of 100 hectares). Billingshurst's proposed BUAB revision (to include the land currently being built out to the east of Billingshurst) did not include the application site.

### Current Employment Needs

The 2015 EGA identified a need for 38.1 hectares in the plan period 2011 to 2031. Commitments known at the time reduced the total additional land required to around 23.3 hectares (not including 4.6 hectares at Land at North Horsham). The EGA reflected that approximately 20-25% of the total additional employment land was needed for B1a/B1b (4.66ha-5.825ha) and 80-75% was needed for B1c/B2/B8 (17.475ha-18.64ha).

The 4.6ha allocation at North Horsham potentially addresses the B1a/B1b (office) need. For the remaining B1c/B2/B8 (industrial) need, when applying the conversion ratios set out in the 2015 EGA (for Ha to sqm), the need to 2031 equates to a range between 69,900 – 74,560sqm.

It is considered that more than half of this remaining need is being addressed by the proposals permitted at Brinsbury (circa 16,850sqm) and Nowhurst Business Park (25,212sqm). These will make a significant contribution towards both quantitative and qualitative need given they will provide modern purpose built employment space. It should also be noted that in addition to this, other employment sites will have come forward, some will have been lost, and further evidence base work is ongoing to understand this in more detail. The Novartis site in Horsham is a former employment site, and it is not until the details of any redevelopment has been determined that it will be possible to ascertain if the site will deliver a net gain or loss in floorspace compared to when the site was in use.

### Conclusion

It is not therefore considered, based on the current employment needs data, that the need at present is such as to outweigh the conflict with adopted planning policy, which are key in the delivery of a genuinely plan led approach as supported by paragraph 15 in the NPPF.

It is acknowledged especially following the publication of the revised NPPF and the introduction of the new standard housing needs approach that the Local Plan Review will need to be supported by an updated evidence base. However, until the evidence relating to employment needs and commitments is updated it is considered there is a lack of evidence to robustly demonstrate that the outstanding local employment needs are such as to justify a determination contrary to the adopted policies of the HDPF.

### **HDC Landscape Architect: Objection**

#### [Summary of comments following amended plans]

The new access introduces an adverse landscape and visual effect, creating a much more urbanised approach to the town than that currently experienced. The route from New Road along the A29 is still very much a rural experience – but this will be altered by these proposals with large industrial sized buildings rising up the hill.

The units within Phase 2 have been moved further away from New Road and reduced in height which has reduced the negative effect on New Road. However, these units are on rising ground and there will still be a residual negative effect on the views up the hill from the A29 looking East as there has been no increase in screening between Unit 14 and the proposed petrol station.

The orientation of the buildings running east/west have remained in place and this will create a 'wind tunnel' effect – funnelling the prevailing Westerly wind through the site – thought should be given to reduce this effect by tree planting or a reorganisation / breaking up / staggering of the building lines.

The amendments made to the scheme in response to my previous comments have lessened the negative effect on the landscape character – but it still poses a huge intervention and alteration to the existing landscape. As such it would have a major negative effect to the landscape character.

The application is development in the countryside, and the proposal therefore in Landscape terms is contrary to HDPF Policies 26 and 33. Based on the detrimental and negative effect on the landscape character and visual amenity of the countryside, this current proposal could not be supported on landscape grounds.

## **HDC Environmental Health: No Objection (Phase A), Comment (Phase B)**

### [Summary of comments]

#### Phase A: No Objection (subject to conditions)

The Environmental Noise Assessment (ENA) includes monitoring results from an unattended noise survey, identifying that the existing ambient noise climate is dominated during the day by road traffic from the A29. Although the duration of the survey was less than 24 hours, it has demonstrated that night time noise levels are significantly lower than day time, influencing the recommendations given in the ENA that night activities at these units should be restricted. It is recommended that, In addition to the controls proposed in the noise assessment, Units 3-9 be limited to B1 uses only as these units lie closest to the residential properties bordering the site.

Other conditions are also suggested if permission is granted, including: (1) Construction Environment Management Plan; (2) hours of operation for units 3-9 to be restricted to 07:00-20:00 hours with no activities permitted on Sundays or Public Holidays; (3) external activities at units 10-13 to be prohibited between 23:00 and 07:00 hours or at any time on Sundays or Public Holidays and no deliveries on Sundays or Public Holidays or between 23:00 and 07:00 on any other day; (4) submission of a scheme of sound insulation works to reduce the escape of noise from all units; (5) submission of a noise assessment prior to the occupation of any unit to confirm the unit performs in accordance with the ENA recommendations; (6) conditions to control noise form external plant and equipment; (7) submission of a Noise Management Plan; (8) condition to prohibit external storage of materials or waste; (9) standard land contamination conditions.

#### Phase B: Comment

The ENA demonstrates a reduced levels of noise (below 25dB) for this part of the site between 00:00 and 05:00, which clearly demonstrate the potential for significant disturbance at night from the operation of the proposed development.

The proposed layout will channel noise between the buildings and towards the residential property to the east. The location of the proposed 24 hour service station and drive-through is also a concern as these are located closest to the residential property to the north.

It is considered that the development as proposed has not been designed to reduce exposure to noise in accordance with the requirements of the NPPF (para 180) to achieve good design. Design principles set within the 'ProPG: Planning & Noise Supplementary Document 2: Good Acoustic Design' (published jointly by the Association of Noise Consultants, Institute of Acoustics, and Chartered Institute of Environmental Health) should be acknowledged.

The layout of Phase B should be re-designed to stagger the buildings to act as noise barriers. The proposed service station and drive through uses should be located closer to the A29.

No detailed noise assessment for Phase B has been submitted within the ENA, but it notes that the impact of noise from this phase will depend on the final end user, final layout of the scheme, the size and construction of the units. The outline nature of the proposal therefore makes it difficult to predict the potential for night time activity and traffic movements with certainty.

Given the tranquil nature of the development site at night, it is considered the noise generated by the proposed development is likely to significantly alter the character of the locality. The nature and character of noise events typical of such developments are such that these will be distinguishable in a manner that is not fully characterised by decibel measurements.

Given the Outline nature of the application offering precise comments is difficult. However, if the application is acceptable in principle, it is recommended that the scheme be redesigned

to reduce the exposure of the neighbouring properties to noise in accordance with the requirements of the NPPF to secure good design.

**HDC Drainage Engineer:** No Objection (conditions suggested)

[Summary] *'I am happy with the amendments and explanations of the greenfield run-off input data used. Further to the submission of the Surface Water Drainage Statement, I have no further comments'*. Condition suggested to secure full details of the measures to dispose of both foul and surface water plus evidence to show that an agreement is in place for the ongoing maintenance of any SuDS systems over the lifetime of the development.

**HDC Air Quality:** Comment

[Summary of initial comments]

Issues initially identified with the results of the emissions dispersion modelling (i.e. no details of model performance, and a high verification factor used indicating the model is under-predicting the results).

Although there is no AQMA in Billingshurst, the proposed development will significantly increase traffic flows in the area and, as such, the development fits within the Major development category. The damage cost calculation provided is accepted. However, the proposed mitigation measures are not sufficient as they have not been costed, and as the offsite mitigation (linkages to local walking / cycling infrastructure) that already forms part of the Transport Assessment. It is recommended that the applicant submits an operation phase mitigation plan that provides a valuation for the proposed measures and compares the overall mitigation cost against the environmental damage costs (excluding costs associated with Travel Plans).

[Summary of subsequent comments following an update to the Air Quality Assessment]

The model performance provided uses a very high verification factor (4.07) which indicates that the model is significantly under predicting the results. It is concluded that the model provided carries a high level of uncertainty.

As before, the cost calculation appears to be correct, but to allocate most of the mitigation to tree planting is disappointing as this landscaping would be required by the scheme anyway, and, the air quality impacts of measures such as trees have been proven to be marginal. Mitigation measures such as cycling infrastructure improvements (cycling paths) or public transport improvements would be supported.

**HDC Economic Development:** Support

[Summary] *'There is currently a lack of supply of modern fit for use commercial sites in the District, both in terms of meeting the needs of smaller and larger businesses. This is evident in the poor performance of business rates growth and the lack of opportunities provided for existing companies to expand. Enquiries from businesses to Economic Development for commercial floorspace fit for purpose have recently increased. Much of the current stock is in need of updating in order to meet these needs.'*

*Priority 1 of the Economic Strategy states the importance of ensuring businesses have the confidence to invest in Horsham District as an economic location. The championing of strategic sites and new commercial developments will be critical in achieving inward investment from companies outside of the District. This is furthered in Priority 2: Enterprise, in which a key point is to ensure our businesses become more productive and resilient to support long term growth. The provision of additional commercial floorspace will provide businesses the opportunity to expand and further their growth. These priorities are key to ensuring economic growth in the District.*

*The current proposal would be another move to improve the commercial offer the District has and provide space for businesses in the District to expand as well as sites for inward*

*investment. Economic Development strongly supports this application as it addresses key points within the economic strategy’.*

**HDC Waste Management: Comment**

[Summary] *‘The applicant should set out whether collections will be made by the Council or an independent waste collector. Where the Council is to be the waste provider, the applicant will need to show the number, size and type of bins stores necessary to serve the particular use. If by an independent waste collector, the applicant needs to confirm that the waste collector is happy with the access to all bin stores which are discretely designed’.*

3.2 OUTSIDE AGENCIES

**Ecologist: No Objection (conditions suggested)**

[Summary of initial comments]

The site falls within a 'bat sustenance zone' for Barbastelle bats from the internationally important Special Area of Conservation at The Mens. Bat activity surveys have been completed in accordance with the relevant guidelines, with the results concluding: *‘Based on the survey evidence.... the implementation of a suitable lighting strategy and the proposed enhancements should allow the conclusion that any effects on the The Mens SAC will not be significant. The Stage 2 – Appropriate Assessment is therefore not required’.* Based on the information provided, we support this conclusion.

Further information is requested to confirm whether presence / likely absence surveys for dormice are required to fully inform the assessment. Recommendations for avoidance during site clearance are made with regards to dormice, but no specific mitigation / enhancement measures are proposed.

[Summary of subsequent comments]

We have reviewed the Dormouse mitigation statement and considered the ecological implications of the application as a whole. The contents of the non-licenced Dormouse method statement are sufficient to provide the LPA with certainty of the likely impacts on this European Protected species. With the mitigation measures detailed, the impacts will be minimised such that the proposal is acceptable subject to the conditions below. In terms of biodiversity net gain, the achievement of the enhancements proposed within the masterplan will contribute to this aim.

Conditions are suggested to apply to both phases of the development (Full and Outline), and include: (1) the submission of an Ecological Mitigation and Enhancement Plan; and (2) the submission of a Wildlife Sensitive Lighting Design Scheme.

**Archaeologist: No Objection (condition suggested)**

[Summary of initial comments]

The site is situated on the route of the Stane Street Roman Road, and a number of archaeological investigations have uncovered evidence of prehistoric, Roman and medieval activity. An Archaeology and Heritage Desk Based Assessment has been submitted concluding that the site has potential for archaeological remains, and suggests archaeological evaluation be undertaken. We agree with this conclusion and recommend that a programme of field evaluation is undertaken (including an initial geophysical survey, followed with a trial trenching exercise).

[Summary of subsequent comments following submission of a geophysical survey report]

The development area lies east of a Roman Road, and south of excavations undertaken in 2011 and 2014 which identified archaeological features from the Middle-Late Iron Age and Early Roman periods. Pre-commencement condition is suggested for the submission and

completion of a programme of archaeological work in accordance with a Written Scheme of Investigation.

**WSCC Highways: No Objection (conditions and informatives suggested)**

[Summary of initial comments]

The principle of the proposed vehicular access arrangement (via a new four arm roundabout onto the A29) has been discussed and agreed with WSCC. There are a number of comments relating to the design including: roundabout design details are required, reference to be made to TD 16/07 guidance, more detail required in the Design Audit (DA) regarding road widths etc, a 'Departure from Standards' should be applied for re: forward visibility.

There is a requirement to formally Stop Up existing sections of New Road once the new roundabout is constructed. The proposed cycle/pedestrian route is outside the application boundary so assurances must be made to secure this link by condition.

