



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 24th May 2022

DEVELOPMENT: Erection of a restaurant and takeaway with drive-thru facility (Sui Generis) together with customer car park, play area, and associated landscaping

SITE: Billingshurst Business Park Stane Street Billingshurst West Sussex

WARD: Billingshurst

APPLICATION: DC/21/2206

APPLICANT: **Name:** Dunmoore Group Ltd **Address:** Brightwalton House Brightwalton Newbury, Berkshire RG20 7BZ

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

By request of Councillor Brown

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The proposal seeks to erect a restaurant and drive-through facility comprising some 372sq.m of floorspace (comprising some 84sq.m of customer floorspace (approx. 100 seats) and the remainder back of house floorspace), with an external 'patio' seating area and a children's play area. The facility would be supported by 52 parking spaces, of which 2 are to be designated disabled spaces, and 2 further bays would be set aside for pending orders of the drive-through. Cycle parking bays would be provided by way of 4 hoops and there are 4 motorcycle bays shown.
- 1.2 Externally, the building appears as a series of 4 interconnected and stepped boxes, each volume and section is clad in a different material; dark grey engineering brick, random mix of timber-effect cladding panels, dark grey cladding panels and a weathered basalt effect cladding. The roof and any roof-mounted ventilation equipment is to be hidden behind a deep parapet upstand, some 6m to the top-most part.

- 1.3 The proposed restaurant and drive-through is proposed to be open 24 hours a day, 7 days a week. Some 65 full-time and part-time staff are anticipated to be employed at the site. The application was submitted as a mixed use Class E/Sui Generis use, however officers consider the application to be purely a Sui Generis use as it comprises a mix of both the restaurant element and the hot food take-away / drive-through component.
- 1.4 The site layout is to be organised as a one-way circulatory route through the car park to the drive-through facility, with the car parking also being a one-way loop. The drive-through lane splits into two on the western side with a central island, to house the canopies, menu-board and ordering points, before it re-joins again and passes the north-western side elevation of the building, the north-eastern rear elevation (drive-through windows), and the south-eastern elevation of the building, where the patio seating and play equipment is to be located.
- 1.5 The site layout shows 12no lighting columns at 4m in height with average illumination levels of 32.8lux to the car park and an average of 50lux to the drive-through lane, assumed to be required 24hours a day to match the proposed opening times.
- 1.6 The proposals include external seating with play equipment adjacent. The play equipment is shown to be a box-like system with roof, some 4.46m in height and some 3.8m to each side. Other structures within the site comprise the order points with a pebble-shaped GRP canopy roof to each, some 3m in height, along with a height restriction 'goal-post', of dark grey steel.
- 1.7 The associated landscape details have been amended during the course of the application to now include a grass perimeter strip alongside the A29, with 1.1m close-boarded fences with a single-species native hedge (to be maintained at a height of 1.2m) to the north, west and south boundaries. Some 9x new trees are shown around the outer edge of the site and 27x new various specimen shrubs are shown dotted around the grass and shrub border, with additional ornamental plants. The amended drawings also show 4 new planters to be included around the drive-through lane. The remainder of the site is to be hard-surfaced.
- 1.8 Separate signage applications have also been received and are being considered under:
DC/21/2193 – 15m internally illuminated totem sign
DC/21/2192 – Various internally illuminated fascia signs and booth lettering signs
DC/21/2194 – various way-finding signs within the site and a banner sign (4.82m wide x 2m high)

DESCRIPTION OF THE SITE

- 1.9 The application site comprises a parcel of land within Phase 1 of the new Billingshurst business park that lies immediately adjoining the new 4-arm roundabout and the entrance into the business park alongside the A29. This parcel of land has existing consent as part of the planning permission for the business park for the erection of 3 employment units amounting to some 1,160sq.m (GEA) of flexible B1c/B2/B8 floorspace (Units 1, 2a and 2b). The parcel lies at the northern end of Phase 1, directly at the entrance to the business park adjacent to the new roundabout and A29, and is broadly level. Stane Street / A29 runs along the western boundary, and the new estate road runs from the northern corner at the new roundabout around the eastern side of the parcel. Large electricity pylons run alongside the parcel's southern boundary, beneath which is an ecological enhancement corridor secured under the original planning permission.
- 1.9 Development of the wider business park is ongoing, with Units 3-13 (Phase 1), unit 14 (Phase 2), and a petrol filling station having been completed. Construction works are ongoing for a coffee shop at the site entrance, and a Lidl supermarket. The remainder of the Phase 2 land is fenced off.

BACKGROUND

- 1.10 The wider business park occupies former agricultural lands on a gently sloping site, set between a rural lane to the north (New Road), and the A29 / Stane Street to the western side. The southern side of the wider site borders agricultural / pasture fields, a now-redundant farm complex and a cluster of residential properties, whilst a PROW runs along the eastern boundary, which adjoins a large rural property (Hilland House).
- 1.11 Development on the wider site was approved in June 2019 as a hybrid application (DC/18/2122) comprising two phases:
- Phase 1, permitted in Full, was to include some 5,000sq.m of employment floorspace (B1c, B2 B8 use floorspace), promoted as being capable of being delivered swiftly following any permission being granted, thus addressing short-term employment needs within the local area.
 - Phase 2 of the site, permitted in Outline only, included the delivery of a petrol filling station (PFS) and a drive-through coffee shop, along with the provision of up to 14,075sq.m of further employment floorspace (B1c, B2 B8 uses).
- 1.12 At the time of consideration, the site lay some way north of the defined Billingshurst BUAB in a countryside setting and was therefore considered as a 'departure' application that was essentially contrary to the development plan at the time, being outside of the settlement boundary, in a rural area and not having been allocated for development.
- 1.13 Planning permission was granted on the grounds that an immediate need for employment floorspace (B1c, B2 and B8 uses) in the area had been demonstrated, with the proposal providing immediate delivery of up to 5,000sq.m of such employment floorspace in the first Phase. Furthermore, the site had an envisioned completion date of summer 2020, and therefore the applicant offered that the standard 3 year condition for commencement of development be reduced to 18 months for Phase 1 of the development.
- 1.14 The approved development in Phase 1 comprises 13 units, ranging in size from 268sq.m up to 501sq.m, allowing for flexible B1c/B2/B8 use. The units were arranged in four 'blocks' with Units 1 and 2 (subsequently amended to form three units: 1, 2a and 2b) located near the site entrance; and Units 3 to 13 arranged in three separate rows, facing a central 'courtyard' to be used for access, parking and turning. All units were to be of a similar in external appearance, with shallow pitched roofs (with roof lights) at maximum ridge heights of either 8.5m or 9m (and 7m to eaves). Externally, the units were proposed to be clad in a combination of metallic silver (RAL9006) horizontally laid composite wall cladding, and horizontally laid timber wall cladding.
- 1.15 The approved landscape to Phase 1 site includes a grassed verge, new native hedgerow around the perimeter, a 1.2m timber post and rail fence set back from the public highway alongside the A29, new trees, understorey buffer planting, and shrubs. At the time of original hybrid application DC/18/2122, these deep and well-landscaped buffer zones were considered to be essential in retaining the rural and verdant approach to the village and key to ensuring the development integrated successfully into the wider rural setting to the north of the village. They formed part of the original Landscape Visual Impact Assessment and were set out to avoid and mitigate the potential landscape impacts arising from the development.
- 1.16 At the current time, Units 3-13 in Phase 1 have been completed, along with associated infrastructure, the re-aligned A29, new 4-arm roundabout and parking. The associated landscaping within Phase 1 has been partially implemented, although it is noted to stop short of the current application site and does not include the approved new native hedgerow

alongside the A29 / western boundary. At the current time, of the 11 units built in Phase 1, three remain vacant.

