PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	12th February 2025
DEVELOPMENT:	Erection of a single storey building (3,110 sq.m gross floorspace) with ancillary external storage/sales area to accommodate either: 1. employment (E(g(iii)/B2/B8); or 2. retail warehouse use E(a); with associated customer/staff car park, landscaping and two adjoining access roads.
SITE:	Unit 18 Billingshurst Trade Park, Stane Street, Billingshurst, West Sussex, RH14 9LZ
WARD:	Billingshurst
APPLICATION:	DC/24/1452
APPLICANT:	**Name:** Dunmoore Group **Address:** 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.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 This application seeks Full planning permission to erect a single 'warehouse' style building on plot 18 (within Phase 2 of the Billingshurst Trade Park) to accommodate a 'bulky goods' type retail outlet unit under Class E(a), with the ability to function as per the intended light industrial / business uses (E(g(iii)/B2/B8), offering a flexible approach to its use, and offering employment opportunities for up to 80 staff (as a Class E(a) retail store). The submitted floor plan shows a customer / sales area of around 90% of the total floor area, with a stock room, staff room, customer / changing spaces WC, managers office, and 5 x staff WCs and 2 x staff urinals amounting to around 10% of the total floor area.

1.2 Externally the building would have an eaves height of 7.7m and a ridge height of 9.55m, with a floor plan some 91.5m x 33m (GEA of 3,119sq.m across ground floor only). Additionally, a 390sq.m 'yard area' to the eastern side would function as a garden centre, whilst a fenced area of some 147sq.m to the front of the store would provide a warehouse yard. The eastern

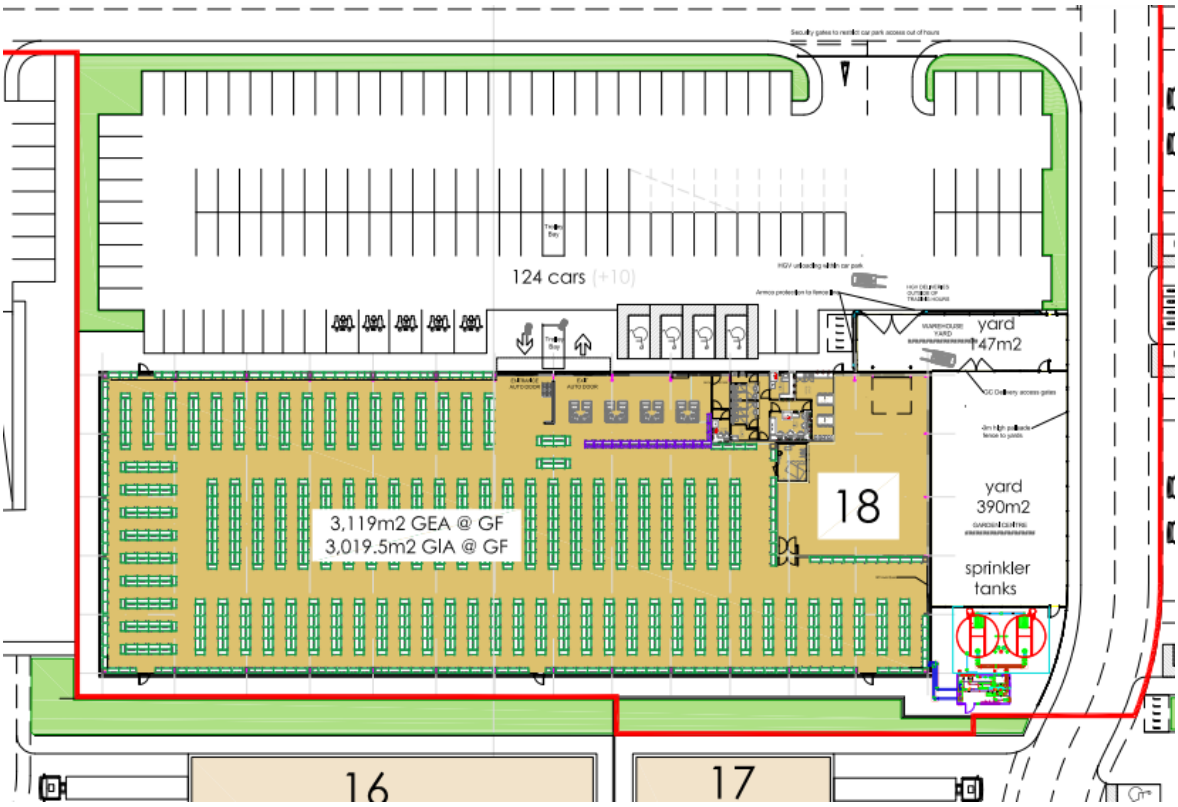
extent of the unit / yard areas would extend right up to the back edge of the estate footpath with no landscaping opportunities present in this location. The fenced yard area and service / sprinkler area would be provided with a 3m high yard palisade fence.