The Road Safety Audit (RSA) raises 2 problems. The first has effectively been dealt with through the DA. The second point (regarding capacity) is considered in the following comments.

The impact of the development has been considered in the context of development planned and committed within the HDPF to 2031 (this uses traffic growth rates from the DfT's TEMPRO modelling) – this approach accords with best practice. Trip generation has been forecast using TRICS and Census data which is accepted (however, the full TRICS output is required not just a summary; and confirmation of the Census data set use is required).

Trips for the proposed business uses are considered to be entirely new to the network and are treated as such for every junction assessed. For the PFS and drive through, these uses are considered to cater for existing trips already on the network; where the uses now proposed will just provide an alternative destination for trips to take place to. These pass-by trips are therefore considered as new to the proposed access. Beyond this, the trips are taken as existing and already on the network. The use of Census data and current trip routes in Billingshurst is used as an acceptable proxy to forecast where trips will originate from.

The impact of the development has been assessed using industry accepted modelling packages at all relevant junctions. In reviewing, the modelling there are a number of potential issues in how the data has been entered, including: u-turning HGVs, variation of traffic unit inputs, and differences between modelled geometries and those in the Design Audit. Although there are aspects to the modelling that should be checked, in principle, it's acknowledged that the additional traffic is unlikely to result in severe capacity impacts.

The TA is limited in considering access via walking, cycling, and passenger transport. Mention is made to enhancing existing bus stops but no details are included. The reference to the travel plan being secured via condition is accepted. However, the TA does not demonstrate that appropriate opportunities to promote sustainable transport modes have been taken up.

Internal road widths of 7.5 to 7 metres are generally shown, which are appropriate to accommodate the two way passing of HGVs. A short length of shared surface is shown in the southwest corner of the site which seems unnecessary given the low traffic flows here.

Parking has been considered against the WSCC maximum car parking standards. The level of parking proposed within phase 1 lies within the maximum standard.

[Summary of subsequent comments]

The general principle of the proposed roundabout is accepted. The initial review showed that departures from standard were identified. The applicant has formally applied for these

departures and have been accepted by WSCC. The proposed roundabout is therefore acceptable.

The applicant is required to apply to the DfT's National Casework team to Stop Up the land at New Road. Any order would be completed only once planning permission is granted.

The various matters raised regarding capacity have now been addressed.

Access by sustainable modes has been reviewed further. Additional details have been presented concerning passenger transport with clarification provided over the infrastructure to be provided.

For walking and cycling, confirmation has been provided that the applicant has the necessary rights to complete the pedestrian/cyclist route, which should be secured as a condition.

Based on the additional information, WSCC are satisfied that the development would not result in any severe or otherwise unacceptable highway issues. No objection would be raised. Conditions are recommended including: (1) access to be constructed; (2) bus stop improvements; (3) car parking to be provided; (4) cycle parking to be provided; (5) submission of a Construction Management Plan; (6) submission of a Travel Plan; (7) provision of a foot/cycle way link. Informatives are also recommended, including: (1) consents from WSCC for works within the Highway; (2) application to DfT for a Stopping-Up Order.

**WSCC Flood Risk Management: No Objection (conditions suggested)**

[Summary] Most of the site is at low risk from surface water flooding but areas to the west are shown to be at high risk. The site is predominately shown to be at low risk from groundwater flooding. There are no records of historic flooding within the site. Current mapping shows no ordinary watercourse within the boundary of the site, however, local or field boundary ditches, not shown on OS mapping may exist.

The submitted FRA proposes that storage tanks and ponds, with a restricted discharge, would be used to control surface water runoff. This method would meet the requirements of the NPPF, PPG and associated guidance documents.

Following the spirit of SuDS implementation, betterment for surface water systems should be sought, which could include the use of green roofs, rain gardens, permeable paving and swales. SuDS landscaping could significantly improve the local green infrastructure provision and biodiversity impact, whilst having surface water benefits too.

Conditions suggested include: (1) surface water drainage designs and calculations; (2) details of the maintenance and management of the SuDS system.

**WSCC Public Rights of Way: No Objection**

[Summary] It appears the proposed development will not affect PROW 1942. In line with HDPF Policy 40, the enhancement of links to and from the proposed site are encouraged. For example a route from the proposed PFS and existing Footpath 1942, and a cycle route from the new Spine Road.

Consultation with WSCC PROW Team must be undertaken if any alterations to the existing PROW are proposed to ensure legal path widths are maintained. If ground levels are raised adjacent to the PROW, a suitable drainage system must be installed to a specification agreed with the PROW Team. The granting of planning permission does not authorise obstruction of, interference to or moving of any PROW.

**Environment Agency: No Objection**

[Summary] *'We have no objection to the proposed development'*. Informatives suggested including: (1) good practice guidance should be followed for design of petrol stations; (2) pollution prevention and mitigation guidance to be followed; (3) environmental permit may be required; (4) operations must be in accordance with the Environmental Permitting (England and Wales) Regulations 2010.

**Southern Water: Comment (informatives and conditions suggested)**

[Summary] Standard comments provided regarding required easements around public sewers and water mains; condition suggested to phase the development to align with any delivery by Southern Water of any sewerage network reinforcement works to ensure that sufficient capacity is available to drain the development; informative advising the need for a formal application for connection to the public sewer; conditions suggested for long term management of SuDS; conditions suggested for details of foul and surface water sewerage disposal; and informative suggested for a formal application to connect to the water supply.

**National Grid: No Objection**

[Summary] *'National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line – Overhead Electricity Line, Electricity Tower'*. Guidance has been provided as follows (summarised):

- Statutory electrical safety clearances must be maintained at all times. National Grid recommends that no permanent structures are built directly beneath our overhead lines.
- The statutory minimum safety clearance is 7.6 metres to ground and 8.1 metres to a normal road surface.
- Any changes in ground levels which are proposed either beneath or in close proximity to our existing overhead lines would serve to reduce safety clearances. Safety clearances to existing overhead lines must be maintained in all circumstances.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors at the point where the conductors are under their maximum 'sag' or 'swing' conditions.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

**Billingshurst Parish Council: No Objection**

[Summary] 'The Parish Council does not object to this application but would like to make the following comments and suggestions:

- Disappointment that pre-application consultation was not with the Parish Council.
- Benefits include: employment opportunities, new petrol station, enabling business to expand, enabling housing development of vacant brownfield sites if existing industrial estates become vacant.
- Areas to reconsider include: use of ground source heat pumps, provision of ev charging points, guarantee of no light spill, review drainage system (flooding is common on site), review sewerage capacity, clarify delivery of proposed foot/cycle access on 3<sup>rd</sup> party land, potential for footpath to the east to be upgraded, maintenance scheme for trees, consideration of site security at weekends.

**Chichester DC: No Objection**

### 3.3 PUBLIC CONSULTATIONS

A total of 19 representations have been received in connection with this application. 17 representations object to the proposed development, and 2 representations support the proposed development.

The following summarises the main reasons for objection:

- Lack of need for the proposed facilities (including petrol station)
- Negative impact on rural landscape character, loss of green fields
- Increase in traffic congestion and impact on road safety
- Impact on the high street (diversion of trade)
- Limited benefits offered
- Noise and light pollution, amenity impact
- Flooding problems will be exacerbated, and lack of sewer capacity
- Concerns with overhead electricity pylons
- Biodiversity impact
- Contrary to HDPF policy (including 1, 2, 3, 4, 7, 9, 10, 24, 25, 26, 32, 33, 34)

The following summarises the main reasons for support:

- New petrol station is welcomed
- The facilities are required to serve the growing population
- Contribution to landscape improvements
- Traffic noise will be insignificant
- The development will assist with Billingshurst's full growth potential
- Employment opportunities

### 3.4 MEMBER COMMENTS

No comments have been received.

## 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

## 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## 6. PLANNING ASSESSMENTS

The main considerations of this assessment are:

- The Principle of the Development
- Assessment of Need
- Landscape Impact
- Highways Impact
- Retail Impact

- Layout and Amenity Impact
- Design and Appearance
- Drainage and Flood Risk
- Other matters including: *Land Contamination, Ecology, Archaeology and Heritage, Air Quality.*
- Planning Balance

### **The Principle of the Development**

- 6.1 The site is located outside a defined built up area boundary (BUAB), and is not allocated for development within Horsham's adopted development plan (comprising the Horsham District Planning Framework (HDPF) or a 'Made' Neighbourhood Development Plan). Development in this location at this time therefore conflicts with the sustainable development principles set out in Policies 1 and 2 of the HDPF as well as with Settlement Expansion Policy 4; and as a result, is a departure from the approach for development as set out in the current adopted plan. In addition, by virtue of its location outside the BUAB of Billingshurst, the proposal would conflict with the HDPF's countryside protection policy (Policy 26) as the development is not considered to be 'essential' to this countryside location. Accordingly, the grant of planning permission for development on this site would represent a departure from the Development Plan.
- 6.2 Paragraph 11 of the NPPF (2019) states that *'plans and decisions should apply a presumption in favour of sustainable development'*, which for decision-taking means; *'approving development proposals that accord with an up-to-date development plan without delay'*. Whilst it has been over 3 years since the Examination and adoption of the HDPF thereby triggering the commencement for an early review (which is underway); the Council considers that relevant policies for the supply of employment land remain up-to-date for the purpose of NPPF paragraph 11, until such time as new evidence supporting the Local Plan Review indicates otherwise. It is acknowledged that the applicant has presented information to argue the case that the Council are not effectively delivering on its employment growth policies, and this is discussed in more detail later in this report.
- 6.3 Paragraph 12 of the NPPF also states that:  
*'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 6.4 This follows section 70(2) of the Town and Country Planning Act and the provisions of Paragraphs 2 and 47 of the NPPF which require that *'...applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*.
- 6.5 In the case of this current application at Hilland Farm, the proposals fall contrary to the key spatial policies of the HDPF (Policies 1, 2, & 4) therefore applying the above provisions the application runs contrary to an up-to-date plan and should be refused. This conflict with the development plan is not disputed by the applicant. Rather, the applicant considers that there are material considerations of significant weight that outweigh the primacy of the adopted development plan and justify a departure from its development strategy.

### The Applicant's Case

- 6.6 The applicant's case is based on a number of factors/benefits which can be found primarily in the Planning Statement, 'Propernomics' report (February 2019), Employment Market and

Needs Assessment (SHW, October 2018), and applicant's Employment Land Delivery letter dated 27 February. These factors/benefits can be summarised as:

- The proposed development addresses real and pressing local needs, providing new modern fit-for-purpose employment floorspace and a Petrol Filling Station at the edge of Billingshurst attractive to new business entrants to Billingshurst and those wishing to expand from their existing premises, all accessed directly from the A29.
- Currently there is no vacant industrial and warehouse space being marketed in Billingshurst. There is very limited existing stock available in Horsham and Billingshurst with only 45,000 sq. ft. of existing buildings currently available (units of 5,000 sq. ft. or more considered).
- Take-up of employment space in Horsham and Billingshurst has fallen over the past 3 years, however, logged demand and new enquiries have grown over the same period, a direct link to lack of stock. There are very few new development opportunities in Horsham and Billingshurst – Upon review of extant consents over the past 5 years there has been a potential net loss of employment space through change of use. There are no freehold opportunities in either Billingshurst or Horsham but there is strong demand. Few transactions have occurred due to there being limited or no stock available. Lack of availability is likely to force any companies seeking to expand to relocate away from the town.
- There is a strong level of demand from existing local business:
  - i There are 19 live enquires without marketing.
  - ii The majority of enquiries are for buildings 10,000 to 40,000 sq. ft.
  - iii The types of use being a mix of storage and distributions, assembly and manufacturing occupiers.
- Horsham and Billingshurst's needs cannot be met by the existing stock of premises, or by the supply of alternative sites, which score poorly by comparison with the application site.
- Current stock mostly consists of 1950's and 1970's buildings with a few newer buildings in Daux Road and Natts Lane.
- The relocation of major industrial units from the existing stock has the potential to alleviate ¼ million vehicle journeys in the village centre a year and free-up existing employment land in the village centre for residential use.
- The Council's Economic Development officers are strongly supportive of the proposed development.
- Billingshurst Parish Council voted strongly in favour of the development which is in line with an aspiration locally to secure new employment floorspace at the edge of Billingshurst [N.B. the Parish's consultation response does not refer to 'strongly in favour'].
- The Strategic Planning (SP) response includes outdated reports and sources that carry little weight when considering current needs: e.g. former housing targets (750 dwellings pa); commuting patterns (8 years old and not addressing out-commuting); with a lack of current data on employment land losses in Billingshurst and elsewhere. This makes the employment land requirements in the SP response overly conservative and underestimates the scale of quantitative employment needs in HDC.
- Alternative sites referenced in the SP comments with only "outline" permission or no permission (in the case of Nowhurst) will not benefit Billingshurst by comparison with the proposed development which has secured pre-lets and includes "detailed" and deliverable proposals.
- The proposed development offers significant economic benefits including: capacity for 427 operational jobs within modern accommodation and within walking distance of the centre of Billingshurst; construction supply chain benefits; efficiency gains (environmental and for business productivity); and enables regeneration of other estates.