- 1.17 By way of context, development within Phase 2, which was envisaged to accommodate larger warehouse-type units, has also commenced with Unit 14 and the Petrol Filling Station now complete and operational, ground works commencing on the drive-through coffee unit, and reserved matters consent granted for units 16 and 17 located along the southern side. Furthermore, the developable area of Phase 2 has also recently been subject to further planning consents to permit an additional 2,864sqm of floorspace to the eastern end of the site. A Lidl supermarket has also been granted within Phase 2, and is currently under construction.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

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 40 - Sustainable Transport

Policy 41 - Parking

Supplementary Planning Guidance:

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

RELEVANT NEIGHBOURHOOD PLAN

The Billingshurst Neighbourhood Plan has been formally 'Made' as from July 2021.

Policy BILL 1: Billingshurst Built-up Area Boundary

Policy BILL 3: Energy Efficiency and Design

Policy BILL 6: Integrated Infrastructure

Policy BILL 7: Retaining and Enhancing the Vitality and Viability of Billingshurst Village Centre

Policy BILL 10: Flexible Workspaces

Policy BILL 12: Protection and Enhancement of Key Movement Routes

Policy BILL 16: Multi-Value Sustainable Drainage Systems

Policy BILL 17: Views to St Mary's Church

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/18/2122	A Hybrid Planning application comprising: Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2)	Application Permitted on 10.06.2019
DC/19/1591	Non-material amendment to previously approved application DC/18/2122 (A Hybrid Planning application comprising: Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2)) Relating to additional rooflights, double width entrance door openings and loading door heights reduced.	Application Permitted on 30.08.2019
DC/19/1365	Variation of Condition 1 and 36 to previously approved application DC/18/2122 (A Hybrid Planning application comprising: Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2)) Amendments to Phase 1 units 6-9 to combine units 6 & 7, add a mezzanine level to new unit 6, and alterations to elevations.	Application Permitted on 03.10.2019
DC/19/2264	Non material amendment to previously permitted application DC/18/2122 (A Hybrid Planning application comprising: Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2). Amendments sought for a minor reposition of Units 6-9 and Units 3-5, extension of parking area, and replacement of internal roundabout to a T junction.	Application Permitted on 03.01.2020
DC/20/0171	Variation of condition 1 to previously approved DC/19/1365 (Variation of Condition 1 and 36 to previously approved application DC/18/2122). Amendments include the re-orientation and sub-division of Units 1 and 2 to create 3 separate units resulting in an overall increase of commercial floorspace in Phase 1 from 5,000m ² to 5,300m ² . Amendments also include additional parking, changes to the vehicular access point, minor changes to the footprint of Units 3-5 following amendments approved under DC/19/2264, and revised location for sub-station in Phase 1.	Application Permitted on 28.05.2020

DC/21/2193	<i>15m internally illuminated totem sign</i>	<i>Pending Consideration</i>
DC/21/2192	<i>Various internally illuminated fascia signs and booth lettering signs</i>	<i>Pending Consideration</i>
DC/21/2194	<i>various way-finding signs within the site and a banner sign (4.82m wide x 2m high)</i>	<i>Pending Consideration</i>

3. OUTCOME OF CONSULTATIONS

- 3.1 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

INTERNAL CONSULTATIONS

3.2 HDC Landscape Architect: Objection

[Summary]: The replacement of a larger buffer zone with a restaurant and drive thru unit with minimal planting and large parking needs in this prominent location is not supported on landscape grounds. The larger buffer zone at the entrance of the site is key to the integration and softening of the business park from Stane Street and crucial to securing a pleasant approach to the village. The initial concept landscape design for this site and the landscape strategy agreed upon are being amended to such a degree that it is difficult to recognise the principles of the original design.

The landscape proposals have been entirely watered down from those approved under DISC/19/0204 and DC/19/2264. There is no continuation of the landscape buffer adjacent to A29 Stane Street with very minimal planting proposed, providing little screening or softening of the proposed building. The approach to the village is now abrupt and harsh, in clear contrast with the mitigation measures and landscape principles that were considered necessary to reduce the assessed negative impact.

A close board fence is proposed around the boundary with hedging inside the fence line. This will introduce a much more stark and urban boundary treatment. New tree planting has been substantially reduced and the area of hard materials has increased resulting in the loss of the important landscape buffer that was secured previously.

Throughout all the reserved matters applications, the radical changes on this site to the overarching landscape strategy requires that any amendments to the masterplan must be re-assessed with an updated LVA and the impacts of these changes properly considered. The applicant has demonstrated through various applications that its stance is that the site is now a business park and that there is no necessary consideration of the landscape impact. This is unacceptable.

The scheme has not been appropriately assessed and is lacking information on the impacts the proposals will have on the landscape character and visual amenity of the area. The proposed layout is not sympathetic and does not protect, conserve or enhance the landscape and townscape character of the area and settlement characteristics. The proposals are therefore contrary to Policies 25, 32 and 33 of the HDPF.

3.2 HDC Environmental Health: Comment

Satisfied there will be no light trespass. However, the use of high level column mounted lighting, particularly on the southern boundary away from the street lights is questioned. Low level bollard lighting could be just as effective with less impact in terms of sky glow etc.

3.4 **HDC Economic Development:** Objection

[Summary]: The proposal results in the loss of 1,160 sq. metres of permitted commercial floorspace, with no justification for this loss.

Increased demand for drive-throughs since pandemic, but as most visits would be brief, it is not clear whether any surrounding and nearby businesses would benefit from the proposal. Although alternative sites are stated to have been assessed and deemed unsuitable or inviable, there has been nothing to address the loss of permitted employment land or why the drive-through must be located on land that has allocated B8 use. The relative short-term and long-term need for a drive-through facility vs B-use class space and sufficient employment land, is not discussed. This proposal results in the loss of employment land and is a diversion from the original approval, which would have catered for businesses looking to establish and grow within Horsham District and accommodated a more diverse range of employment floorspace at the site. The location of the business park is likely to be very attractive to new businesses; it gives them a road frontage and proximity to a sizeable market town. The applicant would need to demonstrate that there isn't the demand for traditional employment floorspace to justify the loss.

Interestingly, within the Planning Statement the applicant states that the provision of a proposed drive-through would "not" result in the loss of the development at the site, and that this would be expected to be accommodated within Phase 2. However, this is an expectation and not a commitment and is described as subject to market interest; the reference to Phase 2 does not provide any certainty that there would be a replacement for that loss in Phase 1.

Moreover, the approach in the economic strategy is not just about the number of jobs but the type and range. B-use class employment space would create a variety of skilled employment opportunities for local people and is also important for high-skilled job creation. Whilst this proposal would create some employment opportunities in the local area, if we want to give people the opportunity to live and work in the District, there needs to be a range of opportunities and the economic need is more about higher paid / higher skilled jobs. However, the comparison made by the applicant between a B-use class offer and the McDonalds drive-through offer is made in the context of the *number* of jobs. We cannot verify the reliability of this methodology in the context of numbers and can only stress that it is not just about the number of jobs, but also the type and range.