1.3 The paved forecourt area would provide car parking for 124 cars, with cycle racks, and with the addition of 4 x disabled bays and 5 x family spaces. 10 more parking bays will be available when deliveries are not taking place.

1.4 No sections or landscape details have been provided to show the site and landscape element in context with the wider site. The south-facing roof-slope is to be provided with solar PV panels.

1.5 The submitted planning statement sets out that the flexible use (allowing either 'bulky goods' retail under Class E(a), or the permitted B'class uses (ie E(g(iii)/B2/B8 uses) on the Trade Park site) is necessary to facilitating the wider consented industrial / business development to be delivered in the future following the essential infrastructure being delivered by way of the proposed application, effectively 'unlocking' the development of the remaining site. The proposed occupant of the building is a bulky goods retailer 'The Range', and the application proposes a planning restriction to the sale of goods to those proposed in the accompanying Planning Statement.

1.6 The application is accompanied by a sequential (retail) test, and a retail impact assessment (as the floor area is over 2,500sq.m).



DESCRIPTION OF THE SITE and PLANNING BACKGROUND

1.7 The application site comprises a centrally located plot (referred to as Unit 18) within Phase 2 of a wider development, now referred to as the 'Billingshurst Trade Park'. A hybrid planning permission was granted for the Trade Park in 2019 (DC/18/2122, as amended under subsequent s73 applications) for the erection of up to 4,998sq.m of B1c, B2 and B8 floorspace (Phase1) in Full, and up to a further 14,075sq.m of B1c, B2 and B8 floorspace in Outline with all matters except for access reserved (Phase 2).

Phase 1

1.8 Construction of commercial units (Nos 3-13) within Phase 1 is now largely complete, with the exception of approved units 1, 2a and 2b, which have not yet commenced on site. The new roundabout on the A29 (Stane Street) provides vehicular access to the wider site / 'Billingshurst Trade Park' and a junction with New Road. Furthermore, a new pedestrian / cycle link has been established from the Phase 1 site through to the pre-existing roadway to the south, serving Old Hilland, Hilland Farm and HIlland Farm Cottages, linking to the existing public highway and footpath network towards the village centre.

1.9 Given that all relevant conditions within Phase 1 have been discharged, the as yet unbuilt units 1, 2a and 2b remain extant and can be built out at any time providing they accord with the details approved to date.

Phase 2

1.10 Works to build out Phase 2 of the site have progressed at a slower pace with the petrol filling station (Shell), coffee shop (Costa) and Unit 14 (occupied by DW Nye) having been completed and occupied, achieving a GEA floorspace of ***994sq.m***. Unit 15 was subject to a separate 'drop-in' Full planning application in 2021 for a Lidl foodstore, approved under DC/21/0321. This development has also since been fully built out and is now operational.

1.11 In March 2022, a s73 variation was permitted to the original hybrid application (DC/18/2122) which allowed for amendments to the approved parameter plans, building zones, as well as enabling the inclusion of mezzanine floors within Phase 2 provided the cumulative floorspace within Phase 2 does not exceed 14,075sq.m (DC/21/1107).

1.12 Reserved Matters for Units 16 and 17 (south of the application site) were granted in April 2022 under DC/22/0341 and DC/21/2077 respectively. As permitted, Units 16 and 17 achieve a cumulative GEA floorspace of ***3,655sq.m.***

1.13 Separate 'drop-in' Full planning permissions were subsequently granted in April 2022 for new Units 25-32, to be sited along the eastern side of Phase 2, which had been subject to the revised masterplan under DC/21/1107. These planning permissions for Units 25-32 remain extant until April 2025, with details pursuant to planning conditions having been discharged during 2022 and 2023. As permitted, and subject to the planning conditions, Units 25-32 can achieve a maximum cumulative GEA floorspace of ***3,351sq.m.***

1.14 In addition, all Reserved Matters applications in respect of Units 18 through to 24 within Phase 2 have also since been formally approved between May 2021 and March 2023, with applications providing two options on each plot, largely around the inclusion and size of mezzanines, or in the case of plot 18, a choice of one large unit (which could be split into two units), or two detached units, set on individual development plateaus, providing independent car parks and landscaped boundaries. Officers note that these Reserved Matters permissions remain subject to the submission of and approval of construction management plans and details of the rainwater management and maintenance system, which have not yet been submitted to the Council. The implementation timescale for all of the approved Reserved Matters comprising Units 16-24 expires in May 2025.

