



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19<sup>th</sup> November 2019

**DEVELOPMENT:**

Hybrid application for the erection of petrol filling station with convenience store and sandwich bar, car wash, jet wash and car parking; motorcycle showroom and workshop with associated car parking; outline planning permission for flexible employment space (B1b/B1c/B2/B8) totalling 4,627sqm with associated car parking and circulation space (scale, landscaping and appearance reserved); new access to the site from A272 and pedestrian link to footbridge over A29.

**SITE:**

Land at Platts Roundabout Newbridge Road Billingshurst West Sussex

**WARD:**

Billingshurst

**APPLICATION:**

DC/19/0295

**APPLICANT:**

**Name:** Arunway Ltd and Forelle Estates **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** (1) The application represents a departure from the development plan;

(2) By request of Local Ward Members;

(3) 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 a Highways Works Scheme and a Stage 2 and 3 Road Safety Audit; as well as a covenant to require the Phase 2 Employment Units to be offered to existing businesses within the District for a 12 month period.

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 in hybrid form, and proposes a mixed-use commercial scheme comprising a petrol filling station (PFS), a convenience shop, a sandwich shop, employment floorspace totalling 4,627m<sup>2</sup> (B1b, B1c, B2 and B8), and a showroom and workshop for a motorcycle retailer.
- 1.3 Full planning permission is sought for the PFS and ancillary convenience shop / sandwich shop, as well as the motorcycle showroom and workshop. These elements would be located to the northern section of the site with a new vehicular access from the A272. The PFS would have 8 fuel pumps for cars, and another pump for HGVs. 25 parking spaces are shown on the proposed site plan. Two of the 25 parking spaces are shown for electric vehicle charging. A jet wash and car wash is also proposed to the rear of the shop.
- 1.4 The convenience shop would have a net sales area of 232m<sup>2</sup> and a back of house area of 92m<sup>2</sup>. The sandwich shop adjoins the convenience shop and would comprise of 116m<sup>2</sup>. The shopfronts would be glazed and surrounded by dark and light grey cladding. The roof of the shops would extend to create a curved roof to the PFS forecourt which would measure a maximum height of 8.2m. The proposed car wash would measure 3.7m in height.
- 1.5 There would be an external seating area outside the sandwich shop, and a cycle shelter. A service yard would be located to the rear of the shop for deliveries. The layout of the site would enable vehicles to enter and exit in a clockwise loop. A 1.8m high acoustic fence is proposed to the eastern side of the site, along the boundary of the A29. A 17m wide planted buffer zone is proposed to the north and east of the application site. Other tree and shrub planting is also proposed within the site - shown indicatively on the submitted plans.
- 1.6 The proposed motorcycle showroom and workshop buildings would be located to the north-west of the site. The showroom would comprise 710m<sup>2</sup> of floorspace, set over 2-storeys, and would measure a maximum height of 5.8m to eaves and 8.5m to ridge. The ground floor would comprise a sales area, staff room, WC facility, and service area including small workshop for services and MOT testing etc. The upstairs mezzanine would comprise a customer area and staff accommodation (offices, WC's, shower etc). The mezzanine would have views to the double-height showroom below. An external forecourt area is proposed to the north and east of the building for the display of motorcycles. External materials are proposed to include dark grey composite metal cladding panels, dark grey aluminium glazed curtain walls, dark grey framed glass windows and roof lights, and light grey roller shutter doors.
- 1.7 The proposed workshop building is located approximately 18m to the west of the showroom, and would comprise 202m<sup>2</sup> of floorspace for motorcycle servicing, repairs and MOT services (B2 use). The building would measure 3m to eaves and 5.5m to ridge, and is proposed to utilise the same external materials at the showroom building.
- 1.8 42 car parking spaces are proposed to serve these units (including 2x disabled parking bays). Motorcycle parking for 6x bikes is also proposed. The naturally sloping nature of the land requires the existing ground levels to be levelled, which requires the use of retaining wall structures.

- 1.9 Outline planning permission is proposed for 14 commercial units, totalling 4,627m<sup>2</sup> of mixed B1b, B1c, B2 and B8 employment floorspace. The units would be located to the southern part of the application site, and are shown indicatively to comprise a range in unit size from 111m<sup>2</sup> and 511m<sup>2</sup> with the ability to co-join to suite occupier needs. Parking is shown indicatively, and proposes spaces for 70 cars, 8 motorcycles and 10 bicycles.

#### DESCRIPTION OF THE SITE

- 1.10 The application site comprises a 3.67Ha area of land located within a 4.5Ha field currently in agricultural use. The site is located to the west of Billingshurst, outside the built-up area boundary, and is bounded by the A29 to its east, the A272 to its north, and Newbridge Road to its south. Platts Roundabout is located to the north-east of the site which provides access into Billingshurst and to the northbound and southbound carriageways of the A29. A WSCC Household Waste Recycling facility and the Jubilee Fields Sports Pitches are located opposite the site to the north of the A272.
- 1.10 The land levels within the site range from a low of around 22m AOD at the northern boundary, to a high point of around 30m AOD towards the south-eastern section of the site. The rising land forms a ridge within the middle part of the site, with levels falling in all directions towards the site boundaries, particularly towards the north. The higher land at the eastern boundary places the site in an elevated position above the adjacent A29. The topography restricts views of the northern portion of the site to and from the dwellings along Newbridge Road on the southern boundary. There are no trees within the site itself.
- 1.11 Fencing and dense hedgerow and trees defines the northern and western boundaries which largely obscures views of the site from the adjacent roads. The southern boundary is defined by hawthorn hedgerow and fencing which offers some screening from the site. The eastern boundary is also defined by fencing and hedgerow. The character along Newbridge Road to the south of the site is rural and quiet, particularly at the eastern end. Higher noise levels are experienced at the western end of Newbridge Road due to the proximity to the A272. The northern and eastern parts of the site are more readily related to the urban character of Billingshurst by virtue of the proximity to the built-up area boundary and the busy road networks adjacent.
- 1.12 The site is located close to a pedestrian footbridge which spans the A29. This links Newbridge Road (to the south of the site) to the built up area of Billingshurst. The closest part of Billingshurst's built-up area boundary is located approximately 45m to the east of the site (Pond Close), separated by the A29. The rooftops of dwellings in this part of the village can be seen from the site, as can part of the spire of St Mary's Church in the distance. Dwellings in Holders Court (to the north-east of Platts Roundabout) are located around 90m from the site boundary and glimpses of these dwellings can be seen from the northern part of the site. Dwellings in Newbridge Road to the south of the site (Bridgewaters Farm and Cottage) and other dwellings to the western end of Newbridge Road are located over 100m from the application site and cannot be seen from the northern part of the proposed development.
- 1.13 The site is located approximately 900m to the east of the Upper Arun Site of Special Scientific Interest (SSSI), and approximately 4.2km to the east of The Mens SSSI and Special Area of Conservation (SAC). The site is also around 4.2km to the east of the nearest boundary of the South Downs National Park. There are various areas of designated Ancient Woodland in proximity to the site, but none closer than 500m. The site is included within a wider 'Bat Sustenance Zone' designation which covers the majority of the western half of the District. The site is not located within a designated Flood Risk Zone.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 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)

### 2.3 RELEVANT NEIGHBOURHOOD PLAN

Billingshurst Parish Council were formally designated as a Neighbourhood Development Plan area in December 2015. In August 2019, the Parish Council published a Regulation-14 draft plan for an 8-week period of consultation which ended on 29th September 2019. Despite the publication of the Regulation-14 draft neighbourhood plan, very limited weight can currently be given to the Neighbourhood Planning process in Billingshurst.

### 2.4 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]: This proposal would contribute towards the district's identified employment needs, which in principle is welcomed. However, it is considered that the proposal would conflict with policies 1-4, 10, 12, 13 and 26 of the HDPF. The HDPF is currently addressing the employment needs identified for the period up to 2031. It is not therefore considered the employment needs are such as to justify a departure from the development plan.

The Local Plan Review is exploring the need for additional employment sites. However, it is considered that the proposals in the Issues and Options Paper (April 2018) carry limited weight. It is also considered that the employment needs are not such as to outweigh the conflict with adopted planning policies, which are key in the delivery of a genuinely plan led approach. The Economic Growth Assessment is currently being updated, completion expected summer 2019. It will take into account future housing needs and will inform the future allocations in the emerging Local Plan Review. It is therefore considered any potential uplift in need will be appropriately addressed through the plan review process.

There may be merit in the delivery of a petrol filling station within this countryside location at the junction of the A29 and A272, however, this would not justify the full extent of development proposed.

##### **HDC Landscape Architect: Comment**

[Summary of Final Comments]: The revised proposals show the visibility splays extended and the loss of hedgerow along the A272. Whilst this loss is regrettable, given its condition and the landscape mitigation strategy plan submitted, there is a clear approach on how the visual harm arising from the development can be mitigated and therefore the revised proposals do not change considerably the findings of the earlier report, and those comments still remain valid.

[Summary of Initial Comments:] The overall landscape value of the site is 'moderate', and the landscape sensitivity varies across the site. The northern boundary is less sensitive due to various factors such as road influence, lower land and stronger relationship of the site with the road network and edge of settlement position. At the southern boundary, the landscape sensitivity increases with the rising of the land, higher inter-visibility with the wider landscape, and increase in rural qualities of the site.

The site is generally well enclosed but due to the topography, development will be more exposed to views along the southern boundary. Users of the public footpaths in closer proximity to the site are likely to be adversely affected as these are considered sensitive receptors. Views from more distant footpaths, where available, will be less sensitive as they'll be seen partly oblique and in some instances with Billingshurst in the background.