3.5 **HDC Drainage Engineer:** No Objection

OUTSIDE AGENCIES

3.6 **WSCC Highways:** No Objection

[Summary]: The proposed site to be served by the new 4-arm roundabout serving business park. The application is supported by a Transport Assessment (TA), with TRICS data to support provision of 54 parking spaces (incl 2 x disabled and 2 x grill spaces). Peak demand is likely to be some 30 spaces on weekdays (12:00 – 13:00pm) and 34 spaces on a weekend peak (09:00 – 10:00am). The drive-through lane has the capacity for 20 vehicles. It is likely that most users would already be using the road network for other journeys and TA data reveals that proposed development would likely lead to a 'relatively small reduction in operational capacity' as a result of the drive-through.

Having assessed the supporting information within the TA the Highways Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and that there are no transport grounds to resist the proposal.

Conditions advised:

- Construction of car parking prior to use
- Construction Management Plan

3.7 **Southern Water:** Comment

[Summary]: No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. SUDS conditions advised.

PUBLIC CONSULTATIONS

3.8 **Billingshurst Parish Council:** Objection

'It was unanimously agreed that the Parish Council strongly objects to these applications for the following reasons:-

- Application is out of keeping with both the Design Statement for Billingshurst and the Neighbourhood Plan;
- Making use of this part of the site for a McDonald's restaurant will frustrate endeavours to promote units for local businesses. As the masterplan has evolved, there has been a decided shift away from the original concept to the current trade and retail park masterplan. The local business units are now proposed to be built on what was the amenity space which was, presumably, allocated as such because it was not developable. Given that this is the case, the last remaining site within the park for local business units, is the site of the now proposed McDonald's;
- Members are aware that Dunmoor plan to appeal the refusal of permission for the enterprise units in what was formerly the "amenity area" but, having reconsidered the reasons for refusal, agree with HDC's assessment of that proposal;
- Great concern over cardboard and plastic generation and the very likely increase in the amount of litter which will affect all areas of the village;
- Traffic, if allowed to build up, will undoubtedly cause obstructions on the A29. Reference was made to the McDonald's site at Buck Barn which has caused frequent highway obstruction;
- Members questioned whether the traffic calculations given to support the application take into account all traffic on the whole site (including the petrol filling station, coffee drive-thru, trade and retail counters) or just that serving the McDonald's?
- Application is contrary to HDPF Policies 12 and 13 as it does not respect the historic character of the village and is outside the defined village center boundary; HDPF Policy 7 which encourages the development of small units for small, start-up and move-on businesses;
- The sequential assessment has used old bank sites which are not remotely comparable. If no sites are suitable then how is locating outside the built-up area justifiable?
- Planning Committee members have noted how much the retail and trade park has moved away from the original proposal which they were supportive of. The current plan, however, gives no expansion opportunities at all for local businesses.'

3.9 Some 438 letters of representation have been received in response to this application, from 385 separate addresses. Most are from within the district, but letters from addresses in Ockley, Wisborough Green, Kirdford, Ifold, Fittleworth, Plaistow, Petworth, Cranleigh, Cawley and Yapton have also been received.

3.10 124 letters of support have been received:

- Job creation and opportunities in current economic difficulty - growing community
- Job creation for young people - potential part time jobs whilst studying
- Good place for teenagers as other towns are 30 minutes' drive
- Much needed food outlet for the area - less travelling needed to other outlets

- Town needs to move on – ideal location for this
- Good choice from village considering new development and keeping up with the future of the village
- Additional facilities such as this needed especially given expansion of the village
- Diversification of businesses in area
- Not enough choices locally for a quick bite to eat
- Good food offer
- Local expansion of village needs to be supported by increased / diverse businesses – including Lidl / Morrisons / Costa – also moving to trade estate
- No more adverse impact than petrol forecourt already permitted on estate
- McD's good at cleaning rubbish / providing bins in area
- Litter issue with general population – not specific to McD's
- Green and ethical company
- Potential to relieve pressure on Buckbarn site
- Would not cause a traffic issue where it is sited
- Buck Barn already busy, so this would offer an alternative to visit – take pressure off Buck Barn and relieve traffic congestion around that site
- Trade park already there, so ideal location
- Will bring a much needed boost to the retailers of the village
- Local offers that can be accessed without a car
- Drive-through is good for disabled drivers
- No harm to residents owing to distance from houses
- Cost-effective option
- Potential to bring down prices of other takeaways

3.11 303 letters of objection have been received:

- Traffic – reference to issues at the Buckbarn (A24) site where traffic frequently backs up causing obstructions and queues. Concern that this could happen, backing up onto the A29, with roundabout already causing 'gridlock' during busy times, so potential for additional traffic to McD's would worsen situation, also references to similar traffic situations at Shoreham, Woking, Chichester branches. Should close drive-through lanes until traffic clears
- Cumulative impact of trade park traffic along with that of approved Lidl and proposed McD's needs to be taken into account, using same roads
- New roundabout often causes tailbacks at peak periods – McD's will worsen situation
- Cumulative impact from customers using Lidl, proposed McD's and Morrisons, PFS and Costa also need to be taken into account
- Increase in traffic with 'destination eateries' – people travelling further to reach McD's
- No provision for staff to park on site – likely to increase parking in other areas of the estate or local roads – or within site itself rendering parking not accessible for customers (believed to yield some 102 staff at the site)
- TRICS data needs assessment as is based on smaller store than being proposed – likely to be much higher trip generation
- Design of parking system is one-way, with any vehicles queuing for drive-through effectively blocking the ability to access or depart the parking bays
- Impact on Okehurst Lane with increased traffic along Stane Street – junction already difficult to exit, so traffic slowing measures needed
- Increased danger to horse-back riders, dog-walkers, hikers, cyclists and pedestrians in the area – becoming urban in character
- Expectation that 60% of the visits will be using drive-through – thus creating vehicular traffic

- Concerns with TRICS and modelling provided as part of application – more than 837 daily trips likely to be generated
- Environmental damage of packaging
- Promoting mass produced beef which is causing harm globally
- Adverse impact on Water Neutrality - will increase water usage
- Adverse impact of night-time lighting on wildlife / bats
- Idling cars waiting for drive-through
- Loss of wildlife habitat
- Drive-through would continue to encourage population to get into cars and drive to food outlet and grocery shops outside of the village rather than walking to local shops
- High carbon footprint of McD's – contrary with increasing sustainability demands
- Litter – need litter patrols up to 10 miles away – existing problems in the area of packaging from the Buck Barn McD's which is 4 miles away – disappointing strategy submitted – increased cost to others needed to clear up
- Antisocial behaviour increase – place for teenagers to hang out
- Detrimental overall impact not outweighed by a few more jobs created
- Harmful odours from cooking 24/7
- Light pollution distressing to those who seek a quiet rural lifestyle / location to live – existing illumination from other units at the trade park already bright and an eyesore
- Not in keeping with design principles in Parish Design Statement
- Lack of landscape / screening
- Increased litter will attract pests and vermin
- There should be support for local business, not global organisation
- Trade park approved with smaller start up / industrial units – proposal would remove three of those units which were desperately needed in the district
- Proximity to another McD's in Buck Barn a few miles away
- Negative impact on local high street businesses – draw trade away and likely lead to closures and empty units within village
- Provision of a 24/7 food outlet – not needed in local area – already served by multiple small food and take-away outlets
- Larger than average McD's (100-seater)
- Claim to serve 'local need' (mainly 16-24 year olds) but local area has higher population of older people – therefore not serving 'local need' – more needed and wanted by residents of Horsham, not Billingshurst, better suited to a Horsham location
- Creation of jobs argument flawed when many local hospitality outlets are struggling to find part-time workers
- Increasing obesity issue
- Other amenities needed, such as police station, school, Dr's surgery
- Other McD's are closing due to poor profits – prefer a local farm shop or café take on the premises
- Already large multi-national companies in the (trade) park, so local brand should be considered instead
- Increased burden on council services (litter / refuse collection)
- Impact to character of 'village' – already being harmed by increasing housing estates and large industrial units
- Increase in noise along A29
- Application includes proposal for 12m high totem sign - out of character and unnecessary
- Overdevelopment
- Unsociable noise problems
- Highly visible location is a business need for McDs
- Commercialisation of a small village