1.15 As approved, the Reserved Matters applications on Units 19 – 24 would achieve a cumulative GEA floorspace of between ***2,438sq.m*** to ***4,876sq.m.***

1.16 As originally approved under DC/18/2122, Units in Phase 2 are restricted to the following uses: B1c (business / light industrial uses- 'capable of being carried out in a residential area without detriment to neighbour amenity'), B2 (general industrial) and B8 (storage and distribution). Planning Condition 64 of the original hybrid consent restricts changes of use of units in Phase 2 beyond those granted under the description.

1.17 The same restrictions on future changes of use of units within Phase 2 were replicated on the s73 decision DC/21/1107 at Condition 65. Officers note that use class B1(c) has now been incorporated into the wider 'E' class uses as E(g)(iii) following an update to the Use Class Regulations in July 2020. The permitted use of the Units within Phase 2 is therefore E(g)(iii), B2 or B8.

1.18 Application DC/24/0726 sought to vary Conditions 1 and 65 of DC/21/1107 to enable the Units on Plot 18 to come forward as either the consented uses, and / or retail use under Class E(a). The application was refused in May 2024 for the following reason:

"The variation of Condition 65 by way of the s73 application, would have the effect of introducing wording within the amended condition (no 65) which would create a conflict with the operative wording of the original planning permission, by way of seeking the permission to enable Class E(a) bulky retail use within plot 18. This goes beyond the scope of the original planning permission, which restricted uses to E(g(iii), B2 and B8 only. The proposal therefore constitutes a fundamental change to the approved development which is not permissible under section 73 of the Town and Country Planning Act 1990."

Units 18 & 18a, or 18A & 18B:

1.19 As explained above, the application site already benefits from two alternative Reserved Matters consents for E(g)(iii), B2 or B8 units. The details of these consents are as follows:

DC/22/1054- Reserved Matters consent

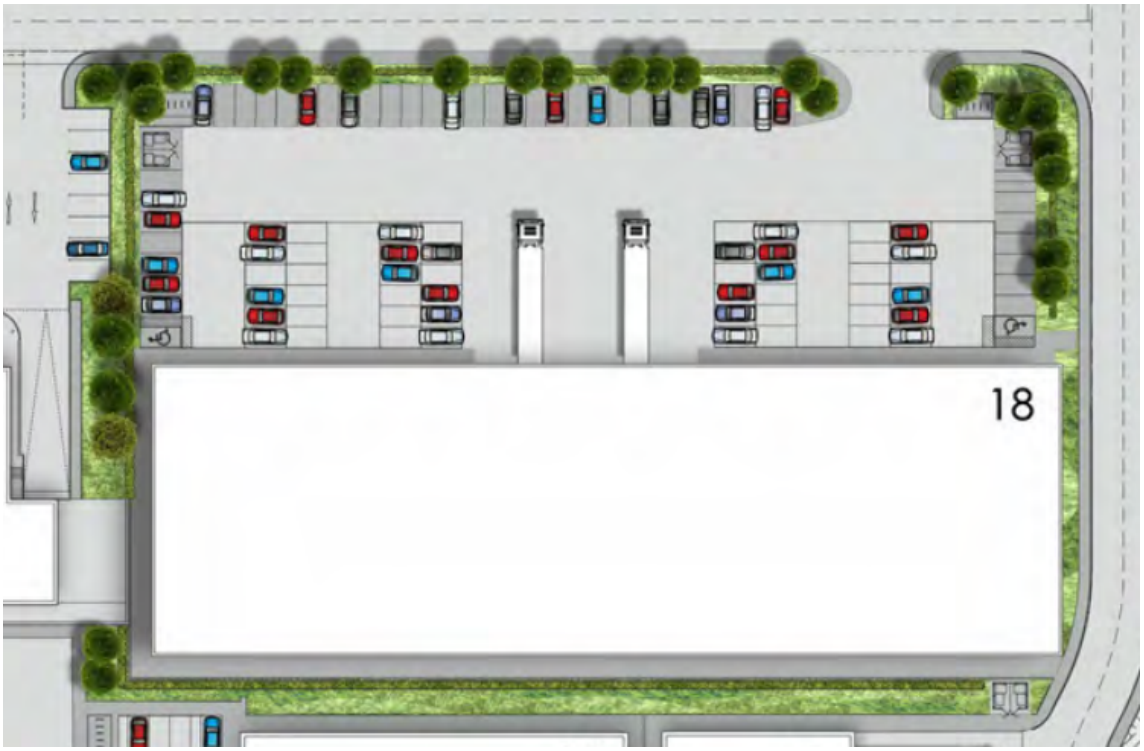
1.20 The approved buildings would have slightly different floor areas: 18a @ 1,814sq.m GIA (43.2m x 42m), and 18b @ 1,867sq.m GIA (44.5m x 42m). The cumulative GEA of both buildings would amount to 3,820sq.m (1,883sq.m + 1,937sq.m = GEA). Both units would have an eaves height of some 9.85m and a corresponding ridge height of around 12m above FFL, with each unit set on a plateau that responds to the sloping site levels.