- 6.7 The core part of the applicant's case asserts that the Council's net delivery of employment floorspace via HDPF Policy 7 is falling substantially short compared to the identified need. This is discussed in further detail below.
- 6.8 In summary, both section 70(2) of the Town and Country Planning Act and paragraphs 2, 12 and 47 of the NPPF afford significant weight to an adopted and up-to-date development plan (such as the HDPF) whilst allowing for departures from the development plan to be made in incidences where relevant material considerations are considered significant and sufficient to warrant such a departure. If on balance, it is considered that the material planning considerations relevant to this case are sufficiently compelling to justify a departure from the HDPF development strategy, this would establish the principle of development on the site as being acceptable. If on the other hand, the material considerations presented are not considered to outweigh the primacy of the development plan, then the principle of the development would not be considered acceptable. An assessment of this follows in the following paragraphs, and an Officer view is presented in the Planning Balance section at paragraphs 6.95 – 6.101.

## **Assessment of Need**

### District-Wide Employment Need

- 6.9 Paragraphs 80-82 of the NPPF set out the Government's policy for delivering economic growth, requiring that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt'. Paragraph 80 states that '*Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'.
- 6.10 Paragraph 81 sets out criteria that Planning policies should accommodate, including setting out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration; set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; and to be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances.
- 6.11 Finally, paragraph 82 states that '*planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.*'
- 6.12 Chapter 5 of the HDPF sets out the strategy for meeting the economic development needs of the District to 2031 and identifies a number of issues for the policies to address. These include
- *There is a lack of employment land in the district and much of the business accommodation stock does not meet the requirements of existing businesses or attract new businesses.*
  - *Freehold and leasehold employment land in the district is scarce and much of the business accommodation stock is low grade and does not meet the requirements of existing businesses or attract new businesses.*
  - *There is a shortage of business floorspace in terms of both the types and sizes needed.*
  - *There is a need to provide suitable high quality space for business that wish to move into the district.*
  - *There need to be opportunities for existing businesses to grow expand and change to meet modern business demands (e.g. design of industrial estates and offices).*

- 6.13 The overarching strategy to address these issues is set out in Policy 7. This policy seeks to achieve sustainable employment development by (amongst others):
- *Allocating land for a high quality business park at Land North of Horsham.*
  - *Redevelopment, regeneration, intensification and smart growth of existing employment sites.*
  - *The formation and development of small, start-up and move-on businesses, as well as home working and home based businesses, by encouraging provision of small units through development proposals.*
  - *Retention of Key Employment Areas, for employment uses.*
  - *Encouraging sustainable local employment growth through Neighbourhood Development Plans.*
  - *Identifying additional employment areas to meet the need for appropriate new business activity.*
- 6.14 The Inspector's Report on the HDPF refers to the key background employment study undertaken (the 2014 Economic Growth Assessment) which identified inadequacies in the type and range of employment sites in the District, a shortage of modern employment property, the need for industrial floorspace given a potential shortfall of 16ha, and that there was a strong need for modern, high quality business premises well located in relation to the strategic road network. The Inspector concluded that there '*appear to be enough sites for current foreseeable demand*' and that '*there is no indication that the Plan will suppress growth*'. Nevertheless the Inspector determined that the early review of the Plan would ensure that additional allocations could be considered to ensure employment growth is not constrained.
- 6.15 The early review of the Local Plan (Local Plan Review) is underway and the Council have instructed specialist consultants to undertake a comprehensive review of the EGA, including analysis of the Council's position to date in terms of existing employment floorspace delivered and any backlog in supply, as well as projected needs going forward (taking into account of updated population projections and the Government's new standardised housing calculation methodology to assess Horsham District's projected employment growth needs to 2036). A final report is due to be published in June/July 2019. When complete, the revised EGA will set out a robust and up-to-date assessment of employment growth needs going forward to 2036, which will be used to inform the development of an appropriate Local Plan Review strategy to seek to meet the identified need, including allocating sites for employment development where necessary. The Local Plan Review Issues and Options Paper (April 2018) was the first formal stage of the plan review, and recognises that new employment sites will be required to meet projected needs going forward into the next plan period. Table 5 of this paper highlights several potential employment sites for consideration as future employment allocations, which includes this parcel of land at Hillands Farm.
- 6.16 Whilst the preferred approach would be for any development at Hillands Farm to come forward via allocation within the Local Plan Review, the Review is not at a stage where weight to its strategy for growth can be attributed. Consequently officers advise that the determination of this application must be made based on the current HDPF policies and supporting evidence base.
- 6.17 The core element of the applicant's case rests on their calculations that the net quantum of employment floorspace that has been delivered so far under the HDPF is falling significantly short of the identified need established via the 2014 Economic Growth Assessment (EGA) and 2015 update. The applicants have undertaken a detailed assessment of the net delivery/commitment of employment floorspace within the plan period to date, taking into account completed developments, development with planning permission but not completed, and floorspace losses.

- 6.18 The HDPF does not itself set out a target quantum of floorspace to be delivered, however the employment strategy is based on the EGA baseline employment land needs figure of 38.1ha for the period 2011-2031 for all B-class uses. The applicants contend that the 38.1ha baseline figure set out in the EGA is conservative given the delivery of housing has recently far exceeded 750 dwellings (which the EGA based its figures on), occupier demand in the market, and changing floorspace needs of industrial occupiers. This contrasts with the HDPF Inspector who suggested the EGA figures be treated 'with caution' given historically lower employment growth numbers for the District. Notwithstanding the applicant's arguments, the 38.1ha baseline data represents the most up-to-date data to hand and is considered a suitable point of reference.
- 6.19 Strategic Planning Officers have calculated that this 38.1ha equates to a remaining B1c/B2/B8 floorspace need to 2013 of between 69,900 – 74,560m<sup>2</sup>. This figure has been arrived at by deducting 14.8ha of employment delivered as of March 2012 (the date of the EGA study, through existing allocations, vacant sites or sites with extant planning permissions), deducting 20-25% of this for B1a/B1b use (as advised by the EGA), and converting the remaining employment land to employment floorspace using the methodology within the 2015 EGA update.
- 6.20 The exercise undertaken by the applicant shows that since the EGA baseline date (March 2012), approximately 22,974m<sup>2</sup> of new B1c/B2/B8 employment floorspace has been completed on the ground (i.e. built). In addition to this a further 3,799m<sup>2</sup> has been approved via full planning permissions but is yet to be delivered. Adding in the Brinsbury (17,000m<sup>2</sup>) and Nowhurst (25,000m<sup>2</sup>) outline permissions this creates a total of 68,773m<sup>2</sup> of floorspace which either has extant permission (45,799m<sup>2</sup>) or has been completed (22,974m<sup>2</sup>). At face value this provides a strong indication that Policies 7 and 9 are working to effectively deliver a range of small, medium and large sites across the District in a sustainable manner, and in accordance with the adopted strategy.
- 6.21 However, the applicant has also calculated the losses in B1c/B2/B8 employment floorspace during this period, which extends to a net total of 23,424m<sup>2</sup> across the District. A large proportion of this was the loss of 15,500m<sup>2</sup> B2 floorspace at the Paula Rosa site in Storrington to housing. Factoring in these losses results in the following permutations:
- Net floorspace completed: -450m<sup>2</sup> (loss)
  - Net floorspace completed plus unbuilt developments with full extant planning permission: 3,349m<sup>2</sup>
  - Net floorspace completed plus unbuilt developments with full or outline extant planning permission: 45,349m<sup>2</sup>
  - Gross floorspace completed (i.e. excluding losses) plus unbuilt developments with full or outline extant planning permission: 68,773m<sup>2</sup>
- 6.22 Taking into account the above data on completions, extant permissions and losses, the potential net gain in new employment floorspace sits at approximately 45,349m<sup>2</sup>. This assumes that both the Brinsbury and Nowhurst permissions are completed and built out in the coming years as these two sites provide the bulk of this provision. This compares favourably when set against the net target figure of 69,900 – 74,560m<sup>2</sup> to 2031, with the applicant's calculations highlighting a remaining gap in unmet provision of around 26,900m<sup>2</sup> (taken as an average) to be delivered in the remaining 12 years of the Plan period. Given the current plan period runs from 2011 to 2031, the potential net gain of circa 45,000m<sup>2</sup> can be reasonably argued to be proportionate to the current point in time seven years in, albeit the same data also concludes that at this point in time the majority of this net gain (some 42,000m<sup>2</sup> at Brinsbury and Nowhurst) has yet to commence let alone be ready for occupation.
- 6.23 Officers have reviewed the analysis undertaken by the applicant, and whilst the quantum of losses identified is accepted, it is considered possible that there may be more losses that have not been accounted for. However, it is also possible that the applicant's analysis may

not be comprehensive, as a result of sites that may have been missed, double-counted, or their net gain misinterpreted. Officers have undertaken a high-level review of the applicant's analysis; and it is considered that whilst there is likely to be a margin for error, the applicant's conclusions are not wholly disputed.

- 6.24 The applicant argues that whilst the Brinsbury and Nowhurst sites benefit from Outline planning permission, neither have progressed with detailed permissions, approval of conditions or actual commencement on the ground; and are therefore not working to effectively deliver much needed employment floorspace and associated jobs within Billingshurst or the Horsham District in the short term. Indeed, by excluding these yet to be delivered sites, their argument is essentially that net growth in employment floorspace has been negligible since 2011 at around -450m<sup>2</sup>.
- 6.25 Given this low net delivered growth to date, part of the applicant's case is that the Full (Phase 1) element of their proposal would enable the provision of up to 5,000m<sup>2</sup> flexible employment floorspace which can be delivered within a very short timeframe. The applicants have qualified this argument by providing evidence of draft terms having been agreed with two occupiers, setting out an indicative timeframe for completion of summer 2020, and by offering that the standard 3 year condition for commencement of development be reduced to 18 months.
- 6.26 Whilst officers consider the timeframe for completion of Phase 1 by summer 2020 to be optimistic given Phase 1 includes significant highway works to deliver the roundabout access, nevertheless there is compelling evidence from the applicants that early delivery of Phase 1 is achievable. Whilst the Brinsbury and Nowhurst permissions developments will meet more than half of the identified employment need and make a significant contribution towards both quantitative and qualitative need through the provision of modern purpose built employment space, it is recognised that completed and occupied floorspace from these developments is not likely to come on stream in the short term given the remaining permissions required to enable their commencement. Consequently delivery of the floorspace from these two developments will not be immediate and will likely take place over a number of years and leave a further shortfall of new employment floorspace in the short term at least.
- 6.27 In light of this evidence, there is a compelling case to be made that Phase 1 of the proposed development will enable the immediate delivery of new modern employment floorspace to meet the current net shortfall. This weighs significantly in favour of development. To secure this benefit, in the event permission is granted Officers recommend that the inclusion of an 18 month commencement condition for Phase 1 would be essential.
- 6.28 Whilst this exercise seeks to reveal an overarching picture of the quantum of employment land delivered/committed to within the plan period to date; it is acknowledged by Officers that this does not necessarily indicate the true benefits provided, in terms of an improvement to the quality or desirability of available units or employment sites as a whole. In this regard, it is acknowledged that the proposed development (by virtue of its scale and purpose-built nature) would help to improve the quality of employment floorspace in Billingshurst and the wider Horsham District, which as described in subsequent sections of this report, largely consists of aged and poor quality stock in constrained locations.