- 3.12 The following neutral comments have also been received:
- If permission is granted – need an EV charging station as not many nearby
 - Access needs to be managed appropriately – perhaps a potential no right turn road markings within estate roads to ensure traffic queues from within the site and not onto public highway
 - Signage should be appropriate to rural location
 - Location could be managed with good planting
 - Waste / Litter needs appropriate management – make sure management empty bins, enough bins, litter picking from a wider radius than the stated 150m
 - Should be eat-in only with controlled opening hours – not 24/7

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

Principle of Development:

- 6.1 As set out above, full planning permission was granted in 2019 on Phase 1 of the wider site for the provision of up to 5,000sq.m of employment floorspace for uses within the B1c, B2 and B8 use classes only (DC/18/2122). This was later increased to some 5,300sq.m of floorspace, with Units 1, 2a and 2b at the front of the site consented to form some 1,160sq.m of employment floorspace.
- 6.2 At the time of the original hybrid application on the Hilland Farm site (DC18/2122), the case was argued by the applicant on the grounds of the delivery of employment floorspace within the district falling significantly short of the identified need both in qualitative and quantitative terms, taking into account consented and delivered floorspace at that time. The hybrid proposal was therefore promoted on the grounds of being able to immediately deliver some 5,000sq.m of B1c/B2/B8 employment floorspace, with a further 14,000sqm of similar floorspace to follow in Phase 2. The site was considered to be attractive benefitting from easy and direct access to the A29 / highway network, with new pedestrian and cycle links to the nearby village, and be able to provide modern and fit-for-purpose buildings which would allow existing businesses in Billingshurst to expand and relocate, including those nearest the station.
- 6.3 The main planning considerations balanced at that time were the delivery of the needed employment floorspace, part of which was envisaged to be delivered within a short time-frame, and the conflict with the strategic aims set out by the Local Plan, recognising that the site was an unallocated site, outside of the defined village BUAB and rural in nature and context, with resulting harm having been identified to the rural setting.
- 6.4 In considering the planning balance at the time (April 2019), the Council's Planning Committee recognised the lack of employment floorspace delivery within the district aligning to the district's economic growth strategy, compared to the level of residential development that had taken place, not only locally, but across the district. Members therefore considered

that the delivery of the promised employment development, particularly the anticipated short time-frame for Phase 1, would result in an overall benefit to the local area, and would help address a district-wide need for this type of employment floorspace (B1c, B2 and B8)

- 6.5 Since the permission was first granted in June 2019, the Built Up Area Boundary of Billingshurst has been extended to include the entire development site (Phases 1 and 2), following the formal adoption of the Billingshurst Neighbourhood Plan in July 2021, with the partially built site now considered as an 'existing employment area' in terms of planning policy.
- 6.6 In this instance, the nature of the wider development site (Business Park) is acknowledged, with the application parcel having received permission for the creation of 1,160sq.m of B1c (industrial processes capable of being carried out within a residential area without detriment), B2 (industrial processes not falling within B1 use class) and B8 (storage and distribution) floorspace, supported by parking provision. The likely traffic generation in relation to the consented uses was considered as part of the approved scheme, as were wider drainage, lighting, and noise issues, and the ability for the site layout to sit within deep perimeter landscape borders thus mitigating the identified landscape harm within the wider rural context of the site.
- 6.7 The key considerations in this application therefore relate to whether the proposed development of a drive-through restaurant facility on this parcel, in place of the consented B1c, B2 and B8 employment uses, would be appropriate within the context and reasoning for the original development of this site, the setting of the wider business park, and the landscape context. Whilst a Sequential Assessment has been submitted by the applicant, this is not considered to be relevant as the proposed development is not considered to fall under a retail use (new Use Class E). Further considerations must also be had to the traffic generation of the proposed use, as well as the visual integration of the proposed development into the site and wider setting. HDPF policies 2, 3, 97, 9, 24, 25, 31-33, 35-38 and 40 and 41 are therefore relevant.

Loss of Employment Floorspace

- 6.8 The NPPF at Paragraph 81 states that:
81. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 6.9 At Paragraph 83, it states that
83. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 6.10 The business park site now comprises an Existing Employment Site in terms of local planning policy, therefore falling to be considered against the employment policies of the HDPF. Policy 7 sets out the overarching economic growth strategy, which references in its supporting text to the evidence of a shortfall of employment floorspace to meet future needs over the plan period to 2031. The strategy focusses on protecting existing key employment sites and allowing for the 'smart growth' of existing employment sites. Policy 9 provides further detail

on employment development, with the supporting text referring to the need to protect valued employment and commercial sites, whilst enabling sites that are no longer economically viable to be considered for other appropriate uses. Policy 9 as a result states that the redevelopment of employment sites must demonstrate that the site is no longer needed or viable for employment use.

- 6.11 'Employment 'site' is not defined within the HDPF, however Policies 7 and 9 were formulated in response to Economic Growth Assessments (EGAs) prepared in 2014 and updated in 2015 and 2016, which focussed on the need for B1, B2 and B8 employment floorspace only, as is common practice and consistent with the NPPF. These EGAs have since been superseded by the North West Sussex EGA prepared in January 2020, which focuses again on the delivery of B1, B2 and B8 employment uses only. In this context, whilst Policies 7 and 9 refer to employment sites in the general, the policy aims are to ensure the delivery and retention of B1, B2 and B8 uses.
- 6.12 Background documents prepared to inform the Local Plan Review reveal that the consented floorspace within Hilland Farm would help address a likely shortfall in the provision of B-class employment floorspace in the district (Northern West Sussex EGA Update Final Report – Jan 2020), reflecting a strong localised need for industrial uses, particularly new, modern and fit-for-purpose premises, which are capable of enabling existing businesses to expand as well as attracting new businesses within the locality. Active economic growth in the district is specifically sought by way of B-class uses, with existing and consented floorspace afforded protection by way of the above planning policies.
- 6.13 As further background, the Horsham District Economic Strategy 2017-2027 identifies a '*limited supply of space in both the office and industrial / warehouse sector*', leading to the need to provide new sites and protect those already in existence. The Strategy also finds that residents in the local area often need to travel outside of the district to find higher paid jobs in order to be able to afford to live in the district.
- 6.14 As set out above, the original hybrid application DC/18/2122 was granted in significant part based on the benefit of the swift delivery of the Phase 1 B1c, B2 and B8 floorspace within an 18-month period following permission, thus quickly contributing towards meeting the identified quantitative and qualitative local and district employment floorspace shortfall. Although the consented units 1-3 on the application parcel are not built out, and there has been no commencement of any works within this parcel, there is no justification to suggest that the site is not and would no longer be required for the consented B1c, B2 and B8 floorspace, particularly in light of the recent permissions granted within the wider Phase 2 site area for purpose-built B1c, B2 and B8 floorspace. There have been no marketing details submitted in relation to this parcel, only the applicant's claim that the site's prominence results in it '*not being suitable for many traditional employment uses*' with more interest from these operators stated to be expressed in the Phase 2 area of the wider business park.
- 6.15 Using the standard Offpat Employment Densities Guide (2010), the consented use classes within the approved application parcel would likely generate the following employment densities:
- B1c – 1 employee per 47sq.m (NIA of some 929sq.m) - 20 employees
 - B2 – 1 employee per 36sqm (GIA of some 1093sq.m) - 30 employees
 - B8 – 1 employee per 70/80sq.m (GEA of some 1160sq.m) 14-16 employees
- As explained by the Council's Economic Development team, these uses would generate opportunities for higher paid / skilled jobs that would assist in reducing the existing high levels of out commuting experienced in the district.
- 6.16 By comparison, the same Offpat Employment Densities Guide (2010) considers the following standard employee/floorspace ratio for the nearest equivalent A3 restaurant/cafe use:
- A3 – 1 employee per 18sq.m (NIA of some 316sq.m) – 18 employees

However, this is not considered a true reflection of likely job creation in this case, as the Planning Statement for this drive-through food offering states that some 65 Full and Part-Time positions would be created based on 24 hour opening hours.