The site has opportunity to accommodate development to its northern part without unacceptable harm to the landscape character and visual amenity of the wider landscape. However, with regards the southern part, there is visual harm identified, albeit considered adverse mostly in closer views rather than the wider landscape. The acceptability of the proposals will need to be carefully balanced with the benefits and need for this type of development in this area. As it stands the development is contrary to Policy 26.

**HDC Air Quality Officer: No Objection (subject to conditions)**

[Summary]: The conclusion of the Air Quality Assessment Report (May revision) are accepted. The damage cost calculation (£265,561) is also accepted. No objection is raised to the development subject to satisfactory mitigation scheme being proposed and implemented. Concern that no specific measures have been discussed or costed. The Travel Plan submitted in February 2019 lists a generic range of measures that have not been costed and are aimed at reducing the number of staff car drivers by 10%. There is no target for a reduction in the number of customer/visitor drivers. The main deficiencies of the plan are that it focuses on a limited number of generic measures such as 'cycle parking' (this has to be provided irrespective of air quality mitigation) and 'promotion of sustainable transport' (very broad, no certainty what will be implemented under this theme), it does not provide scheme valuation and it does not propose sound means of scheme evaluation. Regarding 'Type 3' mitigation, those have not been discussed in the air quality report and the justification given is that these measures will be determined during the detailed design stage.

**HDC Environmental Health: No Objection (subject to conditions)**

[Summary]: The issue of vehicle noise from the public highway falls outside of the remit of this Service. Concerns over such matters should be addressed to WSCC Highways or the Police. Suggested conditions include: (1) Hours of delivery and dispatch to be restricted to 0700 – 1800 Mon – Fri and 0700 -1300 Saturdays. With no operations on Sundays, Bank or Public Holidays; (2) Hours of work for the flexible employment space to be restricted to 0700 -2000 Mon – Fri and 0700 – 1800 Saturday. With no operations on Sundays, Bank or Public Holidays; (3) No activity/work (for the flexible employment space) save for delivery / dispatch to take place outside of the proposed units at any time; (4) Hours of operation for the Car wash / Jet wash to be restricted to 0700 – 2000 Mon – Saturday. With no operations on Sundays, Bank or Public Holidays; and (5) Extension of the acoustic barrier along the length of western boundary.

**HDC Economic Development: Support**

[Summary]: Allowing for the development of further modern fit for purpose commercial units is necessary to ensure future economic development within the District. By providing commercial property of various sizes, this will allow businesses room to expand, which will encourage them to stay in the District. This proposal will provide additional commercial space suitable for expanding businesses. There is currently not enough of a supply of large-scale employment floorspace in the District and so this proposal would go some way to improving upon the delivery of this much needed space. Commercial floorspace is key to economic growth across the District as it helps to support jobs within the local community. The development site in question is well placed in the District and has excellent potential road links to the rest of the area and further beyond. By approving this application, there would be considerable economic benefit to the District. Economic Development supports this application as it meets some of the priorities on the economic strategy.

**HDC Drainage Engineer: No Objection**

**HDC Waste Collections: No Objection**

3.2 OUTSIDE AGENCIES

**WSCC Highways: No Objection (subject to conditions)**

**[Summary of Final Comments – 31 October 2019]:**

No objection. The LHA have been in discussion with the applicant over the past 6 months to establish a way forward with the site access strategy. A Departure from Standard (DfS) application for visibility splays of 4.5m x 120m and 87m (based on the existing 60mph speed limit) has been submitted, and accepted by the LHA's Principal Engineer. A Design

Audit (DA) on the Right Turn Lane (RTL) has also been assessed by the Principal Engineer, and accepted. Elements on the proposal's network capacity, parking and accessibility aspects were all covered and agreed in the response from May 2019. The LHA are now in a position to support the application, subject to conditions including: (1) construction of access; (2) construction management plan; (3) vehicle parking and turning; (4) provision of visibility splays. In addition, the provision of a Highways Works Scheme and Stage 2 and 3 Road Safety Audit is required to be secured within a s106 agreement.

[Summary of Third Comments – 23 July 2019]:

More information required. The LHA advise that a 30mph Traffic Regulation Order (TRO) would not be supported. A revised Technical Note (TN05) has been submitted, and includes additional Speed Surveys for the west of the proposed access which show that the 85<sup>th</sup> percentile recorded speed is 36mph (previously it was recorded at 51mph). The LHA seek confirmation on the location of the counters given the varied results. LHA advises that the applicant may wish to explore a Departure from Standard (DfS) submission for the western splay as the proposed 120m splays fall short of the required 160m for the recorded 51mph average. The DfS would also need to include mitigation features (such as signage) to further reduce the average speeds in line with 40mph splays.

[Summary of Second Comments – 20 May 2019]:

More information required. Technical Note (TN03) has been submitted, as summarised below:

*Access:* TN03 demonstrates that 85<sup>th</sup> percentile speeds were recorded at 51mph, which converts to average speeds of 44mph. This is not slow enough to justify a speed reduction to 30mph, and the LHA cannot support this. However, submitted drawings show that the site can accommodate the required visibility splays for the current 60mph road speeds (which require 160m to the west, and 86m to the east), therefore the principle of an access in this location is acceptable without the need to lower the current speed limit. A Swept Path analysis shows that larger vehicles (including refuse and service/delivery vehicles, and petrol tankers) can access the site appropriately.

*Design Audit:* The submitted Design Audit requires updating as it has been based on the proposed 30mph speed reduction (which cannot be supported), not the current 60mph speed limit.

*Network Capacity:* The use of TRICS to assess trip rates associated with the proposed development is accepted. Modelling shows that around 271 additional vehicle trips in the AM period would be generated by the development, and an additional 266 vehicle trips in the PM period. The LHA accepts that the petrol station is unlikely to be a high trip generator in its own right, rather it will generate 'pass-by' or 'divert' type trips. The junction capacity modelling (using PICADY and ARCADY) demonstrates that the access junction currently operates within capacity, and will continue to operate within capacity in 2024 with the proposed development (and including DC/13/0735). The LHA confirm that there are no highway capacity issues associated with this development, and that the residual cumulative highway impacts of the development will not be 'severe' as per NPPF para 108.

*Parking/Layout:* The parking spaces provided allow for appropriate turning room within the site by cars and larger vehicles in a forward gear.

*Accessibility:* The site is well located, there are lit footways close to the site fronting residential streets and form part of the local pedestrian network. The nearest bus stops are located on West Street (around 6min walk / 500m) from the proposed development. The proposal includes an uncontrolled crossing facility on the southern arm of the Platts Roundabout and a new footway to connect this crossing to existing paths. This will extend the pedestrian network from the village to the site. No issues have been

identified with the proposed link by the Safety Auditor. An additional pedestrian link will also be provided to the existing footbridge over the A29.

[Summary of Initial Comments – 04 March 2019]:

More information required. The proposals are supported by a Transport Assessment, trip rate information (using TRICS), junction capacity modelling (using PICADY), and a Stage 1 Road Safety Audit (RSA). The RSA does not identify any problems with the proposed access arrangements. A dedicated right-turn lane (RTL) is provided into the site, and a speed reduction is proposed to 30mph along part of the A272. The proposed visibility splays have been based on Manual for Streets (MfS) guidance (for 43m which is acceptable for a 30mph road), but the LHA request that the splays are demonstrated in accordance with the 85<sup>th</sup> percentile recorded road speeds from the Speed Survey undertaken. This is to enable the LHA to justify a speed reduction in this area. In addition, there is a need to consider what splays can be achieved if the speed limit cannot be reduced. A Design Audit is also required for the proposed RTL to be submitted for approval. The TA must be updated to reflect the information required.

**Ecology: No Objection (subject to conditions)**

[Summary:] The updated Ecology Appraisal, Final Dormouse Survey Report, and Natural England's latest comments (dated 30 July 2019) have been reviewed. The information submitted demonstrates that the proposal is acceptable subject to the conditions including: (1) development to be carried out in accordance with details contained in the Ecological Appraisal and Dormouse Survey Report; (2) submission of a Biodiversity Enhancement Strategy.

We have reviewed the final Dormouse survey report (WYG, July 2019) and note that no evidence of dormouse has been found on site, as such, no further surveys or mitigation is necessary.

The development site lies within a 'bat sustenance zone' for The Mens SAC (located 4km away). The bat surveys confirm that bats use the hedgerows on site, however the 'Report to Inform HRA' confirms that the impact on bats resulting from the proposed development, is low. The updated Ecological Appraisal shows that the site falls within the 'Impact Risk Zone' for nearby SSSI's, but as there are no ecological links, it is unlikely that the development would have any adverse impact on these areas. Although Local Wildlife Sites (LWS's) are located within 2km from the site, these areas are unlikely to be adversely impacted by the proposals.

With regard to air pollution resulting from the proposed development; the LPA agrees with the assessment provided in the 'Report to Inform HRA' and concludes that there would be no likely significant effect on The Mens SAC or Ebernoe Common SAC from air pollution either alone or in combination with other plans and projects.

We support the proposed biodiversity enhancements recommended in the Ecological Appraisal and Dormouse Survey Report to secure measurable net gains for biodiversity. These measures should be outlined within a Biodiversity Enhancement Strategy and secured by a condition of any consent.