1.21 To accord with water neutrality, the staffing ratio across all Phase 2 units was an average of 1 employee / 53.3sqm, taken as an average across all three approved use classes, with Unit 18a and 18b therefore likely to generate some 72 employees, with all water use provided by way of a site-wide rainwater harvesting and filtration system. Natural England raised no objection to this approach when consulted on this reserved matters application in late 2022.

DC/22/1088 - Reserved Matters consent

1.22 Externally, the approved single building has a footprint of 3,562sq.m (GIA = 104.6m x 33m = 3,432sq.m), with floorspace only on the ground floor. Access to the units, parking and deliveries would be from the northern site, and the shared parking area for both units would accommodate 91 cars, along with provisions for a timber cycle store and bin enclosure. The building was approved in external materials similar to the existing trading estate: silver grey cladding, horizontal timber cladding to the entrance points and a shallow pitched roof, to an eaves height of 11.85 above FFL.



1.23 To accord with water neutrality, the staffing ratio across all Phase 2 units was an average of 1 employee / 53.3sqm, taken as an average across all three approved use classes, with Unit 18a and 18b therefore likely to generate some 68 employees, with all water use provided by way of a site-wide rainwater harvesting and filtration system. Natural England raised no objection to this approach when consulted on this reserved matters application in late 2022.

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 (Dec 2024):

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 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 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 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

Billingshurst Neighbourhood Plan (June 2021):
There is no specific mention of the application site in the Billingshurst Neighbourhood Plan, but the main Policies contained within the Billingshurst Neighbourhood Plan that are considered to be relevant to this application include:

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

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Strategic Policy 29: New Employment
Strategic Policy 30: Enhancing Existing Employment
Strategic Policy 35: Town Centre Hierarchy and Sequential Approach
Strategic Policy 36: Town Centre Uses

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

Supplementary Planning Documents:
Billingshurst Village Centre SPD (March 1017)

PLANNING HISTORY AND RELEVANT APPLICATIONS

Relevant site-wide:

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/21/1107	Variation of Conditions 1, 56, 57 and 60 of previously approved application DC/21/1209 which varied applications DC/20/0171 and DC/19/1365 which were themselves variations of the originally approved Hybrid planning application DC/18/2122 (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 the approved parameter plans, building zones and restriction on mezzanine floors.	Application Permitted on 08.03.2022
DC/23/1263	Application to confirm lawful use on the application site of any sub-category of Use Class E, and compliance in this regard with regulatory condition 42 of permission DC/21/1107 (Lawful Development Certificate - Proposed) *Units 1, 2a and 2b*	Certificate Refused on 08.09.2023
DC/24/0726	Variation of Condition 1 and Condition 65 of previously approved application DC/21/1107 (itself a variation of DC/21/1209, DC/20/0171, and DC/19/1365 of the originally approved Hybrid planning application DC/18/2122 for 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	Application Refused on 07.08.2024