- 6.17 The submitted Planning Statement seeks to balance the loss of the B-class employment floorspace (some 1,160sq.m) with the proposed provision of a new restaurant and Drive-through facility (some 342sq.m). It states that the employment floor space is expected to be delivered within Phase 2 of the site where outline consent exists for up to 14,075sq.m for B-class employment floorspace, and that, when compared with the average employment densities of these approved B-class units, the proposed development is envisaged to provide a higher number of full and part time jobs, thus boosting local employment opportunities by way of a reliable employer. Furthermore, whilst the Planning Statement recognises that these jobs might not offer the range of skills and variety that is sought by way of the Council's Economic Strategy, the training and learning opportunities, and career progression offered are cited by the applicant as benefits to weigh in the overall balance.
- 6.18 It is noted that many of the public representations received in response to this application, also cite potential job creation as a benefit arising from this proposal, particularly for younger age groups. This benefit is acknowledged, however, and as explained in the comments received from the Council's Economic Development team, in terms of the Economic Strategy (2017) the consented use classes of B1c, B2 and B8 would provide a more diverse employment offer with longer-term benefits, leading to higher paid and more skilled job opportunities and reducing out commuting from the district. Further, the provision of a drive-thru offer would not be the only source of local job opportunities for the younger age group in the area, with the adjacent Lidl site now under construction providing up to 40 FT/PT jobs (as stated under DC/21/0321), alongside the adjacent petrol station and coffee outlet also under construction.
- 6.19 Whilst reference to the overall job creation arising as a result of the proposed development is noted, the proposal has still failed to address the localised need for B-class employment floorspace, with this proposal resulting in the loss of some 1,160sq.m of consented B-class employment floorspace that was to provide flexible units of between 268sqm and 501sqm. It is noted that the Planning Statement and a further Employment Note claims the B-class floorspace is to be replaced within Phase 2 of the site, which would be within the consented 14,075sqm and therefore resulting in a net loss overall. This is a similar argument that supported the application for a Lidl store in the wider site, however the Lidl store application referenced a plan that demonstrated that the lost floorspace was able to be designed into the remaining Phase 2 land in full to ensure no net loss of approved employment floorspace. The Employment Note refers to mezzanines totalling 1,407sqm having been granted in principle in Phase 2, along with the extra 3,150sqm recently granted in the eastern buffer, to offset the loss of the 1,160sqm at the application site. However, the mezzanine floor areas are to form part of the overall consented floorspace of 14,075sqm in Phase 2 and are not additional, whilst the 3,150sqm in the buffer zone are detailed in the Lidl submission to also form part of the same 14,075sqm. Furthermore based on available evidence it would reduce the overall business would could be accommodated across the site.
- 6.20 The original hybrid development on this site was expressly submitted and permitted to meet a quantitative and qualitative shortfall in this type of B-class floorspace within the district in a short time-frame, with this forming the pivotal argument in the consideration and grant of DC/18/2122. Therefore, the subsequent loss of this floorspace undermines the rationale for development on this site and the delivery of this type of employment provision to meet the district's needs.
- 6.21 The applicants Planning Statement further argues that the application site is '*not suitable for many traditional employment uses who do not require an exposed road frontage or direct connectivity to the road network. Consequently, much of the interest from traditional employment uses (other than trade counter) has been in the Phase 2 area of the site*'. This

statement conflicts with the advice of the Council's Economic Development team that the road frontage is an attractive element of the proposals for future occupants. In any case, the landscape design required to make the business park acceptable included deep landscape buffers to the A29 road frontage specifically intended to diminish the exposure of the site, therefore the applicants arguments against the original proposals for this site do not reflect the original intention to screen this site from wider views with deep landscape buffers when permission was granted.

- 6.22 The proposals therefore would result in the loss of consented B-use employment floorspace on his site, floorspace that was granted to meet a specific immediate need as argued and promoted by the applicants in 2018/9. The ability of this site to meet this immediate need was considered a benefit that supported the consented development as a departure from development plan policy. No viability case has been presented by the applicants to support this loss, and indeed the continued need for employment floorspace is being pursued by the applicants at appeal on the adjacent land to the business park to the southeast. Accordingly the loss of the consented employment floorspace in the context of why the business park was granted consent only three years ago has not been demonstrated. As a result, the proposal would fail to accord with the provisions of policies 7 and 9 of the HDPF.

Design, Appearance and Landscape setting

- 6.23 The District's built heritage, landform and landscape character, as well as the physical aspects of the townscape character and the built environment is expected to be conserved, protected and enhanced, and green infrastructure networks are to be maintained and enhanced under HDPF policies 2, 25, 31, 32 and 33.
- 6.24 The NPPF at Paragraph 130 states that Planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. At Paragraph 135, the NPF states that *'The quality of approved development is not materially diminished between permission and completion, such as by way of changes being made to the permitted scheme'*.
- 6.25 Reference is had to the overall masterplan and 'vision' that was presented as part of the original hybrid application for this wider development site. Phase 1 of the development was designed in conjunction with a comprehensive hard and soft landscaping scheme, with the approved landscape scheme incorporating deep perimeter planted buffers, new trees and native hedgerows, defined in the inner side of the native hedgerow by a rustic-style post and rail fence. This approved landscape layout and strategy was considered to mitigate the landscape harm arising as a result of the development, and provide for soft edges to the site.
- 6.26 At depths of between 9m – 13m the landscaped edges to the application site as consented, offered a soft transition between the rural area and the consented development, retaining the landscape setting on the northern approach to the village along the A29. The buffer planting was also to re-plant a new native mixed hedgerow to replace that which had been lost due to the re-alignment of the A29 in this location with some 34 new semi-mature and mature trees providing a head-start in the eventual screening of the development.
- 6.27 The application site lies at the northern edge of the Phase 1 site, where it forms a prominent corner site, both within the context of the business park and within the setting of the A29 on its south-ward approach into village. It lies head-on when traveling south along the A29 towards the village. Given the intended openness of the open corridor under the pylons, the site would therefore effectively be visible from all sides, notwithstanding the approved landscape planting.