Under the Habitat Regulations, it is necessary for the LPA to prepare a Stage 1: HRA Screening Report to consider any effects on The Mens SAC and Ebernoe Common SAC. In addition, as the development will result in loss and severance of hedgerows within the 'Impact Risk Zone' of the SACs, it is considered appropriate for this project to progress to Stage 2: HRA Appropriate Assessment. A Stage 1 and Stage 2 HRA Assessment has been prepared by the LPA which concludes that, with mitigation, adverse effects on site integrity of The Mens SAC or Ebernoe Common SAC, either alone or in combination with other plans and projects can be avoided and the project should be able to proceed.

**Archaeology: No objection (subject to condition)**

[Summary]: No objection subject to a condition to secure a programme of archaeological works in accordance with a Written Scheme of Investigation.

**Natural England: No Objection**

[Summary]: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Southern Water: No Objection (subject to conditions and informatives)**

**Environment Agency: No Objection**

**WSCC Flood Risk Management: No Objection**

**Billingshurst Parish Council: Support**

[Summary]: The Parish Council supports this application, subject to clarification regarding air quality mitigation, and access and lighting/opening hour's concerns being addressed.

**Chichester District Council: No Objection**

### 3.3 PUBLIC CONSULTATIONS

During the initial round of consultation, a total of 56 representations were received. 20 representations objected to the proposed development, 34 representations were in support of the proposed development, and 2 representations were neutral.

The following summarises the main reasons for objection:

- Lack of need for the proposed facilities (including petrol station)
- Overdevelopment
- Negative impact on rural landscape character
- Increase in traffic congestion and impact on road safety
- Noise concern from motorcycles on the road
- Impact on the high street (diversion of trade)
- Noise and light pollution, amenity impact
- Flooding problems, lack of sewer capacity
- Biodiversity impact
- Contrary to HDPF policies

The following summarises the main reasons for support:

- New petrol station is welcomed
- Opportunities for local businesses to grow
- The facilities are required to serve the growing population
- Contribution to landscape improvements
- Employment opportunities
- Will attract further investment
- Appropriate location for the PFS

A second round of consultation took place when revised plans were submitted on 16<sup>th</sup> July 2019. All parties who were initially consulted were re-consulted; as well as all households who submitted representations during the initial round of consultation. By the close of the second consultation period, 9 representations were received (8 objecting, and 1 in support). No new reasons for support or objection beyond the reasons listed above were raised.

### 3.4 MEMBER COMMENTS

Cllr Lindsey (previous ward Member) and Cllr Jupp (current ward Member) have requested that this application is heard before Planning Committee. Cllrs Jupp and Brown (current ward Members) have raised concerns with regard to the heights of the proposed commercial units on the raised southern part of the site, and concerns about the adequacy of the circulation space and parking provision.

## 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
- Retail Impact
- Landscape Impact
- Highways Impact
- Layout, Appearance and Amenity
- Other matters including: *Drainage and Flood Risk, 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 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 strictly 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 a review of the HDPF is currently 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 challenged the Council's effective delivery of employment floorspace, and this is discussed in more detail within this report.

- 6.3 Paragraph 12 of the NPPF also states that: *'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 Platts Roundabout, and its location outside the defined BUAB of Billingshurst; the proposed development falls contrary to the key spatial policies of the HDPF (Policies 1, 2, 4 and 26) therefore when applying the above provisions of the NPPF, the application runs contrary to an up-to-date plan and should be refused. This conflict with the development plan is not explicitly disputed by the applicant, rather, the applicant considers that there are material considerations of such weight that justify a departure from the adopted development strategy as set out in the HDPF.
- 6.6 In this case, the applicant considers that material considerations should carry particularly strong weight since neither a Site Allocations DPD nor a made Neighbourhood Development Plan for Billingshurst have materialised. The applicant contends that the HDPF only provides a strategic policy framework for the District, and in the absence of more local or site-specific policies, fails to provide relevant and up-to-date policies to guide development that is needed locally. As such, the core part of the applicant's case asserts that HDPF Policy 7 has failed to bring forward a sufficient quantum of employment floorspace to meet local needs in Billingshurst; and as a result, consider that additional floorspace is justified. This is discussed in further detail at paragraphs 6.9 to 6.26 of this report.
- 6.7 In addition, whilst the applicant accepts that the proposed development is located outside the BUAB (and therefore in the countryside), it is contended that Policy 26 does not provide a blanket prohibition against development in these areas. As such, the applicant considers that the location of the proposed development (separated from the village by only a road, and being well-related to Billingshurst) justifies its acceptability in this location. It is also contended that the nature of the proposed development (particularly the petrol filling station and motorcycle showroom/workshop) necessitates a peripheral location such as this, and is therefore appropriate.
- 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 materials considerations are considered significant and sufficient to warrant such a departure. As such, 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 6.92 to 6.100.

## Assessment of Need

### *District-Wide Employment Need*

- 6.9 The Outline part of this application proposes the development of 14 commercial units, totalling 4,627m<sup>2</sup> of mixed B1b, B1c, B2 and B8 employment floorspace. Given the unallocated nature of the application site, and subsequent conflict with HDPF Policy 26 (Countryside Protection); the proposed commercial units represent a departure from the development plan strategy. As such, it is important to understand whether there is an identified need for additional commercial floorspace, and if so, the extent to which the proposed floorspace is considered to be acceptable in the planning balance.
- 6.10 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'*.
- 6.11 Paragraph 81 of the NPPF sets out criteria that planning policies should accommodate, including: (1) setting out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth; (2) setting criteria, or identifying strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; and (3) being flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances.
- 6.12 Chapter 5 of the HDPF sets out the local strategy for meeting the economic development needs of the District to 2031 and identifies a number of issues for the policies to address. These issues include:
- *An identified lack of employment land in the district with much of the business accommodation stock not meeting the requirements of existing businesses;*
  - *A scarce amount of freehold and leasehold employment land in the district with much of the business accommodation stock classified as low grade and not meeting the requirements of existing businesses;*
  - *A shortage of business floorspace in terms of both the types and sizes needed;*
  - *A need to provide suitable high quality space for business that wish to move into the district;*
  - *A lack of 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 HDPF 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, by encouraging provision of small units;*
  - *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 into the HDPF refers to the key background employment study undertaken at the time (the 2014 Economic Growth Assessment). The 2014 EGA identified inadequacies in the type and range of employment sites in the District, a shortage of modern employment property, the need for industrial floorspace, and a strong need for modern, high

quality business premises which are well located in relation to the strategic road network. The Inspector concluded that there *'appears 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 (i.e. to commence 3 years from its 2015 adoption) would be required to 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 Economic Growth Assessment, including analysis of the Council's position to date in terms of existing employment floorspace delivered and 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 autumn 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, but the application site at Platts Roundabout is not included in this list. The potential sites listed in Table 5 were selected from a desk-top analysis of sites within the Strategic Housing and Economic Land Availability Assessment (SHELAA) which at the time of writing in March 2018, concluded that whilst the site has potential as part of a broad location for strategic development of land to the west of Billingshurst, the Platts Roundabout site was *'Not Currently Developable'* owing to its small scale, disconnection with the built up area of Billingshurst, and access issues.
- 6.16 Whilst the preferred approach would be for any development at Platts Roundabout to come forward via allocation within the Local Plan Review, the review is not yet at a stage where weight can be attributed to its strategy for growth. Consequently Officers advise that the determination of this application must be made based on the status of current HDPF policies, balanced against any relevant supporting evidence.
- 6.17 Section 4.5 of the applicant's Planning Statement presents the argument that the Council's employment growth policies have failed to deliver a sufficient quantum of additional employment floorspace to meet the identified needs of the District to 2031 (as derived from the 2014 EGA and 2015 update). Whilst a fully comprehensive analysis of extant permissions, completions and losses in employment floorspace during the plan period to-date has not been provided; the applicant contends that a combination of the ineffectiveness of Policy 7, and the slow delivery of two key extant employment sites (Brinsbury Campus and Nowhurst Business Park) has led to *'a residual need for a substantial amount of B1c/B2/B8 floorspace'* (paragraph 4.5.11). The following paragraphs provide some background to Horsham's employment land requirements, as well as the current position of the Council in terms of delivery to date.
- 6.18 The HDPF does not itself set out a target quantum of employment floorspace to be delivered, however the employment strategy is based on the 2014 EGA baseline employment land needs figure of 38.1ha for the period 2011-2031 for all B-class uses. At present, the 38.1ha baseline figure represents the most up-to-date data to hand and is considered an appropriate point of reference to start from.
- 6.19 Strategic Planning Officers have calculated that this 38.1ha equates to a remaining B1c/B2/B8 floorspace need to 2031 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 Data show 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 8,491m<sup>2</sup> (including Hillands Farm Phase 1) has been approved via full planning permissions but is yet to be delivered. Adding in the Brinsbury (17,000m<sup>2</sup>), Nowhurst (25,000m<sup>2</sup>) and Hillands Farm Phase 2 (13,455m<sup>2</sup>) Outline permissions, this creates a total of 86,920m<sup>2</sup> of floorspace which either has extant permission (63,946m<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 (with the exception of Hillands Farm which was a departure from policy) in accordance with the adopted strategy.
- 6.21 However, losses in B1c/B2/B8 employment floorspace during this period are also relevant. Records show that losses within the plan period extend 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 since March 2012: -450m<sup>2</sup> (loss)
  - Net floorspace completed plus unbuilt developments with FULL extant planning permission: 8,491m<sup>2</sup>
  - Net floorspace completed plus unbuilt developments with FULL or OUTLINE extant planning permission: 63,496m<sup>2</sup>
  - Gross floorspace completed (i.e. excluding losses) plus unbuilt developments with full or outline extant planning permission: 86,920m<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 currently sits at approximately **63,946m<sup>2</sup>**. This assumes that the Brinsbury, Nowhurst and Hilland Farm permissions are completed and built out in the coming years as these 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 a remaining gap in unmet provision of around **8,734m<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 63,500m<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 55,500m<sup>2</sup> at Brinsbury, Nowhurst and Hillands Farm Phase 2) has yet to commence let alone be ready for occupation.
- 6.23 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.
- 6.24 Officers are of the view that whilst the approved developments at Brinsbury and Nowhurst will contribute to meeting more than half of the District's forthcoming employment requirements (and will make a significant contribution towards 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.