#### Employment Need in Billingshurst

- 6.29 Whilst the strategy for employment growth set out within the HDPF was found Sound at Examination, the applicant considers that it has failed to work effectively to deliver a quantitative and qualitative gain in employment floorspace, particularly in Billingshurst. In order to support their view, the applicant has submitted an '*Employment Market and Needs Assessment*' for Billingshurst (by SHW) which concludes that there is a lack of existing stock

available for rent or purchase; and that where stock is available, it is dated, not fit for modern purposes, and suffering from poor access arrangements or locations. The SHW assessment also identifies that there is a high demand for employment sites in Billingshurst, evidenced by records of live enquiries.

- 6.30 This level of demand is also highlighted by Crickmay Chartered Surveyors in their 2016 'Assessment of the Commercial Property Market' report (undertaken on behalf of HDC), which also identified a general limitation in supply of floorspace, as well as the critical issue with ageing and poor quality stock, in the south of the District.
- 6.31 In further support of their argument that the HDPF's employment policies are not working effectively to meet growing business needs in Billingshurst, the applicant has also submitted a detailed report by Propernomics (independent property research and economy specialists) which has identified the same shortcomings. Officers do not dispute the conclusions of these assessments, and accept that both the quantity and quality of employment floorspace provision in Billingshurst and wider District requires addressing.
- 6.32 In further support of their case, the applicant has submitted a schedule of businesses that they have been party to discussions with regarding their aspirations to acquire units on the proposed site. The submitted schedule demonstrates that several national operators have expressed interest / made offers for the occupation of units on Phase 1 (one requiring around 325m<sup>2</sup> floorspace, and another around 700-900m<sup>2</sup>), and an operator for the proposed PFS has agreed terms for a 25-year lease agreement (subject to planning). In addition, the applicant's discussions with existing companies currently occupying inadequate sites in Billingshurst demonstrates that they would be attracted to units within Phase 2 of the Hilland Farm site due to its proximity to the A29 and their ability to design plots to their specific requirements. Cumulatively, these companies have expressed interest in taking up to 12,500m<sup>2</sup> of floorspace in Phase 2 which is large proportion of what is proposed. The applicant anticipates that the attraction of new businesses to the site would create an estimated 60 new jobs in the early stages of the development, and employment for around 430 people across the site when fully completed and operational.
- 6.33 The Council's Economic Development (ED) team have also identified a lack of supply of modern fit-for-use commercial sites in the District, in terms of meeting the needs of both smaller and larger businesses. The ED team note that this lack of supply is evidenced by the poor performance of business rates growth, and the lack of opportunities provided for existing companies to expand. Enquiries from businesses across the District to the Council's ED team for more appropriate sites have recently increased. The ED team acknowledge that much of the District's existing stock is in need of updating in order to meet the needs of modern businesses, and that 69% of the current commercial properties in the District date from before 1980, highlighting the challenge businesses face in finding modern, flexible commercial space.
- 6.34 A key priority of the Council's Economic Strategy is to ensure businesses have the confidence to invest in the Horsham District as an economic location. The ED team considers that the championing of new commercial developments will be critical in achieving inward investment from companies outside of the District, and in turn, will support the offer the District has for businesses. As such, the ED team strongly support the proposed development.
- 6.35 Officers agree that without provision of additional and improved employment floorspace there is a risk that growth could be frustrated, or that companies could move away from the District if their aspirations to expand are constrained by limited opportunity to re-locate to suitable premises. In this regard, it is considered that considerable weight should be placed in favour of the proposed development as a material consideration, in terms of provision of additional flexible floorspace to meet identified qualitative and quantitative demand both in Billingshurst and the wider District.

### Need for a Petrol Filling Station

- 6.36 The Council are not required to undertake needs assessments for specific uses such as petrol filling stations (PFS's), and therefore do not have any robust evidence to suggest that a PFS is, or is not, required in any particular location. The Department for Transport have produced guidance (Circular 02/2013) on appropriate spacing between service areas and roadside facilities on motorways and trunk roads. This guidance recommends that maximum distances between service areas on trunk roads should be the equivalent of 30 minute driving time. The A29 Stane Street is not classified as a trunk road, so the DfT recommendations do not apply, but the Circular is useful to note given the lack of any other guidance.
- 6.37 There are currently no petrol filling stations in Billingshurst itself, and the nearest ones to the application site are a BP facility at Five Oaks (2km to the north of the application site), and a Local Fuels facility at North Heath (5.7km to the south). The nearest PFS on the 'east-west' route through Billingshurst is at the Bucks Barn junction of the A272 and A24, approximately 10km (6.2 miles) to the east of the village.
- 6.38 Given the lack of formal guidance on the needs for a new PFS on roads other than trunk roads or motorways, it is considered reasonable to determine the acceptability of the proposed PFS on a review of other needs arguments, including commercial and local desire; as well as consideration of the appropriateness of the proposed PFS in its location.
- 6.39 It is acknowledged that the proposal for a PFS by the applicant, and the details submitted demonstrating that a 25-year lease agreement has been reached with an occupier, shows that the need for a PFS in this location is commercially driven and likely therefore to be well used. The Planning Statement and SHW Employment Marketing and Needs Assessment report that accompanies the application notes that a PFS with shop located within a business park is a highly desirable amenity which would provide a service to employees and visitors to the site as well as fulfilling a requirement for the future operations of the business units.
- 6.40 It is also acknowledged that there is a local community desire in Billingshurst for a PFS. In preparation of the Billingshurst Neighbourhood Plan, the Neighbourhood Plan Steering Group (SG) have undertaken a series of consultations with the local community and stakeholder groups to understand the issues facing the village. The consultations highlighted the lack of a PFS and a desire for one to be provided locally. It is accepted by Officers that there is a local desire amongst the community in Billingshurst for a PFS, and acknowledged that Billingshurst Parish Council have not objected to the application and have specifically noted that the proposal would benefit the wider community by including a petrol station.
- 6.41 It is accepted by Officers that there is local and commercial desire for the provision of a PFS in Billingshurst, and this is considered to weigh in favour of this element of the proposal. The PFS is proposed in Outline to be delivered within Phase 2 of this development, therefore details of its appearance, precise location and layout are required to be approved as part of a detailed application at Reserved Matters stage. The applicant has provided further information by way of a signed Agreement for Lease with the prospective occupier (Euro Garages) to help demonstrate that the PFS will come forward in a timely manner should permission be granted.
- 6.42 Whilst it is recognised that a PFS in this location is likely to result in some landscape and amenity harm (due to an increase in activity and external lighting) contrary to Policy 26, it is accepted that the nature of a PFS is often more appropriate in peripheral locations where access to strategic road networks is available. Furthermore, as part of a wider commercial development, this harm would be muted by the presence of other buildings and structures, and by new planting. On balance therefore, it is considered that the local and commercial desire to provide a new PFS in Billingshurst weighs in favour of the facility proposed on this site, and provided that the detailed design and layout of the facility is considered to be

acceptable when assessed at Reserved Matters stage, the principle of locating a PFS on this site is acceptable as part of this wider commercial development.

#### Summary of Need

- 6.43 In summary, the applicant's analysis of employment floorspace delivery and loss reveals competing arguments. On the one hand, the delivery of 22,974m<sup>2</sup> of occupied floorspace and the extant permissions for a further 45,349m<sup>2</sup> can be argued to demonstrate that the HDPF strategy is working to meet the EGA estimate B1c/B2/B8 floorspace needs of 69,900 – 74,560m<sup>2</sup> through to 2031. On the other hand, taking into account losses and the fact that 45,000m<sup>2</sup> of this approved floorspace has yet to commence, the net floorspace delivered 7 years into the plan period stands at -450sqm, a fraction of the estimated need. Whilst a review of the employment needs for the District is underway in accordance with the HDPF Plan Inspector's recommendation, it is too early in this process for any meaningful data or future strategy to carry weight.
- 6.44 Given these factors, the applicant's argument that the proposed development would provide immediate employment floorspace and longer term floorspace to meet the needs of the District is compelling. Likewise, their further evidence of a quantitative and qualitative shortfall in employment floorspace in Billingshurst weighs in favour of the development. Separate to this, the Council's Economic Development team strongly support the applicants findings having regard to the Council's economic strategy, whilst the Parish Council also recognise the benefit of new employment floorspace and PFS for the village. These material considerations are in many respects particular to the location and nature of the proposed development and it is Officers view that they should be afforded considerable weight in the determination of this application.

#### **Retail Impact**

- 6.45 In addition to the proposed Petrol Filling Station (PFS), Phase 2 of the development also proposes a 465m<sup>2</sup> (A1) ancillary retail offer and a separate 200m<sup>2</sup> (A3) drive-thru food offer. Policies 12 and 13 of the HDPF, Chapter 7 of the NPPF, and the Billingshurst Village Centre SPD (March 2017) all seek to protect the vitality and viability of the defined town and village centres and retail frontages. In order to ensure the protection of commercial centres, the NPPF and HDPF Policy 13 require a sequential test to be applied for out-of-centre proposals that seek main town centre uses. Given the proposed A1 and A3 uses are recognised as main town centre uses, the applicant has undertaken a sequential test exercise to demonstrate the level of impact of the proposed uses on the vitality and viability of Billingshurst village centre.
- 6.46 The applicant's sequential test identifies that six units in the main shopping area of Billingshurst are vacant (as of February 2019). The applicant has assessed each site with regard to their availability, suitability and viability. Of the six vacant units, 3 of them have been assessed as 'available' (i.e. being marketed for let or sale). Two of these units are relatively small scale (180m<sup>2</sup>) and have been assessed by the applicant as 'not suitable' for the use proposed (due to the site's small size and inappropriate locations) which is accepted by Officers. The third available unit is much larger (1,000m<sup>2</sup>) and whilst it is accepted that the PFS and ancillary retail unit would not be suitable on this site, the separate 200m<sup>2</sup> drive-thru coffee facility could arguably be accommodated in this location. However, notwithstanding the size of the site and its potential ability to accommodate the drive-thru facility, it is accepted by Officers that a drive-thru facility such as this is unlikely to be suitable in a village high-street location like Billingshurst, particularly where the site is in a conservation area and densely surrounded by adjacent shops and homes.
- 6.47 In summary, whilst the proposed 465m<sup>2</sup> A1 retail unit is larger than the majority of units within the main shopping frontage of Billingshurst village centre, given it is proposed by the applicant as ancillary to the PFS (and therefore should be assessed as a whole), it is accepted that none of the available sites in Billingshurst's main shopping area would suitably

accommodate this proposal. Whilst the proposed 200m<sup>2</sup> coffee drive-thru facility (which is proposed separately to the PFS and shop on the indicative Phase 2 plans) could be accommodated within an available site in the village, it is accepted that this type of drive-thru use is not suitable in this location. Consequently, Officers accept that the sequential test required by the NPPF and HDPF Policy 13 has been applied properly, and has been passed. In addition, given the proposal comprises less than 2,500m<sup>2</sup> of retail floorspace, a retail impact assessment is not required to be undertaken (NPPF 89). On this basis the proposed development would not have a detrimental impact on the vitality or viability of Billingshurst village centre, but rather, would provide additional facilities for future users of the site, as well as for existing and future residents.