- 6.28 The proposed development seeks a building footprint which is smaller than the employment floorspace approved in this parcel (some 372sq.m compared with the consented GEA of 1,160sq.m), and with a height that steps up from 3m to 5.8m (compared to a consented height of some 9.5m). The overall height and massing of the proposed building would therefore be smaller than the approved building (DC/20/0171), which was to have a cohesive appearance with the other units within Phase 1 of the site.
- 6.29 However, the proposed building on this site would be located close to the site's northern boundary, thus increasing its visual prominence to the wider setting, over and above the consented scheme. It is also noted, that the drive-through lane would occupy an area of the site that had previously been included within the planted buffers that were envisaged to provide the overall landscape setting of the business park. As proposed, the perimeter of the site would now to be defined by a 1.1m high close-boarded fence, with a single-species hedge planted on the inner side, to be maintained at a height of some 1.2m. Overall, the proposed scheme proposes a greater ratio of 'developed' footprint within the site, including both building and parking / hard-standing areas, compared to the consented scheme.
- 6.30 As a result, officers are concerned that the current proposal offers no meaningful visual screening to the site when viewed from the A29, nor indeed from the estate roads within the business park. Amended landscape details have been received, but these fail to offer any more than substantive enhancements to the site and fail to incorporate the promised landscape buffer planting to the development parcel in question.
- 6.31 The proposal is therefore considered to erode the carefully designed landscape buffers of the consented scheme, particularly at this highly visible part of the site, which lies on one of the main approaches into the village. The approved and envisioned landscape buffers were identified within the original LVIA as mitigating some of the landscape harm arising from the resultant development, providing this part of the overall site with an attractive landscape quality. Officers consider that this would be directly undermined by way of the current proposal, diminishing the important landscape mitigation and reducing the overall landscape design benefits in a manner that conflicts with the clear expectations set out under Paragraph 135 of the NPPF.
- 6.32 Further concern is expressed at the visual 'clutter' that would be inevitably associated with the development, with signage applications also subject to concurrent applications, including in-site way-finding signage, road-side banners, illuminated fascia signs and a 15m high illuminated totem sign (applications DC/21/2192, DC/21/2193 and DC/21/2194). Although these are subject to separate considerations, officers conclude that the resulting proposed development would be highly prominent and would represent a stark urbanised development in this transitional location.
- 6.33 The proposal is noted to operate over a 24-hour trading cycle. This is considered to conflict with the wider business parks operational hours, which are restricted to hours of use and external lighting (generally between 07:00 – 23:00 Mon-Sat and 09:00 – 16:00 Sun / BH). The PFS and coffee drive-through units, located alongside each other, are though noted to have been granted the potential to operate over a 24-hour cycle. The extension of street-lights up and along the re-aligned A29 and into the western entrance of New Road is noted, but these, owing to the new technologies used, create a very localised pool of light during with the lighting to the business park restricted during curfew hours (generally 23:30 – 06:30). Both the PFS and coffee-drive-through are subject to hours and levels of illuminations as part of approved signage and external lighting, which have been imposed in order to maintain the wider semi-rural character of the location.
- 6.34 Whilst officers recognise the inevitable change in character that has resulted in the localised context of the development site following the consents granted across the site, it is important to maintain the rural character on this northern approach to the village, which is largely by way of the landscape-led approach and original masterplan vision that was promised. This

site may now be located within the BUAB of Billingshurst, and be located within the confines of a business park, but that is in itself not a reason to allow such a harmful erosion of the wider rural essence and principles that underpinned the permission for the business park. It is still considered appropriate and necessary to refer to the robust landscape-led approach that underpinned the fundamental design proposal approved three years ago as part of the original hybrid application, where the landscape harm was then considered to be 'capable of being sufficiently mitigated' by way of layout and careful design, such as the deep landscaped buffers. Indeed the applicants submission for the business park makes reference in multiple areas to '*high quality landscaping*', with '*care taken to site buildings away from the site boundaries behind generous landscaped buffer planting*' to provide '*an attractive new business park in the edge of Billingshurst...one which is screened from and integrates well with its surroundings*' and to '*create an attractive approach to the village*'.

- 6.35 The current application proposal would position the building close to the parcel's northern boundary, exacerbating the resulting prominence of the proposed development, which, along with the close-boarded fence, lack of external landscape screening, and associated signage would harm the area's setting, visual character and quality. Furthermore, the associated artificial illumination arising from 24-hour trading cycle, beyond that which was approved within the confined area of the PFS and coffee-drive-through, the hard-edged site boundary facing the A29 and estate roads, associated signage and car park illumination would all depart from the important landscape principles that supported the development of the business park, and lead to a significant urbanisation of this rural edge site.
- 6.36 Overall, the proposal is considered to lead to a significant deterioration in the landscape principles that justified the grant of permission for the business park, resulting in adverse visual harm that conflicts with Policies 2, 25, 31, 32, and 33 of the HDPF.

Residential Amenity Impact

- 6.37 Proposed developments are expected to be designed in such ways that they don't give rise to unacceptable harm to neighbouring / nearby amenities, as required by HDPF policy 33.
- 6.38 The nature of the wider approved development across both phases of the site is noted, with the southern, eastern and northern boundaries having associated neighbouring properties. Insofar as the application site is concerned, there are no directly adjacent residential properties that would be likely to be affected in an adversely harmful way as a result of the proposal. Furthermore, insofar as occupiers of adjoining land are concerned, those immediately adjoining the application site remain of a commercial nature within the business park site boundaries.
- 6.39 In conclusion, the proposal is not considered to give rise to adverse issues in terms of noise, odour and light, compliant with Policy 33 of the HDPF.

Highways Impact

- 6.40 The Local Highways Authority (WSCC) has reviewed the proposal, along with the submitted Travel Plan and Transport Assessment (TA), noting the context of the wider consented scheme and that the proposed development would be served by way of the new 4-arm roundabout that has been formed on the A29 at the business park entrance. The TRICS assessment submitted has been carried out in accordance with the TRICS Best Practice Guidance 2021, and the TA also includes reference to the traffic likely to be generated by the other committed development, which may not have been fully built-out as yet as well as other local development beyond the site itself. The submitted details therefore represent a fully informed view of the likely impact on the public highway / new roundabout using appropriate methodologies.

- 6.41 The extrapolated data forecast some 837 daily arrivals and 834 departures from the site based on evidence from other McDonalds sites, and shows a likely peak demand at the site for some 30 parking spaces (weekdays between 12:00 – 13:00) and 34 spaces (weekends between 09:00 – 10:00am). The drive-through lane is stated to have a waiting capacity of some 20 vehicles, which is considered sufficient to avoid queuing traffic out of the site. This capacity is measured only from the end of the customer car park, therefore in reality the capacity of the site is much greater as discussed below.
- 6.42 Many of the public representations reference traffic, parking and congestion issues experienced at the Buck Barn site some 8.5km to the west of the current application site, which is also operated by a McDonalds drive-through restaurant. The site at Buck Barn has some 29 parking spaces, including 1 disabled space, and a further 2 dedicated 'grill spaces' for waiting customers of the drive-through. The drive-through facility at Buck Barn has a waiting capacity before the first of two tandem order points of 1 vehicle before there is a conflict with other site users on the petrol station forecourt. Waiting vehicles must access the drive-through lane alongside traffic associated with the petrol station, car wash and forecourt shop (Coop). Along with the many representations referring to this site and the frequent congestion, officers also refer anecdotally to the frequent congestion seen at this site.
- 6.43 Reference is made in public representations to the following other sites which are stated to experience traffic congestion. In response to these, officers have carried out a very brief assessment, based on available images and maps, and local knowledge:
- Shoreham McDonalds: Officers research indicates there is waiting on site for around 9 vehicles (45m) before the two side-by-side order points, 24 parking and disabled spaces and 3 'grill spaces'. The site accessed off the public highway (not an A-road) close to a railway level crossing and with limited space between site access and drive-through lane. Queues frequently extend onto the highway outside the site at peak times.
 - Burgess Hill McDonalds: Officers research indicates there waiting for around 6 vehicles (28m) before the first of two tandem order points, with 23 parking and disabled spaces and 3 'grill spaces' beyond. The site is accessed off an access to an adjacent public car park with limited space between the site access and drive-through lane, and limited space from the site access to a roundabout that serves the site and adjacent car park. Queues frequently extend onto the highway roundabout outside the site at peak times.
 - Woking McDonalds: Officers research indicates this is a new site with limited details available, access apparently off a service road to a supermarket delivery bay. The drive-through lane appears to accommodate 4 waiting cars (40m) before (x2) order points.
- 6.44 In contrast, the proposed application site would accommodate the drive-through lane some way into the site itself, with a distance between the estate road and order point of some 94m, estimated to accommodate some 19 waiting vehicles clear of the estate road (and some 32 vehicles when including the distance to the serving hatch), with a further distance of around 70m before the junction between the private estate roads and the public highway network. Importantly, when compared to the above other sites, in the event of long queues customers would be able to easily park in the car park instead, or divert to the estate roads, thereby limiting further any risk of queuing customers interrupting the flow of the A29.
- 6.45 In assessing the likely impact arising from this proposal, the Local Highways Authority has considered the ability for the existing public highway network and access junctions to accommodate the increased traffic. The conclusion is that the traffic flows and impact to the junctions would be increased, but would continue to operate within the theoretical capacity, thus not raising any concerns of a 'severe' impact as set out under para 111 of the NPPF, and that there are therefore no transport grounds to resist the proposal.
- 6.46 The Local Highways Authority have also responded directly to a number of resident concerns around the proposed development, in particular concerns over the credibility of trip rates, waiting time at the service counters, and lengths of queues that would result. Whilst further