- 6.25 The review of the Economic Growth Assessment that is due to be published in autumn 2019, will use projected employment growth figures (utilising updated population projections and the Government's new standardised housing calculation methodology) to set out an up-to-date assessment of Horsham's employment growth needs going forward to 2036. The findings of this updated assessment have not been published yet, but given the projected increase in population projections, as well as anecdotal evidence suggesting increased demand for new commercial floorspace; it is highly likely that employment floorspace needs going forward will increase.
- 6.26 As such, it is considered that the provision of an additional 4,627m<sup>2</sup> commercial floorspace will contribute to the shortfall in district-wide needs identified in the current plan period (i.e. the unmet provision of around 8,734m<sup>2</sup>), as well as needs that are likely to arise in the next plan period.

#### *Employment Need in Billingshurst*

- 6.27 Whilst the strategy for employment growth set out within the HDPF was found sound at Examination, the applicant considers that the policies and growth strategies contained within it are inadequate and ineffective in bringing forward the required quantum of employment floorspace, particularly in Billingshurst. The applicant makes reference to evidence undertaken by Crickmay Chartered Surveyors in their 2016 'Assessment of the Commercial Property Market' report (undertaken on behalf of HDC), which 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. Officers do not dispute the findings by Crickmay, and accept that both the quantity and quality of employment floorspace provision in Billingshurst and wider District requires addressing.
- 6.28 The Council's Economic Development (ED) team have 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.
- 6.29 In response to the above criticisms relating to the poor quality of existing stock, as well as comments made by local people at Neighbourhood Plan workshops held in Billingshurst about the same issues; the applicant has sought to focus their proposal for additional commercial units at the local market to meet local needs (as opposed to strategic, district-wide needs which have been addressed to some extent by the recent approval of larger units at the Hilland Farm site to the north of Billingshurst). To better understand the business needs locally, the applicant instructed Colyer Commercial to undertake a study into local demand for new business premises, including the nature of the business and the size of unit required. A schedule of businesses has been provided (in Appendix 3 of the Planning Statement) showing that around 20 existing businesses in the local area (including 11 in Billingshurst) have expressed interest in occupying commercial units on the Platts Roundabout site. The majority of these businesses state that they would require smaller units, typically under 500m<sup>2</sup> in size. Of the businesses who have expressed interest in occupying units at Platts Roundabout, three have been named (with permission) by the applicant in the Planning Statement, and include: Jengers Bakery (who are seeking additional premises to grow the business further, but would retain the existing shop at Jengers Mead), Anthony Jackson Fine Furniture Design and Manufacture (seeking larger premises), and Hendrik Syringa UK Ltd (who are seeking new premises to remain in Billingshurst).

- 6.30 The analysis presented by the applicant demonstrates that there is a desire for existing local businesses to occupy new, modern and purpose-built employment floorspace in Billingshurst, with smaller units in typical demand. The proposed commercial units (whilst proposed in Outline therefore only shown indicatively at this stage) have been designed to meet the needs identified locally, by proposing smaller flexible units varying between 100 – 500m<sup>2</sup> in size. Whilst it is acknowledged that some local need will be addressed by the delivery of Phase 1 of the recently approved development at Land North of Hilland Farm; it is acknowledged that more floorspace is still required. The applicant has sought to demonstrate their commitment to supporting smaller-scale and local business needs, and as such, has proposed that a local connection clause is included in the s106 Legal Agreement to offer first refusal of the proposed units to local existing businesses. This commitment is welcomed by Officers, and wording is being drafted for inclusion in the s106 accordingly.
- 6.31 In general terms, Officers consider that without provision of additional and improved large and small-scale employment floorspace in Billingshurst (or elsewhere), there is a risk that growth could be frustrated, or that companies may move away from the local area 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 smaller flexible floorspace to meet identified qualitative and quantitative demand, particularly to cater for local business needs in Billingshurst.

*Need for a Petrol Filling Station*

- 6.32 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.
- 6.33 Notwithstanding the recent Outline permission for a petrol station on land North of Hillands Farm (which now also has a Reserved Matters application pending consideration indicating its likelihood to be delivered in the short term), there are currently no petrol stations in Billingshurst itself. The nearest ones to the application site are a BP facility at Five Oaks (3km to the north of the application site), and a Local Fuels facility at North Heath (5.3km to the south). The nearest PFS on the 'east-west' route through Billingshurst is at the Buck Barn junction of the A272 and A24, approximately 10km (6.2 miles) to the east of the village.
- 6.34 Given the lack of formal guidance on the needs for a new PFS on roads other than trunk roads or motorways, the approval of another PFS in relatively close proximity to the application site does not lead to the conclusion that another facility should not be allowed or that it should be refused on grounds of need. Instead, it is considered reasonable to determine the acceptability of the proposed PFS on a review of wider needs arguments, including commercial and local desire; as well as consideration of the appropriateness of the proposed PFS in its location.
- 6.35 The hybrid planning application has been submitted jointly by the land owner and the petrol station operator (Forelle Estates). The petrol station proposal features in the Full Planning element of the application, and as such, full details of the facility are provided as part of the application. The applicant's Planning Statement notes in paragraph 4.3.5 that a contract is in place between the land owner and Forelle Estates to commence work on the filling station as soon as planning permission is granted. Given that the filling station is proposed in full, subject to the approval of any details reserved by condition, the commencement of development will be possible, and the petrol station facility could be operational in the short

term. This demonstrates that despite the approval of another petrol station facility in relatively close proximity, there is a strong commercial desire to progress this scheme.

- 6.36 It is acknowledged by Officers that there is a community desire in Billingshurst for a PFS, as well as the fact that the delivery of a PFS at Land North of Hilland Farm is being progressed by way of a Reserved Matters application. 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 such a facility to be provided locally. It is accepted by Officers that there is a local desire amongst the community in Billingshurst for a PFS, and notwithstanding the recent approval for a similar facility at Hillands Farm, acknowledge 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.
- 6.37 Whilst it is recognised that a PFS in this location is likely to result in some impact on landscape and amenity (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 (in this case, the site is conveniently located in a close proximity to the A272 and A29 which are two key road networks within the Horsham District). Furthermore, the positioning of the PFS facility at the north-east section of the site links it well to the existing roundabout and more urban surrounding character. In addition, as part of a wider commercial development, any harm would be muted by the presence of other buildings and structures, and by new planting.
- 6.38 In the absence of any policy or guidance on the assessment of need for petrol filling stations, it is considered that the demonstrable local and commercial desire to provide a new PFS in Billingshurst weighs in favour of the facility proposed. The assessment of need is therefore considered by Officers to be satisfied. The ultimate acceptability of the proposed petrol station facility in this location will need to be assessed in the planning balance, with a consideration of the extent of impact / harm that may result. A full assessment of this follows in this report.

#### *Need for Motorcycle Showroom / Workshop*

- 6.39 The Destination Triumph showroom and workshop (Sui-Generis and B2 Use Classes) is proposed in Full. Destination Triumph is an existing local business currently occupying premises close to the Washington Roundabout. Aspirations to grow the business has prompted the search for a new site to provide for a purpose-built facility more suited to the business' growing needs. The Platts Roundabout location is desirable to Destination Triumph due to its proximity to the businesses' established client base, and its convenient location for several existing employees who live in Billingshurst. It is anticipated that the relocation will increase the number of employees from 12 to 30.
- 6.40 The need for a new motorcycle showroom and workshop on this site is therefore driven by the commercial aspirations of Destination Triumph to expand their current operation. Policy 7 of the HDPF promotes the sustainable growth of employment developments within the District, and policy 10 (albeit focussing on the reuse of existing rural buildings) encourages sustainable rural economic development to generate new jobs and to provide economic, social and environmental benefits to local communities. As such, it is accepted by Officers that the employment polices contained within the HDPF have the potential to support the aspirations of Destination Triumph to relocate and expand the existing business, and to generate new employment opportunities. As with the petrol filling station, the assessment of need is therefore considered by Officers to be satisfied, but the ultimate acceptability of the proposed Triumph workshop and showroom in this location will need to be assessed in the planning balance, with a consideration of the extent of other impacts / harm that may result. A full assessment of this follows in this report.