	(phase 2]). Relating to approved plans and planning uses.	
Unit 18:		
DC/22/1054	Reserved Matters application for the approval in relation to plots 18a & 18b within Phase 2 following approval of outline application DC/21/1107 (Variation of Conditions 1, 56, 57 and 60 of previously approved application DC/21/1209 which varied applications DC/20/0171 and DC/19/1365 which were themselves variations of the originally approved Hybrid planning application DC/18/2122 (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 the approved parameter plans, building zones and restriction on mezzanine floors), relating to access, layout, scale, appearance and landscaping.	Application Permitted on 15.06.2023
DC/22/1088	Reserved Matters application for the approval of plots 18 and 18a within Phase 2 following approval of outline application DC/21/1107 (Variation of Conditions 1, 56, 57 and 60 of previously approved application DC/21/1209 which varied applications DC/20/0171 and DC/19/1365 which were themselves variations of the originally approved Hybrid planning application DC/18/2122 (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 the approved parameter plans, building zones and restriction on mezzanine floors), relating to access, layout, scale, appearance and landscaping.	Application Permitted on 04.05.2023
"Phase 3":		
DC/21/0748	Outline Application for up to 9,825m2 of Class E (Industrial Processes), B2, and B8 use floorspace with all matters reserved except for access.	Application Refused on 24.09.2021 – *Appeal Dismissed*
DC/22/0566	Outline Application for up to 9,825sqm of Class E (Industrial Processes), B2 and B8 use floorspace (Phase 3) with all matters reserved except access.	Application Refused on 15.06.2022

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 Economic Development:** No Objection
[Summary] Proposal aligns with Priority Two of HDC Economic Strategy to support local businesses to start-up, grow and remain within the District, which in turn helps to facilitate long-term economic growth. The proposal seeks to provide either employment or retail use. The approach in the economic strategy is not just about the number of jobs but the type and range. This proposal would create some employment opportunities in the local area, giving people the opportunity to live and work in the District.

3.3 **HDC Environmental Health (Air Quality):** Comment
[Summary] Damage Cost mitigations should avoid duplication of policy-compliant elements such as cycle parking and Travel Plan. Clarification on the damage cost in relation to the application parcel (Unit 18) required.

3.4 **HDC Strategic Planning:** Objection
[Summary] For the purposes of planning policy 'employment use' relates to Use Classes E(g), B2 and B8. The need for such uses is assessed and evidenced via the Economic Growth Assessments. The need for other 'employment generating' uses are evidenced via other documents such as Retail Needs Study, Retail and Leisure Study, Hotel and Visitor Accommodation Study. For the creation of sustainable communities and a sustainable economy a range of jobs meeting different skill sectors must be available. It is not appropriate to override a need for a particular use on the basis more jobs would be created for an alternative use because the type of work and economic benefits are not likely to be comparative.

Paragraph 95 of the NPPF makes clear that retail permission should not be granted it if would have a significant adverse impact on two specified situations – impact on centre(s) in catchment and/or impact on town centre vitality and viability (including local consumer choice and trade) in the centre and wider retail catchment. PPG makes clear a judgement as to whether the likely adverse impacts are significant needs to be taken in light of local circumstances. Account of all material considerations is also necessary.

The site lies within a larger, formerly agricultural, site permitted in 2019 for employment and ancillary uses which is still under construction. The proposal relates to land with permission for employment use (B1c, B2, B8 Use Classes). The loss of employment land (c.8,000sqm) and provision of retail in this location would be contrary to both national and local planning policy, and guidance within the Billingshurst Village Centre SPD 2017 which makes clear the focus for retail that serves its community is within the village centre. The scale of the proposed retail unit is significantly out of keeping and proportion with the character and scale of the village and the retail offer within the village centre, if not the character and scale of retail in the District and retail offer within Horsham town centre. The proposed retail would have a significant adverse impact on Billingshurst centre if not other centres, including Horsham town and Broadbridge Heath Quadrant, and would impact upon their vitality and viability and wider retail catchment. The flexibility sought that enables the delivery of retail is therefore not supported.

The loss of employment land would be contrary to Strategic Policies 7 and 9, particularly bullet 2 in both, of the HDPF. There is a lack of evidence to demonstrate the site / premises is no longer needed and / or viable for employment use. It would also be contrary to Strategic Policy 30 (particularly bullet 7) of the Submitted Local Plan. The scale of this speculative proposal in respect of employment fails to reflect the flexibility necessary to help address the identified employment needs of the District.