### **Landscape Impact**

- 6.48 The landscape and countryside within the Horsham District plays an important role in influencing both the urban and rural character of the District and its settlements. In order to retain and protect the most sensitive and important landscape features (and subsequently, to protect the rural character of settlements such as Billingshurst), the Council have undertaken studies to help guide development most appropriately.
- 6.49 The 2003 Horsham District Landscape Character Assessment identifies the application site as falling within '**Character Area G3: Slinfold and Five Oaks Wooded Farmlands**', with the key characteristics described as: *'gently undulating wooded landscapes; small streams draining to the Adur; small hedge pastures; extensive coppice woodland in small and irregularly shaped blocks; historic farmsteads; largely rural character although busy A29/A272 road corridors'*. The landscape condition within this assessment is described as 'good' and it is recognised that the area's sensitivity to change is high due to its landscape quality and rural character. The assessment recognises that there has been some localised loss of character along the A29 corridor resulting in a moderate sensitivity to change in these locations, which is particularly relevant for the application site.
- 6.50 In 2014 the Horsham District Landscape Capacity Assessment was published as a background study to inform the (then emerging) Horsham District Planning Framework. In this capacity assessment, the application site is identified as lying within **Landscape Character Area 50 (Land North of Billingshurst)**. Area 50 covers a wider study area than the application site itself, but concludes that *'due to the area's landscape character and visual sensitivity, it is considered that employment development is likely to be visually prominent, and care would be needed with the siting and design of any such development'*. In summary, the capacity assessment considers that large scale employment in this location has a moderate-to-high visual and landscape character sensitivity, but that the landscape value is low-to-moderate. The assessment therefore concludes that the overall landscape capacity for this type of development is low/moderate, which means that any employment development could be considered acceptable, subject to the consideration of careful siting and design to lessen the visual prominence.
- 6.51 The Council's Landscape Architect (LA) has visited the site, and observes that the site is rural in character particularly along the northern boundary, and presents low tranquillity along the lower portion of the land along the A29 Stane Street. It is noted that as the land rises, the noise levels also increase. The LA considers that the electricity pylon and cable route running through the site detracts from the site's rural landscape value, as well as the new houses under construction to the south of the site which are visible, and which bring the northern edge of the settlement closer to the application site. Attractive views of rolling countryside and a church spire are noted from the PROW at the eastern boundary.
- 6.52 In terms of landscape principle, the development is proposed on an undesignated site outside of the BUAB, and is therefore development which is not considered to be essential to its countryside location. The proposal at present, is therefore contrary to Policy 26 which

aims to protect the countryside from inappropriate development, as well as Policy 33 which aims to conserve and enhance the natural environment.

- 6.53 Notwithstanding the above, the LA has commented on the details of both phases of the proposed development. The proposed new roundabout on the A29 is considered to introduce an adverse landscape and visual effect which would create an increased urbanised approach to the village, particularly when travelling south on the A29. The stopping-up of New Road and the diversion to link this road to the new roundabout, coupled with the introduction of large industrial units along the southern side of New Road would urbanise this route and erode its existing tranquil and rural character.
- 6.54 It is suggested by the LA that the scale of units shown indicatively in Phase 2 should be reduced (akin to the units proposed on Phase 1) and moved further away from the northern boundary (with enhanced boundary planting) to improve the transition from the site to the more rural character beyond. To improve the site layout and indirect adverse effects arising from it, the LA also suggests that the orientation of the larger buildings shown indicatively in Phase 2 should be amended to reduce the 'wind tunnel' effect by staggering the building lines and interspersing with tree planting. It is considered by Officers that the concerns raised by the LA regarding the landscape impact resulting from Phase 2 could (on balance) be considered acceptable, providing revisions are made to the layout, and a reduction in scale of the proposed buildings, as suggested. To address these concerns a zoning plan has been submitted that sets maximum eaves and ridge heights within Phase 2, whilst the layout suggestions can be suitably managed at Reserved Matters stage. There is no indication that the proposed quantum of development would not still be achievable with these changes.
- 6.55 Notwithstanding the principle concerns regarding development on this site as a whole, the landscape impact of Phase 1 is considered to be less harmful by virtue of the flatter and lower level topography, the proximity of this part of the site to the A29 and existing settlement to the south, and the presence of an electricity pylon and overhead cables which urbanises the site to some extent.
- 6.56 In summary, by virtue of its countryside location and siting in an area of 'good' landscape condition and 'moderate-high' visual and landscape character sensitivity, the impact of the proposed development on the landscape as a whole is considered to be harmful, and contrary to the provisions of HDPF Policy 26 which seeks to protect the District's countryside for its own sake. Notwithstanding this, it is also acknowledged that the site has previously been assessed as having a 'low-moderate' landscape value, indicating that there is some (albeit low/moderate) capacity for large-scale employment development in this location if it were allocated as a site for development. It is considered therefore that whilst there would be an element of landscape harm resulting from large scale employment development on this site, through careful design and layout this harm is capable of being sufficiently mitigated such that, should the overriding principle of development be considered acceptable, the landscape impact would not be sufficient to warrant the refusal of permission.

### **Design and Appearance**

- 6.57 The proposed design and appearance of the 13x commercial units in Phase 1 is typical of what is often seen in other modern, purpose-built business parks across the District. Whilst the modern design and use of materials (including metallic silver cladding and timber wall cladding) are not considered to reflect the rural character of the site's peripheral location, the scale of the development as a whole would intrinsically change the character of this site to an extent that it would effectively become part of the urban fabric of Billingshurst. Therefore it is accepted that the intention is not to create buildings to fit a rural character, but rather, to design a site that look attractive and serves the business needs of its future occupiers. Notwithstanding this, the units, at a maximum ridge height of 9m (7m to eaves), have been designed to include shallow pitched roofs which (in addition to associated planting) would

help to reduce their visual prominence, and the use of timber cladding on the external walls of all 13 units helps to soften the stark elevations.

- 6.58 Phase 1 has been designed in conjunction with a comprehensive hard and soft landscaping scheme which includes 8-15m wide landscape buffers at the western and southern boundaries (including an earth bund and native tree and shrub planting) in addition to the retention of an existing hedgerow on the western (A29) boundary. This buffer planting includes the provision of several semi-mature and mature trees planted at 5-6m, which will help to screen the development, particularly as the vegetation matures over time. The proposed new A29 roundabout would have 3x semi-mature field maple trees planted at 4-5m in addition to low-level scrub mix planting and grass. The smaller roundabout within the site would be planted with a mature hornbeam (5-6m) which would create a pleasant feature at this junction. Within the site, a landscape and SUDs corridor is proposed under the electricity pylon route, as well as the proposed planting of trees and additional low level planting.
- 6.59 It is considered that the soft landscaping scheme within Phase 1 has been well-designed and would result in an attractive and high-quality development that enables sufficient screening from the western and southern boundaries. In order to ensure the proposed earth bund and landscape planting is implemented early (to establish effective buffering), Officers consider it reasonable to secure this prior to reaching slab-level of the construction of any building within Phase 1 or Phase 2, whichever is the earlier.
- 6.60 The units within Phase 2 are only shown indicatively at this stage, but appear to be of a similar appearance to the Phase 1 units, albeit of a larger scale (approximately 11.5m to ridge and 9m to eaves, and larger footprints). A consistent approach to design across the site is welcomed, although the visual prominence of larger units in Phase 2 (due to the natural rise in land levels) is likely to be more apparent. To help address this a zoning parameters plan has been submitted which restrict the height of the buildings in Phase 2. Those within the northern zone 1 adjacent to New Road would be restricted to a maximum 8m eaves and 10m overall height, with an increased setback from the northern boundary. The buildings elsewhere in zone 2 in the rest of Phase 2 would be restricted to a maximum 10m eaves and 12m overall height.
- 6.61 In addition to the above height limits, in order to reduce the visual prominence of the proposed buildings in Phase 2 further (and to assist with site levelling to accommodate the proposed development on flatter land); the application proposes that the land levels are partially lowered ('cut into') in the section of the site containing units 14,15,16, and 21,22,23. This would mean that these units would be positioned at a lower level than the surrounding landscape to the north and east which would reduce the perception of their true heights (when viewed from outside the site boundary) by approximately 2.5 – 5.5m. This approach is welcomed in principle and in combination with the zoning parameters plan would help mitigate the landscape impact of the development.
- 6.62 As they are proposed in Outline, the appearance of the proposed PFS, ancillary shop or drive-thru coffee facility have not been provided at this stage. Full details of the appearance of these elements would be required at Reserved Matters stage.

### **Highways Impact**

- 6.63 Chapter 9 of the NPPF sets out the Government's aspirations for the promotion of sustainable transport, and details how transport and highways implications arising from development proposals should be considered in planning terms. Paragraphs 108 to 111 of the NPPF are particularly relevant when assessing the appropriateness of a proposal in highways terms. Paragraph 108 requires that appropriate opportunities to promote sustainable transport modes should be considered, and that safe and suitable access to the

site can be achieved for all users. In addition, it requires that any significant impacts from the development on the transport network or on highway safety can be effectively mitigated.

- 6.64 Paragraph 109 is of key importance when determining whether a proposed development is acceptable, and requires that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or, the residual cumulative impacts on the road network would be severe'* [emphasis added]. The NPPF also requires that all developments that will generate significant amounts of movements should be required to provide a travel plan and should be supported by a Transport Assessment.
- 6.65 In support of the application, a Transport Assessment (TA) has been submitted which assesses the impact of the development on highway capacity. The impact has been considered in the context of the proposed development itself, as well as other development committed to within the HDPF to 2031 (using traffic growth rates from the DfT's TEMPRO modelling). WSCC Highways has confirmed that this approach accords with best practice. Trip generation has been forecast using TRICS and Census data which is also accepted by WSCC. Using industry accepted modelling packages to forecast the impact of the development on highway capacity, WSCC Highways are satisfied that the additional traffic resulting from both phases of the proposed development in tandem with the package of works proposed 'would not result in any severe or otherwise unacceptable highways issues'.
- 6.66 Phase 1 of the proposed development includes the provision of a new 4-arm roundabout on the A29 to provide direct access into the site, as well as the stopping-up and diversion of the western end of New Road to link onto the new roundabout junction. The principle of this new access arrangement, including a new roundabout in this location, is accepted by WSCC Highways. The proposed design of the roundabout includes departures from standard roundabout design (as outlined in the 'Design Manual for Roads and Bridges'), which relate to entry widths of the northbound, southbound and New Road arms. However, as the A29 is not a trunk road, the Design Manual standards are not mandatory. In any case, the applicant has formally applied for these departures which have been considered and accepted by WSCC Highways. The technical detail and design of the proposed roundabout is therefore considered to be acceptable, therefore in highways terms, the roundabout is considered to provide a suitable and safe access to the proposed site.
- 6.67 The process for stopping-up the section of New Road that would become redundant once the road is diverted to the new roundabout would be a matter for the applicant to apply to the Department for Transport's National Casework Team for; who would consider the formal Stopping-Up of the land.
- 6.68 WSCC Highways has confirmed that the internal road network shown for Phase 1 generally shows road widths of 7.5 to 7 metres, which are appropriate to accommodate the two way passing of HGVs. The internal layout for Phase 2 is shown indicatively at this stage, therefore WSCC Highways will reserve comment until detailed permission is submitted.
- 6.69 Phase 1 is proposed to include parking spaces for 100x cars (12 of which will be disabled bays), 14x motorcycles and 35x bicycles. Parking has been considered against the WSCC maximum car parking standards for B1, B2 and B8 uses. Taken as an average across all three use classes, the level of parking proposed within Phase 1 is shown to fall within the maximum standard set by WSCC (averaging out at around 106 spaces) and is therefore considered by WSCC and Officers to be acceptable. Phase 2 would require between 140 (if only B8 uses) and 469 parking spaces (if only B1 use) depending on the final mix of uses. The indicative layouts detail that this quantum of parking is achievable, with the indicative layout showing 308 parking spaces which is considered appropriate given there would be a blend of B-uses in the development.
- 6.70 In response to initial queries raised by WSCC Highways regarding the limited consideration of how access to the site by sustainable modes of transport have been incorporated into the

proposal; an addendum note to the TA has been provided. The note confirms that a new bus stop on the southbound carriageway of the A29 is proposed which addresses a gap in current infrastructure along this route. In addition, improvements to the existing northbound bus stop would include a new bus shelter to improve the waiting environment. It is also noted that improvements to cycle and pedestrian infrastructure (including refuge islands and improved footways) have already been implemented as part of the Land South of Billingshurst housing development (DC/13/0735) which the future users of the application site would benefit from, particularly those relating to Phase 1.