### *Summary of Need*

- 6.41 In summary, the Council's current position with regard to 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 63,946m<sup>2</sup> can be argued to demonstrate that the HDPF strategy is working to meet the EGA estimated needs to 2031. On the other hand, taking into account losses (23,424m<sup>2</sup>) and the fact that 55,455m<sup>2</sup> of this approved floorspace has yet to gain the consents to enable commencement (Nowhurst, Brinsbury, and Hilland Farm Phase 2); 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 (EGA review expected to be published in autumn 2019) 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.
- 6.42 Given these factors, the Outline element of the proposed development (14 commercial units, totalling 4,627m<sup>2</sup>) would provide additional employment floorspace to meet the currently identified shortfall, as well as a likely need for additional employment floorspace in the plan period going forward. In addition to meeting a quantitative shortfall, the proposed commercial units would be purpose built to the requirements of future occupants, and would therefore seek to address a qualitative deficiency in overall stock. By meeting identified quantitative and qualitative needs in employments floorspace, the Outline element of the proposed development is afforded weight in favour. In addition, a commitment by the applicant to offer these units to existing local businesses in the first instance will afford opportunities for these businesses to grow, which is supported by HDPF policies, and is welcomed.
- 6.43 The Council's Economic Development team support the application for additional and modern commercial floorspace, and the Parish Council (and several local businesses) also recognise the benefit of new employment floorspace and PFS for the village. In Officer's view, these views should be afforded considerable weight in the determination of this application.
- 6.44 It is acknowledged that the proposal for a new petrol filling station and the relocation and expansion of the Destination Triumph business are developments that have been driven commercially, and have not been explicitly identified as a 'needed' within the HDPF. However, whilst no explicit 'need' has been identified within the HDPF for these developments, this does not mean that they would not be acceptable in planning terms. The positive wording and intent of the employment policies contained within the HDPF to facilitate the growth and expansion of existing businesses, offers the potential to support the expansion of these valued businesses as well as to create additional employment opportunities. As such, the accordance of the proposed development with HDPF employment policies 7 and 10 is afforded weight in the determination of this application.
- 6.45 The overall need for the three elements of the proposed development (the PFS, motorcycle showroom/workshop, and commercial units) has been assessed, and it is considered that the need for each is justified. The ultimate acceptability of the development as a whole, is however, dependent on the appropriateness of the proposal with regard to impact elsewhere. This impact assessment follows in the next sections of the report, with a final planning balance and recommendation given in paragraphs 6.92 to 6.100.

### **Retail Impact**

- 6.46 In addition to the proposed Petrol Filling Station (PFS), the development also proposes an ancillary 324m<sup>2</sup> (A1) retail offer, with a linked sandwich shop (A3) of 116m<sup>2</sup>. The applicant asserts that the convenience store and sandwich shop are integral parts of the petrol station proposal, and cannot be separated out. 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.

- 6.47 Officers accept that a petrol station is not a main town centre use, but the linked A1 and A3 uses are (in their own right) recognised as main town centre uses. Whilst it is acknowledged that planning policy does not require mixed-use schemes to be disaggregated into separate components; given that main town centre uses proposed on this site, it is considered prudent to assess whether these elements are likely to have any impact on the existing village high street. As such, 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.
- 6.48 The applicant's sequential test identifies that several units in the main shopping area of Billingshurst are vacant (as of April 2019). The applicant has assessed each site with regard to availability, suitability and viability. Of the vacant units, 3 of them have been assessed as 'available' (i.e. being marketed for let or sale). Despite the availability of units on the high street, the applicant concludes that none are suitable for the proposed PFS and ancillary retail/food uses by virtue of their inappropriate sizes, and locational sensitivities with regard to character and amenity. Officers accept this conclusion.
- 6.49 In summary, whilst the proposed A1 and A3 combined retail offer (which totals 440m<sup>2</sup>) is larger than the majority of units within the main shopping frontage of Billingshurst village centre; given these elements are 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. 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**

- 6.50 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 character of settlements such as Billingshurst), the Council have undertaken studies to help guide development most appropriately.
- 6.51 The 2003 Horsham District Landscape Character Assessment identifies the application site as falling within 'Character Area J1: Billingshurst and North Heath Farmlands', with an overall character described as gently undulating with semi-enclosed landscapes, and in good condition.
- 6.52 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 52 (Land West of Billingshurst). The overall landscape capacity for large scale employment in this character area is considered as 'No/Low'. The study concludes that *'due to the area's moderate-high landscape and visual sensitivity (...) employment development is likely to be more visually prominent, and therefore there is not considered to be any capacity for this'*.

- 6.53 The Council's Landscape Architect (LA) has visited the site, and observes that whilst the site displays a rural character, these rural qualities vary across the site. The Landscape Architect notes that due to its location on the edge of the settlement of Billingshurst and bounded by the A272 to the north/west and A29 to the east; it feels '*somewhat detached from the settlement*' and also '*detached from the wider landscape*'. It is noted that the wider field enjoys some tranquillity at its southern part closer to Newbridge Road, but this tranquillity decreases towards the northern boundary where the land is at a lower level and the traffic noise detracts from the rural quality of the site.
- 6.54 The Landscape Architect observes that due to perimeter vegetation and the site's topography (which rises from the northern boundary to form a ridge at the southern boundary of the site), the level of visibility and inter-visibility varies across the site. No public rights of way (PROW) cross the site, but other PROW routes are in close proximity to the site (including ROW1327, ROW1668 and ROW1311). Occasional views of the site can be afforded from ROW1327 (located to the north of the site) where some scenic views beyond the site towards the South Downs can be experienced. In addition, long views of St Mary's Church spire can be experienced from the southern boundary (high point) of the site when looking east.
- 6.55 The Landscape Architect considers that the landscape value of the application site is moderate. The northern boundary is considered to be less sensitive due to various factors such as road influence, lower land and stronger relationships between the site and the adjacent urban character of Billingshurst. As the land rises towards the southern boundary of the application site, there is higher inter-visibility with the wider landscape, and an increase in rural qualities.
- 6.56 As such, it is considered that development proposed at the northern section of the site can be accommodated without unacceptable harm to the wider landscape character and visual amenity. However, with regards the southern part, which proposes to accommodate the flexible employment space (the Outline part of the application), the Landscape Architect identifies that there will be visual harm. This harm is considered only to be adverse in closer views rather than views from the wider landscape which are less harmful due to a dilution of rural setting. The Landscape Architect acknowledges that the development proposed towards the southern section of the site is made in Outline, and that it would be possible to further mitigate the harm by the use of soft landscaping and detailed design at Reserved Matters stage. However, despite mitigation that can be achieved at detailed design stage, the harm identified is contrary to HDPF Policy 26, therefore the acceptability of the proposals will need to be balanced with the benefits and need for this type of development in this area.

### **Highway / Access / Parking**

- 6.57 In support of the proposals, the applicant has submitted a Transport Assessment (TA), a Transport Technical Note, a plan showing Access Arrangements and Visibility Splays, a Road Design Audit, a Travel Plan, and a Highway General Arrangement plan.

### *Trip Generation / Network Capacity*

- 6.58 The TA includes data demonstrating current and projected trip generation which has been derived from the Trip Rate Information Computer System (TRICS). In addition, data relating to current and future junction capacity has been submitted, which is derived from industry standard modelling software systems (PICADY and ARCADY). The use of these software systems to model projected traffic impacts is accepted by WSCC as the Local Highways Authority (LHA).

- 6.59 TRICS data shows that the development site is projected to generate an additional 271 vehicle trips during the AM peak period (200 arriving, and 72 departing), and an additional 266 vehicle trips in the PM peak period (71 arriving, and 195 departing). The LHA accepts that the petrol station is unlikely to be a high trip generator in its own right, rather it will generate 'pass-by' or 'divert' type trips. The LHA accepts that the trip rate assessment undertaken in the applicant's TA is robust given it assumes all trips are new trips as opposed to pass-by or linked trips which is likely.
- 6.60 The junction capacity modelling (using PICADY and ARCADY) demonstrates that the existing junction and road network currently operates within capacity, and will continue to operate within capacity in 2024 with the proposed development (and including development at Land East of Billingshurst approved under DC/13/0735). The LHA has confirmed that there are no highway capacity issues associated with this development, and that the residual cumulative highway impacts of the development will not be 'severe' as per NPPF para 108.

#### *Access / Visibility*

- 6.61 Vehicular access to the site is proposed to be taken from the A272, along the site's northern boundary. Standard visibility splay measurements could not be achieved in this location based on the 60mph speed limit, therefore in order to achieve acceptable visibility splays, the applicant was required to apply to WSCC for a Departure from Standard (DfS). The DfS proposed visibility splays of 4.5m x 120m to the west, and 4.5m x 87m to the east. Based on the speed limit remaining at 60mph, and taking into account a package of mitigation measures to further reduce average speeds (including the implementation of vehicle activated signage on the westbound approach of the A272), the submitted DfS has been accepted by the Principal Engineer at WSCC. 160m forward visibility is also required to be achieved for the Right Turn Lane into the site. A Design Audit for the required forward visibility for the Right Turn Lane has been submitted, and this too has been accepted by the Principal Engineer. As such, WSCC have confirmed that the access arrangements and visibility proposed in this location is acceptable.

#### *Parking Provision*

- 6.62 The submitted TA has provided an assessment of parking for all modes of transport, as well as swept-path analysis drawings to demonstrate that turning within the site for large HGV's such as petrol tankers can be achieved appropriately. A total of 137 car parking spaces are shown across the site, which includes the following:
- 25 spaces associated with the PFS site (phase 1);
  - 42 spaces associated with the Triumph site (phase 1);
  - 70 spaces shown indicatively for the commercial units (phase 2).
- 6.63 The overall car parking provision within Phase 1 the site (67 spaces) is above the minimum requirements indicated with the 2019 WSCC Parking Standards document which specifies a need for 34 spaces for the A1 retail unit, the A3 food offer, and the B2 workshop building. The WSCC Parking Standards do not set parking requirements for Petrol Stations or for Sui-Generis uses (such as the Triumph showroom). As such, the parking provided for these elements is proposed as per the site's anticipated needs. In this regard the overall quantum and layout of car and cycle parking within phase 1 is considered to be appropriate to meet the needs of the Phase 1 uses.
- 6.64 The 2019 WSCC Parking Standards document notes in paragraph 4.16 that parking for disabled users should be provided at a minimum of 5% of the total number of parking spaces being provided on site. 5% of the 67 parking spaces within phase 1 of the development equates to 3.35 spaces, when rounded up to whole spaces, shows a requirement for 4 disabled bays within this phase. The submitted plans show 3x disabled bays within phase 1 (two bays at the Triumph showroom, and one at the PFS shop).