information was sought from the applicant to verify their data and address more directly the concerns raised, this information has to date not materialised. In any case, the Local Highways Authority have been clear that this data was not necessary for them to form a clear view on the proposals using the TRICS data available to them as part of their own assessment. In terms of the trip generation generally, it is estimated that some 75% of trips to the proposed development would be 'drop-in' trips, occasioned by vehicles already on the highway network, with the remaining 15% being 'new' trips on the highway network, and thus not leading to an envisaged adverse and severe impact, particularly when considered against the backdrop of the wider consented business park development, which includes the coffee-shop drive-through, the PFS and forecourt shop and recent approval for the food supermarket.

- 6.47 Having taken the advice of the Highways Authority, which includes their careful consideration of the concerns raised by a number of objectors on the grounds of unrealistic data and assumptions, the proposal is considered to accord with the provisions of policies 40 and 41 of the HDPF which require, amongst other matters, safe and suitable vehicular access and adequate parking facilities. Paragraph 111 of the NPPF sets out that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network are severe'. Based on the evidence submitted and the advice of the Local Highways Authority in the context of the representations received, the proposals are considered Paragraph 111 compliant.

Other Matters

Litter

- 6.49 One re-occurring concern raised as part of the public representations remains the issue of litter generated by way of the proposed development, not only the impact in the immediate locality, but also the more distant effect caused by way of careless disposal following the use of the drive-through facility. Whilst planning cannot be used to address inherent bad behaviour of patrons, the submitted Litter Management Plan commits to a litter assessment being drafted during the first few weeks of opening and then subject to regular review. This would set out a strategy to undertake litter picking within a minimum 150m radius of the site.
- 6.50 In the event of approval, a condition would be advised to seek further details on the litter management strategy to be implemented at the site, whereby the frequency and radius of litter picks can then be agreed.

Drainage and Flood Risk

- 6.51 It is noted that when the initial outline application across the wider site was considered (under DC/18/2122), it was supported by a Flood Risk Assessment and a Surface Water Drainage Statement, acknowledging that the larger site lay within a Flood Zone 1, which is identified by the Environment Agency (EA) as land with a very low risk from tidal or river flooding. The EA did not previously consider the site to be at any risk of Surface Water Flooding (under DC/18/2122).
- 6.52 It has previously been acknowledged, however, that there would be an increased risk from surface water flooding, largely on account of the increased areas of hard-surfacing and development / buildings. The proposal is accompanied by a Surface Water Drainage Statement, setting out the use of a 403sq.m attenuation tank under the parking area to ensure no increase in flood risk above the previously consented scheme.
- 6.53 Suitable conditions were applied to the works within both phases of the wider development, to ensure details are submitted in relation to the disposal of foul and surface water, and ongoing maintenance of any SUDS features in order to comply with the provisions of the

NPPF and HDPF policy 38, and these are therefore suggested to be applied again in the event of approval.

Archaeology and Heritage

- 6.54 The wider site has already undergone a programme of archaeological trial-trenching and no significant deposits would be impacted by the proposed variations to the approved scheme. As such, the Council's Archaeological Consultant has raised no objection to the proposed changes.
- 6.55 Given the intervening distances involved between the application site and the nearest listed building (Sumners Place, some 350m north), there is no resulting visual interconnectivity between the site and the heritage asset. The proposed development would have a negligible impact on the setting of this heritage asset. This was the view expressed when the original hybrid application was first considered under DC/18/2122, and there have been no material changes to the intervening landform or planning policies to arrive at a different conclusion now.

Air Quality

- 6.56 Paragraph 181 of the NPPF and Policy 24 of the HDPF seek to maximise opportunities to improve air quality through the effective mitigation of impacts caused by new development. The application site is not located within either of the District's two Air Quality Management Areas (AQMA's), but due to the most common source of air pollution in the Horsham District coming from vehicle emission, developments which have the potential for traffic increases (such as the one proposed) are required to make reasonable endeavours to minimise emissions. The Council's 'Planning Advice Document: Air Quality and Emissions Reduction' recommends that all developments carry out an Air Quality Assessment.
- 6.57 Accordingly, the applicant has submitted an Air Quality Assessment Report, which seeks to assess the potential local air quality impacts associated with the proposed restaurant drive-through, acknowledging the consented employment development. Although there is no AQMA in Billingshurst, the proposed development would 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 (2021). The guidance requires a damage cost calculation to be completed.
- 6.58 The proposed mitigation measures include the provision of vegetative plantings to absorb dust and pollution and the provision of 2no EV charging points at the site, along with a Travel Plan to incorporate measures aimed at promoting and delivering sustainable transport. The submitted Air Quality Mitigation Plan arrives at a 5-year Damage Cost Calculation of £8,822.
- 6.59 It has previously been found that mitigation measures relying on vegetative plantings at the site would be of limited benefit, and the provision of EV charge points would be required in any event by way of the WSCC parking guidance, which at the current rate requires 37% of the spaces to be provided with active EV charge points. In order to ensure that the proposed development is acceptable in terms of its impact on air quality, further mitigation measures would be required to reduce the reliance on planting, with a recommendation that the mitigation plan for the proposed development is integrated with wider mitigation plans for the business park.

Climate Change

- 6.60 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.61 At this stage, climate change measures have been identified insofar as long life-cycles of the cladding materials, locally sourced materials, the use of pre-fab solutions to minimise waste and thermal fabric of the building compliant with Building Regs (DAS).
- 6.62 In addition, there would be a requirement for the provision of EV charging points at the site, thus contributing towards climate change mitigation. Furthermore, matters relating to the reduction of water consumption at the site are discussed in more detail under 'Water Neutrality', but would also reduce the impact the development has on climate change, in accordance with local and national policy. These elements would be conditioned appropriately to ensure the measures are achievable, delivered and retained on site.