- 6.71 In order to further enhance connectivity to the site, an additional pedestrian and cycle link is also proposed to the south of the application site. WSCC have reviewed this addendum and have confirmed that they are satisfied with the infrastructure proposed, subject to the suggestion that a workplace travel plan, a scheme of bus stop improvement works, and the installation of the new cycle link are secured by condition. Officers agree that the suggested conditions are necessary to make the development acceptable and reasonable.
- 6.72 WSCC Highways have thoroughly assessed the application and have clarified that the impact of the development on highway capacity (for both Phases 1 and 2) would not be severe, and as a result, is acceptable. WSCC have also clarified that the proposed new roundabout on the A29 is acceptable in principle and design; and that the internal road network and parking provision for Phase 1 is appropriate. Finally, it is considered that the provision on bus stop improvement and cycle/pedestrian links are welcomed, and would meet the requirements of the NPPF to promote sustainable modes of transport in new developments. Accordingly, and subject to conditions to secure the proposed works, the proposed development in highways terms is considered to meet the requirements of NPPF Chapter 9 and HDPF Policies 39, 40 and 41 to provide safe and sustainable access, and to avoid a severe impact on the existing road network.

### **Proposed Layout and Amenity Impact**

- 6.73 Phase 1 of the development (13x commercial units) is located to the south-west corner of the site, closest to the A29 and properties at Hilland Farm directly to the south. This part of the site would be accessed from the A29 via the new roundabout which leads to a second (smaller) 4-arm roundabout within the site. As a whole, the layout of Phase 1 is considered to be of an acceptable design, and enables larger vehicles to access and turn within the site to serve the proposed units. The units closest to the A29 have been set back from the road by a buffer strip of approximately 13m, which in addition to existing vegetation would help to reduce the visual prominence of the units from the A29.
- 6.74 It is acknowledged that the location of Phase 1, and in particular units 5-9, are in close proximity to the existing farmstead properties to the south of the site at Hilland Farm. These units introduce an urban form of development and activity to an area that is currently rural in nature, and it is considered that this would alter the outlook and character currently experienced by these existing properties. In order to enhance screening between the properties at Hilland Farm and units 6-9; an 8m landscape buffer (including a 2m high earth bund with native tree planting) is proposed. The tree planting comprises 8x mature oaks and hornbeams (5-6m), as well as a mix of 1m feathered silver birch, rowan and scots pine trees. The Council's Tree Officer has confirmed that within a 3-5 year period, these trees are likely to reach a height of around 7-8m. It is considered therefore, that the proposed tree planting and earth bund would (over time) largely screen the proposed units from Hilland Farm to at least eaves height (7m), which would likely leave only the shallow pitched roof partially visible.
- 6.75 The introduction of commercial units in this location will undoubtedly change the noise character and tranquillity currently experienced by occupiers at Hilland Farm; however it is considered that with controls on hours of operation and external activity, this can be managed

to an acceptable level. The Environmental Health Officer has recommended that units 3-9 should be restricted to B1 uses only, and that the hours of operation should be restricted to 07:00-20:00 with no activities permitted on Sundays or Public Holidays, which Officers consider to be reasonable and controllable by condition.

- 6.76 An electricity pylon and overhead electricity cables running in a north-west to south-east direction are a significant feature of the Phase 1 part of the site. Phase 1 has been laid out in order to ensure no development or tree planting is directly under the overhead cables, and that the required clearances are maintained. The area beneath the pylon and overhead cables is proposed as a landscape and SUDs corridor with meadow planting, low-level scrub mix, understorey planting and attenuation basins. The National Grid is the owner and operator of the electricity transmission network, and their guidance explains that there are no minimum distances between development and overhead lines, with the only limitation imposed on new developments being the statutory safety clearances between the pylon conductors and the ground. These conductor safety clearances must be maintained for buildings constructed under or adjacent to overhead lines, and this also applies to trees and street lighting etc. The National Grid have reviewed the proposed development and have confirmed that they raise no objection to the scheme. It is considered therefore that whilst the pylon is not highly attractive, its presence is not dangerous or detrimental to the proposed development, and given it is an existing feature, is not considered to result in additional harm to landscape character or amenity.
- 6.77 It is acknowledged that Phase 2 of the development (12x commercial units, a 4-pump PFS with ancillary retail offer; a drive-thru 'food offering', and an area of amenity space) is proposed in Outline, and the proposed layout submitted is therefore only shown indicatively. Notwithstanding this, concerns with the Phase 2 layout shown have been expressed by both the Landscape Architect (LA) and Environmental Health Officer (EHO). The EHO has noted that existing tranquil nature of the development site at night means that the noise generated by the proposed development is likely to significantly alter the character of the locality. This is compounded by the likely larger scale of the commercial units proposed in Phase 2, coupled with their linear and uniform 'east-west' layout (albeit indicative), which is considered to create a wind and noise tunnelling effect which would be particularly detrimental to the amenity of occupiers in the property to the east of the site (Hilland House). It is considered that the layout of Phase 2 can be suitably re-designed at Reserved Matters stage, with there being opportunity to re-orientate and/or stagger the units to act as barriers to reduce this impact. On this basis it is considered that the concerns of the LA and EHO can be suitably addressed.
- 6.78 A concern also raised with regard to the layout of Phase 2 is the proximity of commercial units and the PFS to the rural northern boundary of the site, and the impact this may have on both the landscape character and to the amenity of occupiers of the dwelling to the north (Friskeys). This is in particular regard to the operation of the PFS and shop, and the associated external lighting, activity and noise this would bring. Whilst an overall re-design of the layout to Phase 2 is recommended (as described above), Officers are also of the view that additional controls for the use-class of each building, as well as controls on hours of operation, external activity and lighting, would make the development acceptable in environmental health terms, and could reasonably be imposed by condition.
- 6.79 The proposed amenity space to the east of the site is welcomed, primarily with regard to lessening the impact of the development on Hilland House to the east, but also to create a pleasant and high quality development, where the space can be utilised by future occupiers for leisure or rest, and to encourage use of the existing PROW link that runs along the eastern boundary. A detailed landscaping scheme for this area (which explores the inclusion of pathways, benches etc) would be required at Reserved Matters stage.

## **Drainage and Flood Risk**

- 6.80 In support of the planning application, the applicant has submitted a Flood Risk Assessment (FRA) and a Surface Water Drainage Statement. The FRA assesses whether the proposed development has appropriately considered the risk of flooding from all potential sources, and produces a Drainage Strategy that details how the proposed development will not result in an increase in surface water that could cause flood risk to both the development and the neighbouring sites.
- 6.81 The Environment Agency Flood Map shows that the application site is located within Flood Zone 1, indicating that it is at a very low risk from tidal or river flooding. The main risk of flooding on this site is therefore from surface water, which due to the increase in hard surfaces that are proposed as part of the development, will require suitable surface water management strategies to be implemented. Whilst two existing drainage ditches runs across the site, the Surface Water Flood Map shows the majority of the site is at 'very low' risk of surface water flooding. However there are also localised sections of the site (particularly to the west) which are considered to be at 'low', 'medium' or 'high' surface water flooding due to the topography and ground conditions.
- 6.82 The overall Greenfield runoff rate for the site is calculated as 42.6 l/s. The runoff rate for the eastern part of the site (Catchment A) is calculated as 11.3 l/s, and for the western part of the site (Catchment B) as 31.3 l/s. The Drainage Strategy proposed would disuse the existing drainage ditches, and instead proposes to have three underground storage tanks on catchment A (largely Phase 2), and nine storage tanks on catchment B (largely Phase 1), plus storage ponds and basins within the SuDS corridor of Phase 1. As the catchments do not align with the proposed phasing, for clarity, 6 of the storage tanks would be located within Phase 1 of the development, and 6 in Phase 2. The storage tanks would have restricted flow discharges which would be used to appropriately control the surface water run-off from the site in accordance with the calculated run-off outputs.
- 6.83 In accordance with the NPPF, commercial development is classed as a 'Less Vulnerable' land use, and as such the proposed development is considered to be appropriately located within Flood Zone 1. The proposed drainage strategy has been reviewed by the Council's Drainage Engineer who has confirmed that it is acceptable. WSCC's Flood Risk Management Team have also reviewed the strategy, and whilst they agree that it would acceptably drain the development without causing additional risk to areas outside of the site. Conditions have been suggested by both specialists to ensure full details are submitted for the disposal of foul and surface water, and for the ongoing maintenance of the SuDS systems. Officers agree that these conditions would be reasonable to ensure the development complies with the provisions of the NPPF, and Policy 38 of the HDPF.

## **Other Matters**

### Land Contamination

- 6.84 Information has been submitted regarding potential ground contamination at the site, mainly from historic agricultural uses of the land. A report has been prepared by Geo-Environmental Services which has concluded that further investigations are required to confirm the extent and nature of potential contamination. The Council's Environmental Health Officer (EHO) has reviewed the submitted ground contamination report and in order to ensure proper investigation is undertaken, has recommended conditions to be applied. These conditions include (1) the submission of a scheme to deal with the risks associated with contamination which should include a preliminary risk assessment, a site investigation scheme, and a remediation strategy, and (2) a verification plan to demonstrate that the works are complete. Conditions are also recommended to stop works if any unidentified contamination is found during development, and to prevent the import of untested or unsuitable soils to the site.

### Ecology

- 6.85 In support of the application, an Ecological Appraisal and Habitats Regulation Assessment (HRA) has been submitted. These studies indicate that the proposed development has potential to impact foraging bats and dormice, therefore additional activity surveys and mitigation strategies for these species have also been submitted.
- 6.86 The site falls within a 'bat sustenance zone' for Barbastelle bats from the internationally important Special Area of Conservation at The Mens which is located approximately 5km west of the site. Accordingly, an HRA and bat activity survey has been completed in accordance with the relevant guidelines, with the results concluding: *'Based on the survey evidence.... the implementation of a suitable lighting strategy and the proposed enhancements should allow the conclusion that any effects on the The Mens SAC will not be significant. The Stage 2 – Appropriate Assessment is therefore not required'*. The Council's consultant Ecologist has reviewed the submitted bat activity survey and has confirmed that based on the information provided, the conclusions are supported.
- 6.87 In order to assess the impact of the proposed development on the identified (albeit low) presence of Dormice, a Dormouse Mitigation Strategy has been submitted. The Ecologist has reviewed this, is satisfied that the mitigation measures detailed (which include boundary tree and hedgerow retention and enhancement) would minimise impacts, such that the proposed development, in ecology terms, would be acceptable (subject to suggested conditions which apply to both Phase 1 and 2, including: (1) the submission of an Ecological Mitigation and Enhancement Plan; and (2) the submission of a Wildlife Sensitive Lighting Design Scheme). In terms of biodiversity net gain, the Ecologist has also confirmed that the biodiversity enhancements and amenity space proposed within the masterplan will contribute to the aim of achieving a net gain in biodiversity. Officers consider that the conditions suggested would be reasonable to ensure that the development does not have any significantly harmful impact on protected species, or biodiversity as a whole in accordance with NPPF para 174-177, and HDPF Policy 31.

### Archaeology and Heritage

- 6.88 The application site is located approximately 350m to the south of Sumners Place which is a Grade II listed building (currently used as offices). Due to the distance involved, changing land levels and intervening woodland; this listed building cannot be seen from the application site, therefore it is considered that the proposed development would have a negligible impact on the setting of this heritage asset. There are several listed buildings located along Billingshurst High Street, but aside from glimpses of the spire of Grade 1 listed St Mary's Church, these heritage assets cannot be seen from the application site given the number of buildings, roads and trees between. Whilst glimpses of St Mary's Church spire are visible from the application site, the site would not be readily visible from the Church itself, therefore it is not considered that the proposed development will harm the setting of this important heritage asset.
- 6.89 The majority of the Phase 2 section of the site, and a portion of Phase 1 (alongside the A29) is located within an Archaeological Notification Area. This is largely in relation to its proximity and links with the route of the Stane Street Roman Road which is thought to have once run in very close proximity to the modern road, and which related remains have reasonable potential to lie within the application site. A number of archaeological investigations undertaken within the vicinity in recent years (2011 and 2014) have uncovered evidence of prehistoric, Roman and medieval activity.
- 6.90 An *'Archaeology and Heritage Desk Based Assessment'* has been submitted by the applicant, which concludes that the site has potential for yet unidentified archaeological remains, and suggests further archaeological evaluation be undertaken. As advised by the Council's consultant Archaeologist, the applicant has also submitted a geophysical survey of

the site (using a magnetometer survey undertaken in November 2018) which concludes that whilst evidence for modern cultivation were recorded, no responses of archaeological interest were identified. The Council's Archaeologist has reviewed the survey results, and has confirmed that no objection is raised subject to a condition that a programme of archaeological work in accordance with a Written Scheme of Investigation is completed and submitted for approval prior to the commencement of any development. Officers agree that this condition would be reasonable in order to ensure the development is acceptable and in accordance with paragraph 187 of the NPPF and Policy 34 of the HDPF.