Whilst 3 disabled bays are welcomed, it is considered that a second disabled bay should be provided outside the PFS shop, which would result in a total number of 4 disabled bays thereby meeting the minimum requirements. A requirement to show the provision of 4 disabled parking bays will be secured by condition (see draft condition 19).

- 6.65 The 2019 WSCC Parking Standards document also provides a requirement for electric vehicle charging points to be included in all new developments, requiring that 24% of spaces in all new developments approved in 2019 should be provided with 'active' EV charging points. For phase 1 of this development, 24% of the 67 parking spaces equates to a need for 16 spaces to be for the charging of electric vehicles. Only 2 EV spaces are proposed within phase 1, which falls far short of these guidelines. In order to address this deficiency, condition 16 has been drafted which seeks the submission and approval of improved details relating to the provision of electric charging points within phase 1 to accord with the requirements of the 2019 WSCC Parking Standards and the Councils' own Air Quality Guidance document.
- 6.66 The parking provision within Phase 2 (including parking for disabled users, electric vehicles and bicycles) is only shown indicatively at this stage as this section of the development is proposed in Outline and not in detail. The proposed site plan shows that around 70 car parking spaces are provided in this section of the site. At present, the specific use of each unit is unknown, therefore it is difficult at this stage to judge whether the proposed parking is sufficient. Taking a worse-case scenario (i.e. if all the proposed floorspace was for B1 use) the parking requirement according to the 2019 WSCC Parking Guidance, would be 154 spaces. Conversely, taking a best-case scenario (i.e. if all the proposed floorspace was for B8 use) the parking requirement would be 46 spaces. In reality, it is likely that the floorspace proposed will be a mixture of B-uses, therefore the required parking provision will be somewhere in-between these figures. As such, the provision of 70 car parking spaces within Phase 2, at this stage is considered to be reasonable, particularly given the oversupply within Phase 1. Any future Reserved Matters application for Phase 2 will be expected to accord with the requirements of the 2019 WSCC Parking Standards document by including an appropriate quantum of parking for cars, disabled users, electric cars, larger vehicles, and bicycles, based on the specific uses proposed.
- 6.67 The overall parking provision and parking layout has been reviewed by WSCC Highways who has confirmed that the parking spaces allow for appropriate turning room within the site by cars and larger vehicles in a forward gear. It is considered therefore, that with conditions to secure details relating to phase 1 parking bays for disabled users and electric vehicles, as well as Reserved Matters details to be approved for phase 2; the parking provisions on site are acceptable for the uses proposed.

#### *Pedestrian Accessibility*

- 6.68 The site is located in close proximity to the existing village boundary. There are lit footways close to the site fronting residential streets which form part of the local pedestrian network. The nearest bus stops (serving routes 64 and 100) are located on West Street which is around 6min walk / 500m from the north-east corner of the proposed development. The proposal includes a new at-grade crossing facility on the southern arm of Platts Roundabout, and a new 2m footway to connect this new crossing to existing footpath network, and to the site access. This will extend the existing pedestrian network between the village and the site which is welcomed. In addition, a new pedestrian link is proposed along the eastern boundary of the site to link the development to the existing pedestrian footbridge over the A29. WSCC Highways have confirmed that the proposed pedestrian links have been subject to the Road Safety Audit process, which has not identified any safety issues.
- 6.69 Due to the nature of the proposed uses on the site, it is acknowledged that the majority of users are likely to arrive by motorised vehicle. However, given the site's close proximity to

the built-up area of Billingshurst (including many residential properties in Holders Close, Platts Meadow and beyond); the proposed pedestrian improvements will help to encourage safe links to the site for people travelling on foot from the village, and are welcomed. Pedestrian links to Jubilee Fields to the north of the site have not been proposed by the applicant. Officers queried the necessity of these links with WSCC Highways who confirmed that due to the low amount of pedestrian traffic that uses this crossing, additional links here are not likely to be required.

- 6.70 WSCC Highways have thoroughly assessed the application and have confirmed that the impact of the development on highway capacity would not be severe, and as a result, is acceptable. WSCC have also clarified that the proposed new vehicular access on the A272 is acceptable in principle and design; and that the internal access arrangements and parking provision for is appropriate. Finally, it is considered that the provision of new and extended cycle/pedestrian links to Billingshurst 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.

### **Layout, Appearance and Amenity**

- 6.71 Given that the end users for both the petrol filling station and motorcycle showroom/workshop are known (Forelle Estates and Triumph, respectively); the layout of the proposed development has been designed to cater for the requirements of these users as well as other influences including ecology, landscape and amenity. The layout of the commercial units (subject to the Outline part of this application) is shown on the proposed masterplan, but is indicative at this stage and will require detailed permission at Reserved Matters stage.
- 6.72 The three elements that make up the development (PFS, Triumph site, and commercial units) have been designed to function with one another, with all three elements accessing the site from one shared access from the A272. The petrol filling station and ancillary retail/food offer is likely to generate the most movement and activity, therefore has been positioned towards the front of the site with a left-turn entrance off the main site access to allow easy access without the need to unnecessarily drive further into the site.
- 6.73 It is acknowledged that some concern has been raised about the location of the PFS/ancillary retail element and potential for traffic to queue back out onto the A272 during busy times. The Highways Authority have not objected to the location of the PFS, and have confirmed that information has been provided to satisfactorily demonstrate that appropriate access and turning space for cars and larger vehicles has been provided. It is understood that queuing onto surrounding roads occurs at the services at Buck Barn Crossroads (A24/A272), however, the Platts Roundabout site is around 400% larger than the site at Buck Barn (0.5Ha vs 2.5Ha) and includes a busy McDonalds drive-thru facility, so unlike at Buck Barn, it is considered that the internal road network, parking provision and turning space proposed within the wider site affords opportunity for vehicles to safely leave the A272 and be contained within the site, even if parking/pumps are not immediately available during busy times.
- 6.74 The layout of the petrol station element enables vehicles to enter the site, use the filling pumps or parking facilities, and exit following a clockwise loop. The proposed car wash facilities are located to the rear of the convenience store, and can be accessed by vehicles following this one-way loop (the same applies to delivery vehicles). The layout shown is considered to be functional and suitable for the uses proposed. The appearance of the PFS

and shop/food building is typical of a modern facility (with curved canopy feature and grey external materials) and is considered to be acceptable for its proposed location.

- 6.75 The petrol filling station element is separated from the closest neighbouring residential dwellings in Pond Close (to the east) by around 50m, and by around 100m from residents in Holders Close (to the north). Neighbouring residents in other nearby streets (including dwellings within the village to the east of the A29, and dwellings along Newbridge Road to the south and south-west of the site) have also been considered. The site is separated from these nearest residential dwellings by other existing noise generating features such as the A29 and Platts Roundabout itself. As such, whilst the presence of the proposed development is likely to be felt by residents in closest proximity to the site; given the context of the immediate surrounds, significant harm to the amenities of these residents (with regard to noise and light intrusion) is considered to be minimal. The applicant has submitted a noise assessment in support of the application, which concludes that with the inclusion of a 1.8m high acoustic fence along the eastern boundary of the PFS site; worse-case noise levels will be around or below existing background noise levels. As such, a 1.8m fence has been proposed in this location, and its installation will be secured by condition.
- 6.76 A Lighting Assessment has also been submitted, which assesses the existing lighting conditions in the vicinity of the site, the impacts associated with lighting at the proposed development, and any required mitigation to reduce lighting impacts on both residential and ecological receptors. Existing street lighting from the A272, A29, Platts Roundabout and local residential streets dominates existing conditions; in addition to light from car headlights during hours of darkness. The report concludes that the risk of the proposed lighting design scheme at the development resulting in an exceedance of the post-curfew levels at local residential receptors is low. In addition, ecological habitats are not predicted to experience light trespass in excess of 1 lux which is not likely to harm foraging and commuting routes of bats. The Council's Ecologist has verified this. As such, whilst lighting from the proposed development will add to the overall light levels in the local vicinity, in the context of the site's location (in close proximity to existing artificial street lighting, and separation from nearby residential receptors by busy 'A' roads), the additional light associated with the development is not likely to cause unacceptable amenity harm. Conditions to control the hours of external lighting on site have nevertheless been suggested at the end of this report (see suggested Conditions 27 and 47) to ensure the impact is proportionate.
- 6.77 The location of the proposed Triumph buildings and parking area is set back from the A272 and is shown to retain the majority of existing boundary hedgerow as well as proposed additional planting and landscape amenity space. The ample area of landscaping and open space to the north and west of the proposed Triumph buildings is likely to screen the development from the A272 and beyond, and is welcomed from both an amenity and landscape character perspective. In addition, due to variances in the natural land levels, the main showroom building is proposed to split-level, and to be set into the ground thereby reducing its prominence within the wider landscape. As such, the layout of this part of the site is considered to have been designed appropriately, and is unlikely to cause significant amenity harm to neighbouring occupiers. The design of the main showroom building is based on a rural agricultural shed (basic construction with pitched roof and gable ends), but the proposed glazing and overhang feature at the north-facing gable end gives it a modern appearance, considered suitable for its use as a sales showroom. The associated workshop building is a similarly designed (albeit much smaller and no glazing features) and is more typical of an agricultural building found in countryside locations within the District.
- 6.78 The layout of the proposed commercial units at the southern end of the site is shown indicatively and if permitted, would require detailed permission at a later stage. Whilst the precise details of the buildings themselves are unknown at this stage, they are shown to be located on the southern boundary of the application site, therefore coinciding with the site's

high point (around 30m AOD). Commercial buildings of this nature are typically around 8-10m in overall height, therefore this, combined with the location on high land; leads to concerns about the visual prominence of these buildings, and the overall appropriateness of this location for the buildings proposed. The Landscape Architect also raised concerns about this with regard to landscape character. However, in line with the Landscape Architect's comments, it is considered by Officers that the layout of the proposed commercial units can be considered more carefully at Reserved Matters stage, to explore opportunities to re-orientate and/or re-position the units to reduce impact, and to design them to include shallow pitched roofs and materials appropriate to the setting. On this basis it is considered that the concerns about the commercial units in this location can be addressed to some extent, but the overall consideration of acceptability has to be taken in the balance with a view on the extent of need and benefit that the additional employment floorspace would bring. Officers consider that with careful design of this part of the site at RM stage, on balance, the need for the commercial units would outweigh the harm.