Land Contamination

- 6.63 Information was submitted at the hybrid application stage regarding potential ground contamination across the wider site, mainly from historic agricultural uses of the land. Further investigations were required to confirm the extent and nature of potential contamination, details which were secured and discharged by way of conditions imposed on DC/18/2122; (1) the submission of a scheme to deal with the risks associated with contamination which should include a preliminary risk assessment, a site investigation scheme, and a remediation strategy, and (2) a verification plan to demonstrate that the works are complete. Conditions are recommended to stop works if any unidentified contamination is found during development, and to prevent the import of untested or unsuitable soils to the site.

Water Neutrality:

- 6.64 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.65 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.66 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates, having an existing / previous agricultural grazing use. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide strategic water neutrality solution. The existing baseline of water consumption at the site is reasonably minimal, comprising the provision of fresh water to drinking troughs used at the grazing site. It has not been used to offset the proposed development. However, the applicant has referred to the approved use of the site for some 1,160sq.m of employment floorspace, whereby there would be a potential daily demand of some 524litres, based on an average of 1 employee per 53.3sq.m of floor area (22 employees), an average across the three consented use classes permitted by way of the hybrid scheme (DC/18/2122). This is a credible starting point for the baseline water consumption of the site, with the existing consent considered a viable fallback given pre-commencement conditions have been discharged to enable its delivery in the event this application is not consented.

- 6.67 Officers have investigated the submitted Water Neutrality Statement (WNS), and note that the proposed development would result in an likely daily water demand totalling some 4,797l/p/d, with data extrapolated from 5 similar metered sites, and using low-flush fittings, with occupancy rates based on the transport statement (45 staff and 1,742 daily customers). However, the WNS goes on to claim that there is a 'good certainty' that many of the daily customers would be resident within the Water Neutrality Zone (WNZ) – estimated at some 1,340 (77%), and that some 35.4 staff would travel in from within the WNZ.
- 6.68 On this basis, the submitted WNS argues that of the likely daily water demand of 4,797l/p/d (customers and staff), some 6,456.4l/p/d would be displaced from other locations within the wider WNZ, with a further 2,556.7l/p/d likely to be yielded from rainwater harvesting from roofs and hard-standing areas within the site. No specific information on rainwater harvesting tank size or requirements have been provided in respect of the proposed development on this parcel.
- 6.69 The submitted WNS therefore takes the baseline of the consented scheme, and uses other metered sites to arrive at a potential water budget for the site. It is argued that the proposed development would achieve water neutrality by virtue of rainwater harvesting capacity and staff and patrons most likely to be displaced from homes / places of work within the WNZ, thus being able to off-set potential water use at the site against their existing place of work / residence (mealtimes, WC use and drinks). The worked figures arrive at a water budget of some -4,834.1l/p/d based on the above.
- 6.70 Officers consider these assertions to be highly assumptive and therefore fundamentally flawed, as there is no guarantee that all of the potential employees would be drawn from existing places of work within the designated water zone, and that their vacancies would not be replaced by further staff resulting in a continued water consumption requirement, nor indeed that some 77% the customer base would be drawn from water supply zone, who would otherwise be eating meals at home and drawing their water use from existing residential properties. In any case, there is no evidence that domestic water consumption would alter, with residents already equally able to consume at other premises in the supply zone instead, including at places of work and leisure.
- 6.71 Officers therefore do not consider that a robust and credible WNS has been presented to demonstrate with the necessary degree of certainty required by the Habitat Regulations that water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions is capable of being achieved. Accordingly, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Planning Balance

- 6.72 Planning law and the NPPF requires decisions to be made in accordance with the development plan, unless material considerations are sufficient to justify a departure. The development plan in this case constitutes the HDPF and Billingshurst Neighbourhood Plan. The most important policies for the determination of this application are considered up-to-date and therefore the NPPF Paragraph 11d 'tilted balance' is not engaged in decision making for this application.
- 6.73 The proposal would offer a range of economic and social benefits that are considered to weigh in favour of the scheme in the planning balance, namely:
- Creation of some 65FTE jobs with associated training and qualification opportunities
 - Provision of an anchor tenant at the business park supporting linked trips and supporting businesses wishing to locate to the trade park

- Embedded sustainable construction
- The site is also located in a sustainable location within a business park within the recently expanded Built Up Area Boundary to Billingshurst, as so would not result in the loss of countryside land.

6.74 Further benefits in respect of the following matters have been cited, however they are not considered direct benefits of developing this particular site, and/or are expectations of planning policy:

- Association with and support of the Ronald McDonald House Charities which encourages young people to lead more active lives by way of sports funding and which supports families of children in hospice or hospital care
- Sustainable support for British and Irish farms
- Location on a sustainable existing transport network
- No identified impact to the vitality of Billingshurst High Street;
- Location within business park

The delivery of 342m² employment floorspace is cited as a benefit, however this would be at the expense of the loss of some 1,160sqm of B-use employment floorspace already permitted on the site.

6.75 The proposal does though result in direct conflict with a number of development plan policies. The proposal would result in the loss of consented employment floorspace contrary to the express reasoning that justified the grant of the business park as a departure from the development plan. Furthermore, the development would not deliver the wide and deep planted landscape verges that were an important justification and mitigation for the business park, instead offering a significant reduction in landscaping. Furthermore, the associated artificial illumination arising from 24-hour trading cycle, beyond that which was approved within the confined area of the PFS and coffee-drive-through, the hard-edged site boundary facing the A29 and estate roads, associated signage and car park illumination would all depart from the landscape principles that supported the development of the business park, and lead to a significant urbanisation of this rural edge site. The result is a development that would harmfully erode the landscape setting of the application site and rural approach to Billingshurst, and significantly diminish the consented visual setting of the wider development site. The resultant conflict with Policies 7, 9, 25, 32 and 33 of the HDPF weighs significantly against the proposals.

6.76 Furthermore, the proposals have not sufficiently demonstrated with a sufficient degree of certainty that an adverse impact on the Arun Valley SAC/SPA and Ramsar habitat sites can be mitigated through achieving water neutrality. Consequently, the proposals also conflict with Policy 31 of the HDPF and paragraphs 180 and 182 of the NPPF, and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

6.77 Taken altogether, the provision of potentially some 65 FTE jobs is a material benefit of the proposals, however this is not considered to outweigh the harm that would be afforded by the loss the consented and much needed B1c/B2/B8 employment provision that justified the development of the business park in the first instance, and the associated significant deterioration in the landscape mitigations at the business park that would arise. The absence of a successful mitigation strategy to avoid harm to the integrity of the Arun Valley SAC/SPA and Ramsar habitat sites further weighs heavily against the proposals. The application. The development is therefore considered to be contrary to Policies 7, 9, 25, 31, 32, and 33 of the Horsham District Planning Framework (2015) and is recommended for refusal on this basis.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
All Other Development	323.5	0	323.5
		Total Gain	323.5
		Total Demolition	323.5

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

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 That planning permission be refused for the following reasons:

1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).
2. The proposed development, by virtue of the layout, site coverage and lack of qualitative and quantitative soft landscaping, would lead to the significant erosion of the beneficial and wide landscape buffers and perimeter margins that were expected to be delivered by way of the consented scheme on this site. The proposed development would therefore lead to adverse harm to the setting and character of the edge of village location, contrary to the provisions of policies 2, 25, 31, 32 and 33 of the Horsham District Planning Framework (2015).
3. The proposed development would lead to the loss of B1c/B2/B8 employment floorspace as secured and justified under the consented business park, resulting in the loss of floorspace identified to help meet the immediate local and wider district employment needs, contrary to Policies 7 and 9 of the Horsham District Planning Framework (2015).