### Air Quality

- 6.91 Paragraph 181 of the NPPF and Policy 24 of the HDPF seek to maximise opportunities to improve air quality through the effective mitigation of impacts caused by new development. The application site is not located within either of the District's two Air Quality Management Areas (AQMA's), but due to the most common source of air pollution in the Horsham District coming from vehicle emission, developments which have the potential for traffic increases (such as the one proposed) are required to make reasonable endeavours to minimise emissions. The Council's *'Planning Advice Document: Air Quality and Emissions Reduction'* recommends that all developments carry out an Air Quality Assessment.
- 6.92 Accordingly, the applicant has submitted an Air Quality Assessment which seeks to assess the potential local air quality impacts associated with the proposed commercial mixed use development. The Council's Air Quality (AQ) Officer has reviewed the assessment and confirmed that although there is no AQMA in Billingshurst, the proposed development will increase traffic flows in the area and, as such, the development fits within the 'Major' development category set out in the Air Quality and Emissions Reduction Guidance (2014). The guidance requires a damage cost calculation to be completed. The AQ Officer has confirmed that the damage cost calculation is accepted (circa £200,000), but is disappointed that the majority of the proposed mitigation is allocated to vegetation/tree planting, with a much smaller proportion to the provision of electric vehicle charging points (£30,000).
- 6.93 In order to ensure that the proposed development is acceptable in terms of its impact on air quality, further mitigation measures are required to reduce the reliance on planting, which is of limited benefit. These measures proposed must be costed and shown to amount to the damage cost calculation of circa £200,000. Officers consider that this mitigation can be suitably sought by condition.
- 6.94 Other mitigation measures discussed in the Air Quality Assessment (that have not specifically been costed as they are inherent with the overall site design) include the adoption of a site layout which has been optimised to increase separation distances between on-site air sources of air pollution and off-site sensitive receptors, and the completion of a Travel Plan which includes several measures aimed at promoting and delivering sustainable transport. These measures are expected to be considered as part of developments of this scale, and are welcomed.

### **Planning Balance**

- 6.95 In determining whether the proposed development is acceptable in planning terms, the NPPF clearly states that for decision-making, the starting point in the determination of any application is the statutory status of the development plan. In this regard, the application is considered to be contrary to the development strategy of the HDPF as detailed in Policies 1, 2 and 4 owing to its location on an unallocated countryside site outside of a defined settlement boundary. This conflict weighs significantly against the grant of planning permission.
- 6.96 Whilst planning law and the NPPF required decision to be made in accordance with the development plan; it also allows departures from this where material considerations are

considered sufficient to justify such a departure. In the case of this application, the applicant has advanced a number of considerations that are material to the determination of this application. These include a number of benefits that are considered to weigh in favour of the scheme in the planning balance:

- Immediate delivery of 5,000m<sup>2</sup> flexible employment floorspace to address short-term employment needs
- Provision of an attractive, modern and purpose-built facility to address qualitative and quantitative needs in Billingshurst and the wider district to allow existing constrained businesses to expand
- Provision of a petrol station to fulfil local desire
- Provision of a range of skilled jobs within walking distance of Billingshurst centre
- Complements large-scale housing growth already approved in Billingshurst
- Receipt of CIL monies for the proposed retail element
- No identified impact to the vitality of Billingshurst High Street
- No identified highways concerns
- Fostering of economic growth as per the priorities in the Council's Economic Strategy
- Support from the Parish Council
- Support from HDC's Economic Development Team
- Whilst there is no guarantee, the development has the potential to enable and facilitate the re-location of existing businesses in Billingshurst, thereby freeing up existing employment sites in the village for alternative, more appropriate uses.

- 9.97 The key material consideration advanced by the applicants is the net shortfall in employment floorspace completions so far during the Plan period. This amounts to some -450m<sup>2</sup> against a target estimate of between 69,900 – 74,560m<sup>2</sup>, albeit with 45,799m<sup>2</sup> of new floorspace having been granted planning permission either in outline or full but not commenced or completed. Whilst a converse argument that completions, extant permissions and losses provide for circa 45,000m<sup>2</sup> of new employment floorspace, much of this is to be delivered via two sites that still have substantial work to be undertaken to enable commencement. Officer's view is that the net completion figure of -450m<sup>2</sup> to date is compelling in demonstrating that, notwithstanding the extant permissions, there is an immediate need for employment floorspace, in particular around Billingshurst, that the applicant has demonstrated can be delivered by Phase 1.
- 9.98 Whilst Officers do not agree that Policy 7 is necessarily failing to work to effectively deliver additional employment floorspace, it is accepted that that the current unmet needs brought about by the large quantum of losses, coupled with the probable rise in demand going forward, is likely to result in the need for additional sites to be developed for employment development in the longer term. The current net shortfall in employment floorspace and likely additional need going forward (coupled with a lack of allocated sites for employment development in the HDPF), is considered to be a material consideration of significant importance that weighs heavily in favour of granting planning permission of this site.
- 9.99 Further to this, there are no other constraints on the site that would prevent development coming forward. The highways impact can be suitably mitigated with the new roundabout access point and footpath and cycle links into the village, whilst the ecological, archaeological, air quality and amenity impacts can also be suitable managed via condition. It is also acknowledged that aside from a number of letters of objection (17) submitted to the Council; Billingshurst Parish Council has supported this application indicating that there is local support for the development, whilst the Council's Economic Development team have also expressed strong support. This too weighs in favour of the proposed development. Whilst some landscape impact would occur, subject to the parameters plans and conditions it is considered that this harm would not be so severe as to warrant the refusal of permission if the need for the development is established.

- 6.100 In coming to a conclusion, the determination of this proposal is considered by Officers to be very finely balanced, and largely rests on the significant weight that is afforded to the conflict with the HDPF development strategy against the material considerations presented by the applicant which are largely undisputed and which present a compelling case in favour of employment development on this site. Whilst the primacy of the adopted development plan and its conflict with the proposed development carries significant weight in the overall acceptability of this development, the material considerations that demonstrate the acute need for additional and high quality employment floorspace in Billingshurst and the wider District are compelling. Given the evidence presented by the applicant demonstrating how this development would help to address the acute short-term need, coupled with local support for the development from the Parish Council, and other technical concerns that can satisfactorily be controlled by condition; it is considered on balance that the benefits offered by the proposed scheme would outweigh the conflict with the plan-led approach required by planning law.
- 6.101 For this reason, Officers consider that in accordance with section 70(2) of the Town and Country Planning Act and NPPF Paragraphs 2 and 47, the material considerations presented in this case, on balance, justify a departure from the adopted development plan. Officers therefore recommend to Members that the application is approved, subject to the completion of a legal agreement and appropriate conditions as suggested below.

## **7. RECOMMENDATIONS**

- 7.1 To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions and the completion of a s106 legal agreement to secure the necessary highways infrastructure improvements on the A29. In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

### **Full Planning Permission (Phase 1)**

1. **List of approved plans**
2. **Regulatory (Time) Condition:** The development within Phase 1 hereby permitted shall be begun before the expiration of 18 months from the date of this permission.

*Reason: To ensure the early delivery of the employment floorspace in Phase 1, and to comply with Section 91 of the Town and Country Planning Act 1990.*

3. **Regulatory (Time) Condition:**
  - (a) Approval of the details of the layout of the development of Phase 2, the scale of each building, the appearance of each building, access within the site and the landscaping of the development (hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before any development of Phase 2 is commenced.
  - (b) Plans and particulars of the Reserved Matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access within the site and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
  - (c) Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
  - (d) The development of Phase 2 hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2

years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later.

*Reason: To enable the Local Planning Authority to control the development of Phase 2 in detail and to comply with Section 92 of the Town and Country Planning Act 1990.*

4. **Pre-Commencement (slab level) Condition:** No development above ground-floor slab level of any building within Phase 1 or Phase 2 (whichever comes first), shall take place until a scheme of buffer planting for the western and southern boundaries of Phase 1 has been submitted to and approved in writing by the Local Planning Authority. The scheme of buffer planting shall detail the routing of all underground services and have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and shall be fully implemented within the first planting season following the approval by the Local Planning Authority of the details submitted.

*Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings and preserves and enhances the ecological interests of the site, and in the interests of visual amenity in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015).*

### **Phase 1 Conditions**

5. **Pre-Commencement Condition:** No development within Phase 1, including any ground clearance or site levelling, shall commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document covering the development of Phase 1, and shall be strictly adhered to throughout the construction period. The CEMP shall provide for, but not be limited to:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
  - iv. Site working hours and a named person for residents to contact;
  - v. Detailed Site logistics arrangements;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. The anticipated number, frequency and types of vehicles used during construction
  - viii. Details of construction traffic routing, including site access.
  - ix. Details of any floodlighting, including location, height, type, timing and direction of light sources and intensity of illumination
  - x. Details regarding dust and noise (including vibration) mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
  - xi. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
  - xii. Communication procedures with the local community regarding key construction issues – newsletters, fliers etc.
  - xiii. Locations and details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - xiv. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - xv. Details of a scheme for the recycling/disposing of waste resulting from site clearance and construction works

*Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).*

- 6. Pre-Commencement Condition:** No development within Phase 1 shall commence until a detailed surface water drainage scheme including finalised surface water drainage designs and calculations for the site, and a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) have been submitted to and approved in writing by the Local Planning Authority. The drainage designs shall show full coordination with the detailed landscape scheme, and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

*Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).*

- 7. Pre-Commencement Condition:** No development within Phase 1, including any ground clearance, vegetation clearance or site levelling, shall commence until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall include (but not be limited to) the following:
- a) Identification of 'biodiversity protection zones';
  - b) Details of practical measures to avoid or reduce impacts during construction, including method statements and the use of protective fences, exclusion barriers and warning signs;
  - c) The location and timing of sensitive works to avoid harm to biodiversity features;
  - d) Specific details of all ecological mitigation measures including the non-licensed Dormouse Method Statement;
  - e) Specific details of all ecological enhancement and habitat creation;
  - f) The times during construction when specialist ecologists need to be present on site to oversee works;
  - g) Responsible persons and lines of communication;
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved EMMP shall be adhered to and implemented throughout the construction period of Phase 1 strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. Evidence of the successful completion of all measures set out in the EMMP should be collected and submitted to the Local Planning Authority.

*Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).*

- 8. Pre-Commencement Condition:** The use hereby permitted shall not commence until a Noise Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries, collections and servicing. The Noise Management Plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority, the

Noise Management Plan shall be reviewed. Any changes to the Noise Management Plan necessary to address these concerns shall be implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.

*Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).*

- 9. Pre-Commencement Condition:** No development shall commence until a scheme of sound insulation works to reduce the escape of noise from all units within Phase 1 has been submitted to and approved by the Local Planning Authority in writing. As a minimum, the scheme shall achieve the targets for sound reduction as set out in the Environmental Noise Assessment prepared by Sharps Redmore [ref: 1818019] and shall include assessment of the noise escape from all building openings, flues and ducts. The approved scheme shall be fully implemented prior to the first use/occupation of the site and be permanently maintained thereafter.

*Reason: As this matter is fundamental in the interest of the amenity of nearby residents, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

**10. Pre-Commencement Condition:**

- (i) No development within Phase 1 shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- (ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part [i] of this condition, and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

*Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).*

- 11. Pre-Commencement Condition:** No development within Phase 1, including any ground clearance or site levelling, shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

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

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

*Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).*

- 12. Pre-Commencement Condition:** No development shall commence within Phase 1 until precise details of the finished floor levels in relation to nearby datum points shall have been submitted to and approved by the Local Planning Authority in writing. Development within Phase 1 shall thereafter be completed in accordance with the approved details.

*Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 13. Pre-Commencement Condition:** No development shall commence on Phase 1, including ground clearance pursuant to the permission granted, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing number [DLA.1751.L003.01 Rev D], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

*Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 14. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

*Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 15. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where

external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No other external lighting whatsoever shall be installed within Phase 1 without prior consent from the Local Planning Authority.

*Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).*

- 16. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, a Landscape and SuDS Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all landscape areas and SuDS infrastructure (existing and proposed) shall have been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

*Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015).*

- 17. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

*Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).*

- 18. Pre-Occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant shall be operated within any part of Phase 1 of the development hereby permitted, until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 (or subsequent superseding equivalent) and current best practice, and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is 5dB less than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

*Reason: To safeguard the amenities of neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 19. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, a post-completion noise assessment shall be undertaken to confirm that each unit performs in accordance with the recommendations of the Environmental Noise Assessment prepared by Sharps Redmore [ref: 1818019]. Any additional steps required to mitigate noise shall be detailed and implemented, as necessary. The post-completion noise assessment shall be submitted to and approved in writing by the Local Planning Authority, and the details as approved shall thereafter be permanently retained.

*Reason: As this matter is fundamental in the interest of the amenity of nearby residents, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 20. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, a scheme of air quality mitigation (including the provision for the charging of electric vehicles by way of fast charging points) shall have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document.

*Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).*

- 21. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority, and shall include details to mitigate impacts on air quality as set out in Chapter 5 of the Council's Air Quality and Emissions Reduction Guidance (2014). The applicant shall use all reasonable endeavours to work with other businesses in the immediate area to co-ordinate the measures within the travel plan. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

*Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).*

- 22. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No part of Phase 1 shall be occupied (or use commenced) until the boundary treatments associated with that use have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

*Reason: In the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 23. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, details for the provision and storage of refuse and recycling bins shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the size of bins, their location, means of enclosure and the details of the proposed refuse collector. These facilities shall thereafter be retained for use at all times in accordance with the approved details.

*Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 24. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, a scheme of bus stop improvement works to the north and southbound bus stops on the A29 Stane Street and a timetable for the implementation shall have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented as per the agreed timetable and scheme of works.

*Reason: To improve and encourage sustainable access to the proposed development in accordance with Policy 40 of the Horsham District Planning Framework (2015).*

- 25. Pre-Occupation Condition:** Prior to the first occupation (or use) of any unit(s) within Phase 1 of the development hereby permitted, the car parking spaces serving that unit shall have been constructed and made available for use in accordance with details submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall thereafter be retained at all times for their designated use.

*Reason: To ensure adequate parking facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).*

- 26. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, each unit shall have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall thereafter be retained for use at all times.

*Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, and to ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).*

- 27. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, the vehicular access serving the development shall have been constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).*

- 28. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 1 of the development hereby permitted, details (and a timetable for the implementation) of the foot/cycle way link leading from the development southwards to Hilland Cottages shall have been submitted to and approved and in writing by the Local Planning Authority. Once approved the works shall thereafter be undertaken in accordance with the approved details.

*Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).*

- 29. Regulatory Condition:** Units 3-9 as shown on plan reference [D-101-TP-02F] hereby permitted shall be limited to B1(c) and B8 use only, and for no other purposes whatsoever (including those falling within Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

*Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 30. Regulatory Condition:** No operations or activities, including the operation of plant and machinery, shall take place in connection with Units 3-13 as shown on plan reference [D-101-TP-02F] except between the hours of 07:00 to 23:00 Mondays to Saturdays, and 0900-1600 on Sundays and public holidays.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 31. Regulatory Condition:** No manufacturing processes, deliveries and dispatches (other than by customers using any trade counter), shall take place in connection with Units 3-13 as shown on plan reference [D-101-TP-02F] except between the hours of 07:00 to 19:00 Mondays to Saturdays, and at no times on Sundays and public holidays.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 32. Regulatory Condition:** No external operations or activities, including the operation of plant and machinery, workshop processes, deliveries and dispatches, shall take place in connection with Units 1-2, as shown on plan reference [D-101-TP-02F] except between the hours of 07:00 to 23:00 hours Mondays to Saturdays and 0900-1600 on Sundays and public holidays.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 33. Regulatory Condition:** Other than the landscaping buffer works pursuant to Condition 4, the approved landscaping scheme shown in soft landscaping proposals plan reference [DLA.1751.L003.01.Rev D] shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any building within Phase 1. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any existing or proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 34. Regulatory Condition:** No external lighting, other than low level lighting to emergency exits, shall be operated within Phase 1 between the hours of 2330 to 0630 hours the following day on Mondays to Fridays, between 2330 and 0730 hours the following day on Saturdays, and between 1330 and 0630 hours the following day on Sundays and public holidays.

*Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 35. Regulatory Condition:** Following first occupation of each unit within Phase 1 of the development hereby approved, no mezzanine or additional floor levels shall be constructed within any unit without express planning consent from the Local Planning Authority first being obtained.

*Reason: To ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015).*

- 36. Regulatory Condition:** No externally located plant or equipment within Phase 1 shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

*Reason: To safeguard the amenities of neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 37. Regulatory Condition:** No activities other than loading or unloading shall be undertaken in the open air within Phase 1 without the prior written approval of the Local Planning Authority by way of formal application.

*Reason: To safeguard the amenities of neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 38. Regulatory Condition:** No external storage of any materials or waste shall take place at any time within Phase 1.

*Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).*

- 39. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes F, G, H and J of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

*Reason: In the interest of visual amenity to protect the rural character of the area in accordance with Policies 25, 26, 27 & 33 of the Horsham District Planning Framework (2015).*

- 40. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), no change of use of the units hereby permitted from the uses granted for that unit by this permission shall take place without express planning consent from the Local Planning Authority first being obtained.

*Reason: To ensure the development remains in employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015).*

## **Phase 2 Conditions**

- 41. Pre-Commencement Condition:** No site levelling works on any Reserved Matters parcel within Phase 2 of the development shall take place until full details of the final land levels and finished floor levels to be provided for that Reserved Matters parcel in relation to nearby datum points have been submitted to and approved by the Local Planning Authority in writing. The details shall include the proposed grading of land areas including the levels and contours to be formed, showing the relationship of proposed land levels to existing vegetation and surrounding landform. The site levelling works shall be completed in accordance with the approved details prior to the commencement of development of any building within that Reserved Matters parcel.

*Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 42. Pre-Commencement Condition:** No development within Phase 2 shall commence until a detailed surface water drainage scheme including finalised surface water drainage designs and calculations for the site, and a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of

the development) have been submitted to and approved in writing by the Local Planning Authority. The drainage designs shall show full coordination with the detailed landscape scheme, and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

*Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).*

- 43. Pre-Commencement Condition:** No development within Phase 2, including any ground clearance, vegetation clearance or site levelling, shall commence until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall include (but not be limited to) the following:
- a) Identification of 'biodiversity protection zones';
  - b) Details of practical measures to avoid or reduce impacts during construction, including method statements and the use of protective fences, exclusion barriers and warning signs;
  - c) The location and timing of sensitive works to avoid harm to biodiversity features;
  - d) Specific details of all ecological mitigation measures including the non-licensed Dormouse Method Statement;
  - e) Specific details of all ecological enhancement and habitat creation;
  - f) The times during construction when specialist ecologists need to be present on site to oversee works;
  - g) Responsible persons and lines of communication;
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved EMMP shall be adhered to and implemented throughout the construction period of Phase 2 strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. Evidence of the successful completion of all measures set out in the EMMP should be collected and submitted to the Local Planning Authority.

*Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).*

- 44. Pre-Commencement Condition:**
- i. No development within Phase 2 shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
  - ii. The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

*Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).*

- 45. Pre-Commencement (slab level) Condition:** No development above ground floor slab level within Phase 2 of the development hereby permitted shall take place until full details of the hard and soft landscaping works for Phase 2 have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include:
- i. Details of all existing trees and planting to be retained
  - ii. Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
  - iii. Details of all hard surfacing materials and finishes
  - iv. Details of all boundary treatments
  - v. Details of all external lighting
  - vi. Ecological enhancement measures and recommendations set out in Section 4.0 of the Ecological Appraisal by All Ecology, dated July 2018.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following approval of these details. Unless otherwise agreed as part of the approved landscaping, no trees or hedges within Phase 2 shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings and preserves and enhances the ecological interests of the site, and in the interests of visual amenity in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015).*

- 46. Pre-Commencement Condition:** The use within Phase 2 hereby permitted shall not commence until a Noise Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries, collections and servicing. The Noise Management Plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority, the Noise Management Plan shall be reviewed. Any changes to the Noise Management Plan necessary to address these concerns shall implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.

*Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).*

- 47. Pre-Commencement Condition:** No development within Phase 2, including any ground clearance or site levelling, shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the Local Planning Authority:
- (a) A preliminary risk assessment which has identified:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the Local Planning Authority.

*Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).*

- 48. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 2 of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

*Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).*

- 49. Pre-Occupation Condition:** Prior to occupation of any unit within Phase 2, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No other external lighting whatsoever shall be installed within Phase 2 without prior consent from the Local Planning Authority.

*Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).*

- 50. Pre-Occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant shall be operated within any part of Phase 2 of the development hereby permitted, until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 (or subsequent superseding equivalent) and current best practice, and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is 5dB less than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

*Reason: To safeguard the amenities of neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 51. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 2 of the development hereby permitted, a scheme of air quality mitigation (including the provision for the charging of electric vehicles by way of fast charging points) shall have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document.

*Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).*

- 52. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 2 of the development hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority, and shall include details to mitigate impacts on air quality as set out in Chapter 5 of the Council's Air Quality and Emissions Reduction Guidance (2014). The applicant shall use all reasonable endeavours to work with other businesses in the immediate area to co-ordinate the measures within the travel plan. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

*Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).*

- 53. Regulatory Condition:** The submission of Reserved Matters applications pursuant to this Outline application (Phase 2) shall demonstrate compliance with the following Parameter Plans submitted as part of the Outline application to secure the development principles:
- Zoning Plan [PH2/ZP/01] (dated 3 April 2019)
  - Site Masterplan [DLA.1751.L003.03 Rev F]

*Reason: To enable the Local Planning Authority to control the development in detail in accordance with the NPPF.*

- 54. Regulatory Condition:** No external operations or activities (other than use of the petrol filling station and drive-thru unit by customers), including the operation of plant and machinery, workshop processes, deliveries and dispatches, shall take place in connection with units and uses within Phase 2 except between the hours of 07:00 to 23:00 hours Mondays to Saturdays and 09:00 – 16:00 hours on Sundays and public holidays.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 55. Regulatory Condition:** No external lighting, other than low level lighting to emergency exits, shall be operated within Phase 2 between the hours of 2330 to 0630 hours the following day on Mondays to Fridays, between 2330 and 0730 hours the following day on Saturdays, and between 1330 and 0630 hours the following day on Sundays and public holidays.

*Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 56. Regulatory Condition:** Following first occupation of each unit within Phase 2 of the development hereby approved, no mezzanine or additional floor levels shall be constructed within any unit without express planning consent from the Local Planning Authority first being obtained.

*Reason: To ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015).*

- 57. Regulatory Condition:** No externally located plant or equipment within Phase 2 shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

*Reason: To safeguard the amenities of neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 58. Regulatory Condition:** No activities other than loading or unloading shall be undertaken in the open air within Phase 2 without the prior written approval of the Local Planning Authority by way of formal application.

*Reason: To safeguard the amenities of neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 59. Regulatory Condition:** No external storage of any materials or waste shall take place at any time within Phase 2 of the development hereby permitted without the prior approval in writing of the Local Planning Authority.

*Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).*

- 60. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes F, G, H and J of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

*Reason: In the interest of visual amenity to protect the rural character of the area in accordance with Policies 25, 26, 27 & 33 of the Horsham District Planning Framework (2015).*

- 61. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), no change of use of the units hereby permitted from the uses granted for that unit by this permission shall take place without express planning consent from the Local Planning Authority first being obtained.

*Reason: To ensure the development remains in employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015).*