### **Other Matters:**

#### *Drainage and Flood Risk*

- 6.79 In support of the planning application, the applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy. 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.
- 6.80 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, at the northern boundary where the land levels are lower, is currently identified as being at high risk. As such, and due to the increase in hard surfaces that are proposed as part of the development, the proposal will require suitable surface water management strategies to be implemented.
- 6.81 The outline drainage strategy proposes that surface water will be attenuated using permeable paving and above and below ground storage features including pond attenuation areas and cellular storage tanks. These features have been designed to manage all rainfall events up to and including a 1:100 storm event plus a 40% allowance for climate change. The strategy has been designed to mimic the existing Greenfield Run-Off rates associated with the undeveloped agricultural land, and will maintain current flow rates by restricting discharge rates for each area of the development by using a weir overflow feature along the west/north boundaries for drainage into the existing boundary field ditches. The foul water from the site is proposed to be conveyed, via a pump station/gravity network, to an existing local sewer.
- 6.82 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 acceptably 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 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.

### Ecology

- 6.83 In support of the application an Ecological Appraisal and a 'Report to Inform Habitats Regulation Assessment (HRA)' have 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.
- 6.84 The site falls within a 'bat sustenance zone' for Barbastelle bats from the Special Area of Conservation at The Mens which is located approximately 4km west of the site. The site is also within 9km of the Ebernoe Common Special Area of Conservation, which also lists Barbastelle bats as a qualifying feature. The Habitats Directive requires that a Habitats Regulations Assessment (HRA) screening is carried out in relation to any plan or project which is likely to have a significant effect on European Habitats sites (which include Special Areas of Conservation).
- 6.85 Accordingly, the Council's Ecologist has undertaken a Stage 1 HRA screening which concludes: '*as the development will result in the loss and severance of hedgerows within the Impact Risk Zone of the SACs, it is anticipated that likely significant effects are possible at The Mens SAC and Ebernow Common SAC as a result of impacts on habitat connectivity and availability for foraging and commuting Barbastelle bats*'. As such, the HRA assessment was required to proceed to 'Stage 2: Appropriate Assessment' to consider the impacts of the fragmentation of commuting routes for Barbastelle bats on the nearby SACs. The conclusion of the Stage 2 assessment was that, with mitigation '*the project will not have an adverse effect on the integrity of the habitats sites listed in the assessment*'. In addition, Natural England have confirmed that they do not object to the proposed development.
- 6.86 The Council's Ecologist has reviewed all supporting information in relation to this application (including the submitted bat and dormouse surveys) and has confirmed that the biodiversity enhancement measures recommended in the Ecology Appraisal are supported and will secure a measurable net gain for biodiversity in line with paragraph 170(d) of the NPPF and Policy 31 of the HDPF. The Ecologist considers that the information submitted provides certainty for the Council that (with appropriate mitigation and compensation measures secured), the development can be made acceptable and can proceed. Conditions have been recommended to secure the required measures, and have been drafted within the list of conditions at the end of this report.

### Archaeology and Heritage

- 6.87 The application site is not located within proximity to any listed buildings or scheduled monuments. The nearest listed buildings are located over 0.5km from the application site. Due to the distance, changing land levels and intervening built and natural features; no listed building (with the exception of the spire of St Mary's Church) can be seen from the application site. 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. Therefore it is considered that the proposed development would have a negligible impact on the setting of any designated heritage asset and would accord with the principles of HDPF Policy 34.
- 6.88 The application site is not located within an Archaeological Notification Area, but the Council's consultant archaeologist has advised that Historic Environment Records show that the site lies within a sensitive area of heritage assets comprising known archaeology. Excavations north of the site have previously identified surviving archaeological features. The archaeologist advised that the area's topography and its existence as a high point in the landscape may also indicate the potential for medieval or earlier archaeological

remains which are both fragile and finite. As such, whilst the archaeologist raises no objection to the application, a condition is recommended to secure a programme of archaeological work in accordance with a Written Scheme of Investigation 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. The condition has been drafted accordingly.

### Air Quality

- 6.89 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 coming from vehicle emission, developments which have the potential for traffic increases are required to make reasonable endeavours to minimise emissions.
- 6.90 Accordingly, the applicant has submitted an Air Quality Assessment which seeks to assess the potential local air quality impacts associated with the proposed development. The Council's Air Quality Officer has reviewed the assessment, and has not objected to the development subject to the submission, approval and implementation of a satisfactory mitigation scheme. 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), therefore a damage cost calculation is required to be completed. The Air Quality Officer has confirmed that the proposed damage cost calculation is accepted (circa £265,561), but has expressed concern that no specific mitigation measures have been proposed or costed.
- 6.91 As such, in order to ensure that the proposed development is acceptable in terms of its impact on air quality, further site-specific mitigation measures are required to be proposed. These measures must be costed and shown to amount to the damage cost calculation of circa £265,561. Officers consider that this mitigation can be suitably sought by condition (via the submission of a detailed Air Quality Management Plan), which has been drafted.

### **Planning Balance**

- 6.92 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 site outside of a defined settlement boundary. This conflict weighs significantly against the grant of planning permission.
- 6.93 Whilst planning law and the NPPF requires 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, a number of factors are considered to be material to its determination, which include a range of economic and social benefits that are considered to weigh in favour of the scheme in the planning balance, as follows:
- Delivery of 4,627m<sup>2</sup> flexible employment floorspace to address local, short-term employment needs;
  - A commitment to offer new commercial units to local businesses in the first instance to provide opportunity for local enterprises to realise growth ambitions;
  - Provision of attractive, modern and purpose-built facilities to address qualitative and quantitative needs in Billingshurst and the wider district;

- Provision of a new showroom facility and workshop to enable an existing motorcycle retailer to realise ambitions to grow and to remain within the District;
- Provision of a petrol station in a key strategic location, and to fulfil local desire;
- Anticipated provision of a range of skilled jobs (up to 140) within convenient walking distance of Billingshurst centre;
- Complementary development to the 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;
- 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.

- 6.94 The key material consideration in the assessment of this application is the net shortfall in employment floorspace completions identified so far during the HDPF plan period. This amounts to some -450m<sup>2</sup> against a target estimate of between 69,900 – 74,560m<sup>2</sup>. Despite this, 63,496m<sup>2</sup> (net, including losses) of new floorspace has been granted planning permission in recent years, but not yet commenced or completed. Whilst a converse argument that completions, extant permissions and losses provide for circa 63,500m<sup>2</sup> of new employment floorspace (comparing favourably against the target), a large proportion of this is to be delivered via three large Outline 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.
- 6.95 In addition, this analysis highlights that even if all extant permissions to date are considered; the net gain in employment floorspace still falls short of the EGA target for this plan period (taken as an average) by around 8,700m<sup>2</sup>. The 4,627m<sup>2</sup> of employment floorspace proposed, therefore, is considered to meet an identified need.
- 6.96 Whilst Officers do not agree with the applicant 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.
- 6.97 By virtue of the location of the 14x commercial units which are proposed on rising land and are thereby more exposed; landscape harm has been identified in relation to the outline elements of the proposed development. The Landscape Architect has advised that this harm can be mitigated to some extent during the detailed design stage (by careful design and layout of the buildings and inclusion of substantial landscaping buffers etc), and considers that the overall acceptability should be weight against the needs and benefits of the resulting development. Given the above conclusions with regard to the District's employment floorspace needs now and going forward into the next plan period, Officers consider that the harm identified can be mitigated to such an extent that it would be outweighed by the benefits provided by the additional floorspace.

- 6.98 Whilst it is accepted that the proposed development for employment floorspace in this location is a departure from the adopted development strategy; significant material considerations with regard to needs and benefits have been shown to outweigh this conflicts, and Officers are of the view that on balance, the development should be approved. Similarly, whilst landscape harm has been identified in relation to the commercial units (the outline element), mitigation can be achieved to reduce this harm, and Officers consider that the balance against need and benefit weighs in favour of the development as a whole and would not warrant a reason to refuse. Officers consider that there are no other constraints on the site that would prevent development coming forward. Highways impact can be suitably mitigated with the proposed access arrangements and footpath links into the village, whilst the drainage, 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 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 support. This too weighs in favour of the proposed development.
- 6.99 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. This argument is in full acknowledgement of the recently approved employment floorspace at Hilland Farm, which has addressed identified need to some degree, but still leaves a gap in provision. Given the evidence presented by the applicant demonstrating how this development would help to address this immediate gap, 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.
- 6.100 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.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

**It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
Large Format Retail	348	0	348
		<b>Total Gain</b>	
		<b>Total Demolition</b>	<b>0</b>

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## **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 a Highways Works Scheme, and a covenant to require the Phase 2 Employment Units to be offered to existing businesses within the District for a 12 month period.

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.

### Conditions

#### **1. List of approved plans**

- 2. Regulatory (Time) Condition:** The development of Phase 1 of the development hereby permitted as shown on the submitted Phasing Plan [WYG-A101561-01A], shall be begun before the expiration of 3 years 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 details relating to Phase 2 of the development as shown on the submitted Phasing Plan [WYG-A101561-01A], including details relating to the scale and appearance of each building, access within the site, and landscaping of the development (hereinafter called “the Reserved Matters”); shall be obtained from the Local Planning Authority in writing before any development of this phase 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 18 months from the date of this permission.
- (d) The development of Phase 2 of the development 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 the Outline element in detail and to comply with Section 92 of the Town and Country Planning Act 1990.*

## Phase 1 Conditions

4. **Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted, 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 this part of the site, 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 construction-related 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;
  - 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).*

5. **Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted shall commence until a detailed surface water drainage scheme including finalised surface water drainage designs and calculations for this part of 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 a 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).*

- 6. Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted shall commence until a Drainage Strategy detailing the proposed means of foul and surface water disposal within this part of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

*Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).*

**7. Pre-Commencement Condition:**

- (i) No development within Phase 1 of the development hereby permitted 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) Phase 1 of 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).*

- 8. Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted, 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).*

- 9. Pre-Commencement Condition:** No site levelling works within Phase 1 of the development hereby permitted shall take place until full details of the final land levels and finished floor levels to be provided for development within that phase (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 Phase 1.

*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).*

- 10. Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted, including ground clearance pursuant to the permission granted, or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:

- All hedgerows, trees and vegetation on the site shown for retention on Landscape Mitigation strategy reference [A101561-1 LA10 Rev A.dwg], 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.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

*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).*

- 11. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained;
  - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
  - Details of all hard surfacing materials and finishes;
  - Details of all boundary treatments;

- Details of all external lighting;
- Ecological enhancement measures and recommendations set out within the Ecological Appraisal (Rev 3, July 2019) and Dormouse Survey Report (Rev 3, July 2019).

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. 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 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).*

- 12. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, details of the proposed acoustic fence (including location and appearance) shall have been submitted to and approved in writing by the Local Planning Authority. No use hereby permitted shall commence until the acoustic fence has been implemented as approved. The acoustic fence shall thereafter be maintained in accordance with the approved details.

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

- 13. Pre-Occupation Condition:** Prior to the first 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).*

- 14. Pre-Occupation Condition:** Prior to the first 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).*

- 15. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, a post-completion noise assessment shall be undertaken to confirm that each building performs in accordance with the conclusions of the Noise Assessment prepared by WYG and dated January 2019. 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).*

- 16. Pre-Occupation Condition:** Prior to the first 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 both fast and rapid 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, as well as West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019).

*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).*

- 17. Pre-Occupation Condition:** Prior to the first 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), as well as provisions contained within West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019). 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).*

- 18. Pre-Occupation Condition:** Prior to the first 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).*

- 19. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, the vehicle parking and turning spaces shown on approved masterplan [CHQ.18.15646-PL03D] shall have been constructed and made available for use. The vehicle parking spaces shall show a minimum of 4x disable parking bays within Phase 1 of the site. The vehicle 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).*

- 20. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, details of secure and covered cycle parking facilities for each part of the phase shall have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall implemented in accordance with the approved details, and thereafter be retained at all times for their designated use.

*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).*

- 21. Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, the vehicular access, Right Turn Lane, and VMS signage serving the development shall have been constructed in accordance with the details shown on the drawing titled 'Visibility Splays' and numbered [A101561-1800 Rev P2].

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

- 22. Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, the proposed footway and pedestrian at-grade crossing at the north-east of the site (linking the development to the existing footpath network) shall have been implemented 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).*

- 23. Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, visibility splays of 4.5 meters by 120 and 87 meters shall have been provided at the proposed site vehicular access onto the A272 in accordance with the approved planning drawing titled 'Visibility Splays' and numbered [A101561-1800 Rev P2]. 160 metre forward visibility splays shall also have been provided onto the A272 in accordance with the approved planning drawing titled 'Visibility Splays' and numbered [A101561-1800 Rev P2]. Once provided, the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level, or as otherwise agreed.

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

- 24. Regulatory Condition:** All works within Phase 1 of the development hereby permitted shall be carried out in full accordance with the mitigation and enhancement measures and/or works contained within the following documents: Ecological Appraisal [WYG Version 3, submitted 16<sup>th</sup> July 2019], Bat Activity Report [WYG Version 2, submitted 16 July 2019], and Final Dormouse Survey Report [WYG Version 3, submitted 16 July 2019].

*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).*

- 25. Regulatory Condition:** No deliveries or dispatches (excluding deliveries of fuel) shall take place within Phase 1 of the development hereby permitted, except between the hours of 06:00 to 23:00 Monday to Saturday, and 07:00 to 20:00 on Sundays and public holidays.

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

- 26. Regulatory Condition:** No manufacturing processes shall take place in connection with the B2 Workshop building within Phase 1 shown on the site masterplan [ref: CHQ.18.15464-PL03D], except between the hours of 07:00 to 23:00 Monday to Sunday.

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

- 27. Regulatory Condition:** The car wash and jet wash facilities shown on the site masterplan [ref: CHQ.18.15464-PL03D] hereby permitted, shall not be operated except between the hours of 07:00 to 22:00 Monday to Sunday.

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

- 28. Regulatory Condition:** No external lighting or floodlighting shall be installed within Phase 1 of the development hereby permitted other than that shown on the plan named 'Figure 5: Simplified Lighting Scheme' contained within the approved Lighting Assessment [WYG, received 07 February 2019]. All such lighting shall be maintained in accordance with the details contained within the Lighting Assessment.

*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).*

- 29. 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 occupiers and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 30. 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).*

- 31. Regulatory Condition:** No works for the implementation of Phase 1 of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

### **Phase 2 Conditions**

- 32. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted, 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 accord with the details contained within the Phase 1 CEMP, and shall be a single document covering

the development of this phase, 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 construction-related 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;
- 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).*

**33. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All hedgerows, trees and vegetation on the site shown for retention on Landscape Mitigation strategy reference [A101561-1 LA10 Rev A.dwg], 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.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

*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).*

- 34. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted shall commence until a detailed surface water drainage scheme including finalised surface water drainage designs and calculations for this phase, 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 a 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).*

- 35. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted shall commence until a Drainage Strategy detailing the proposed means of foul and surface water disposal within this phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

*Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).*

- 36. Pre-Commencement Condition:**
- (i) No development within Phase 2 of the development hereby permitted shall take place until a programme of archaeological work for this phase 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) Phase 2 of 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).*

- 37. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted, including any ground clearance or site levelling, shall commence until the following components of a scheme to deal with the risks associated with contamination within this phase, (including asbestos contamination), has been 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).*

- 38. Pre-Commencement Condition:** No site levelling works within Phase 2 of the development hereby permitted shall take place until full details of the existing and final land levels and finished floor levels to be provided for development within that phase (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 Phase 2.

*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).*

- 39. Pre-Occupation 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).*

- 40. Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained;
  - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
  - Details of all hard surfacing materials and finishes;
  - Details of all boundary treatments;
  - Details of all external lighting
  - Ecological enhancement measures and recommendations set out within the Ecological Appraisal (Rev 3, July 2019).

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. 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 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).*

- 41. Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 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).*

- 42. Pre-Occupation Condition:** Prior to the first 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).*

- 43. Pre-Occupation Condition:** Prior to the first 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 both fast and rapid 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, as well as West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019).

*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).*

- 44. 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).*

- 45. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 2 of the development hereby permitted, full details of the proposed footpath link along the eastern boundary to the existing footbridge as shown on approved masterplan reference [CHQ.18.15646-PL03D] shall have been submitted to and approved in writing by the Local Planning Authority. The footpath shall be implemented in accordance with the approved details prior to the first occupation (or use) of any part of Phase 2, and maintained as such thereafter.

*Reason: To encourage and promote sustainable travel options to the site, and in the interests of visual amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).*

- 46. Regulatory Condition:** All works within Phase 2 of the development hereby permitted shall be carried out in full accordance with the mitigation and enhancement measures and/or works contained within the following documents: Ecological Appraisal [WYG Version 3, submitted 16<sup>th</sup> July 2019], Bat Activity Report [WYG Version 2, submitted 16 July 2019], and Final Dormouse Survey Report [WYG Version 3, submitted 16 July 2019].

*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).*

- 47. Regulatory Condition:** No operations or activities, including the operation of plant and machinery and deliveries/dispatches, shall take place in connection with any of the units within Phase 2 of the development hereby permitted; except between the hours of 06:00 to 23:00 Mondays to Saturdays, and 07:00-20:00 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).*

- 48. Regulatory Condition:** No external lighting, other than low level lighting to emergency exits, shall be operated within Phase 2 between the hours of 23:00 to 06:00 hours the

following day on Mondays to Fridays, 23:00 to 07:00 hours the following day on Saturdays, and 20:00 to 06:00 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).*

- 49. 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).*

- 50. Regulatory Condition:** Following first occupation of each unit within Phase 2 of the development hereby approved, no mezzanine or additional floor levels (other than those identified on the approved drawings listed in Condition 1) 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).*

- 51. 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).*

- 52. Regulatory Condition:** No works for the implementation of Phase 2 of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 53. 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 buildings within Phase 2 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).*

- 54. 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 within Phase 2 of the development 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).*

Background Papers:  
DC/19/0295