The proposed provision of retail with ancillary parking would be contrary to Strategic Policy 13 of the HDPF which encourages main town centre uses within the defined areas of town and village centres which should be read in conjunction with Strategic Policy 12, which recognises the development hierarchy for the District, and sets a hierarchy for the district's town and village centre. In this respect it also fails to align with Strategic Policies 5 and 6 as

well as the respective policies in the Submitted Local Plan (Strategic Policies 35, 36, 4 and 5).

3.5 **HDC BNG:** Comment

[Summary dated 17th Jan 2025]

- Intention to deliver remaining BNG to meet the 10% requirement on another part of the wider site under Dunmoore's control – although not strictly necessary at this stage, it would be helpful to provide clarity on where and what is proposed as this might reduce delays and the risk of the Biodiversity Gain Plan being refused and the BNG condition not being discharged
- A legal agreement will be required to secure off-site BNG; by way of a planning obligation or a conservation covenant

[Summary dated 18th Nov 2024]

- No maps of habitats at baseline or proposed habitat locations post-development
- It is still not clear whether there will be bespoke off-site habitat creation and/or enhancements, or whether habitat bank units will be purchased on the BNG market. It is strongly advised that the intention is communicated with the Council prior to determination, to avoid refusal of the Biodiversity Gain Plan needed to discharge the BNG condition
- No draft HMMP submitted, however the condition assessment criteria proposed for on-site habitat creation has been provided
- A desk study is a key element of a Preliminary Ecological Appraisal and has not been provided
- The entirety of the site falls within The Mens and buffer and associated Barbastelle flightlines Biodiversity Opportunity Area (BOA). All habitats listed within the BOA profile (i.e., lowland meadow, wood-pasture and parkland, and woodland) would need to be assigned as having a high strategic significance within the metric, both at baseline and post-intervention. Given that none of these habitats have been identified on site, and the entirety of the site also falls within a High Potential Site for the Wilder Horsham District Nature Recovery Network, all other habitats with biodiversity value as determined by the biodiversity metric, at both baseline and post-intervention, should be assigned as having a **medium strategic significance** within the metric - This has not been addressed.

OUTSIDE AGENCIES

3.6 **Natural England:** No Objection (previous comments)

As part of the Reserved Matters applications DC/22/1054 and DC/22/1088, the consultation response was 'No objection- subject to appropriate mitigation being secured' - this was based on the average employee density across the floor area of 1 person per 53.3sq.m.

3.7 **WSCC Highways:** No Objection

[Summary] The overall access strategy for the units was agreed as part of the 2018 application with access for vehicles taken from the spine road route which serves the occupied petrol filling station and Lidl store. The route operates along the northern boundary of the site with access provided via a priority junction, the access route is considered of sufficient width and geometry to serve the development.

Vehicular trip generation was agreed as part of the previous 2018 application. The Transport Assessment Note (TAN) provides a TRICS assessment of the change in likely vehicular trips from the proposed and existing consent. In summary the proposals will see a reduction in the number of previously agreed trips in the AM peak but a will result in a small increase during the PM peak. Accounting for the above, it's apparent that trips generated by the site quickly disperse across the nearby road network. The modelling assessments clearly demonstrates that the junction would work well within theoretical capacity.

The submitted staff travel plan is noted. This accords with the requirements of WSCC. The applicant should note that WSCC apply an auditing fee to all new travel plans. The travel plan and associated auditing fee would be secured via a s106 agreement.

In principle, it's recognised that this site forms part of the larger development consented at the site in 2018. Mitigation that covers the current development has already been agreed through consented applications forming part of the wider site. Based on the information submitted within the TAN.

3.8 **WSCC Fire and Rescue**: Comment
Fire hydrant condition
Details to demonstrate fire tender access can be achieved.

3.9 **Sussex Police**: Comment
Cycle stands should enable users to lock both wheels and crossbar
Considerations of an effective lighting scheme (alongside CCTV system if needed by eventual occupier)
Considerations of construction site security

PUBLIC CONSULTATIONS

3.10 Representations:
37 letters of Objection have been received from 35 addresses, objecting to the application on the following grounds:

- Traffic impact – roundabout too small to cope / badly designed – reappraisal of roads and road widths needed – queues between 07:30 – 09:30 and 16:30 – 18:30 / rush hours
- Congestion causing air pollution
- Not an easy walk due to traffic
- Lidl has increased traffic – The Range would further increase traffic
- Belongs in a major town not the edge of a village
- Light pollution – no dark skies
- Overdevelopment of the village
- Poor landscaping across current site – non-native plants and dead trees within first year
- Village losing rural identity – lovely local shops would be impacted
- Large retail unit out of keeping with village
- Sprawling mess
- The Range has stores in locality: 12miles / Crawley, 15 miles / Worthing, and 19 miles / Chichester
- Current High Street needs supporting
- No allowances for trees – existing site has failed to deliver screening trees
- Original permission to deliver business space and employment opportunities – The Range offer low-skilled jobs and low pay, not skilled employment
- HDC duty to protect Billingshurst / local high street
- Large unit – only smaller units originally suggested
- No screening from Rhodes Way
- Building is of poor architectural merit – lack of care in the details
- Many working in the outlets are not local to the area
- No need to destroy more green land for industrial space when existing units haven't been fully occupied
- More water run-off
- Estate spine road often used for larger vehicles / trailers to park and stop – need a more appropriate parking solution
- Still empty units in neighbouring development
- Don't want Billingshurst to grow / develop into a town – no Dr's appointments and can't walk at night
- Departure over originally agreed development agreed between parish council and Dunmore – becoming out of town retail park
- Loss of more farmland will impact on food security

- Plenty of unused units in Horsham
- Excludes possibilities of dynamic small scale activity and detrimental to local business
- Not compliant with NRN as no natural capital or habitat proposed
- Homebase has collapsed – the company behind The Range has been buying up to 70 of the Homebase stores so sequential test to be expanded to include the Homebase site in Broadbridge Heath
- Catchment area of 60,000 homes

3.11 45 letters for Support have been received from 43 addresses, supporting the application on the following grounds:

- Jobs
- Money for the village
- Local area isn't catered for for homewares or furnishings
- Local employment for those who don't drive
- Benefit from more shops and fast food outlets
- Lots of houses being built but no jobs being created
- Support other businesses on the site

3.12 Parish Comments:
Billingshurst Parish Council: Neutral

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

For clarity, whilst it is recognised that use class B1(c) comprising Light industrial uses appropriate in a residential area has been superseded by Class E(g)(iii) under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, it will be referred to in this report for ease as the wider 'B' class uses consented by the original hybrid permission under DC/18/2122.

Background:

6.1 This application has been made following the refusal of application DC/24/0726 in May 2024, which sought a s73 amendment to Condition 65 of the Hybrid planning permission for the Trade Park to enable unit(s) on Plot 18 to be brought forward for retail use (Class E(a)), more specifically referred to as bulky goods retail. The refusal considered that the amendment

would introduce a new planning use within the site which would fundamentally alter the approved description of the consented development, thus changing the operative part of the planning permission. Officers note that this refusal has been submitted for appeal to the Planning Inspectorate (Dec 2024).

6.2 Officers consider the planning history of the wider site to remain relevant when assessing the current application, and therefore it is important to note that when the original hybrid application was considered in April 2019 (DC/18/2122), the case for development on this otherwise unallocated and rural site, which was then separated from the established built-up area boundary (BUAB) of Billingshurst, was argued by the applicant on the grounds of there being an immediate and unmet need for employment floorspace within the district.

6.3 At the time, the Council's Economic Development Team was in support of the proposal, considering that it provided business space within the District, leading to inward investment as it provided opportunities for existing local businesses to relocate and expand, as well as drawing in investment from outside of the District, noting that much of the existing commercial / employment floorspace in the District was in need of updating as some 69% of the available stock pre-dated the 1980's.

6.4 In granting the hybrid application, the planning balance took account of the availability of the site and the ability to deliver Phase 1 of the proposal within a short time frame, resulting in a contribution of just under 5,000sq.m of flexible and modern employment floorspace (within the permitted B'class uses), as well as support from the Council's Economic Development Team, the Parish Council, and provision of skilled employment opportunities. Furthermore, no highways concerns were identified arising from the proposed new 4-arm roundabout junction at Stane Street / New Road facilitating access to the site, and a landscape-led parameter plan which sought to address the adverse impacts to the landscape.

6.5 Following the approval of the hybrid application, and the build out of Phase 1 (with the exception of units 1, 2a and 2b which have yet to commence) the entirety of the Billingshurst Trade Park, including the as-yet unbuilt portion of Phase 2, was placed within the extended BUAB of Billingshurst within the Billingshurst Neighbourhood Plan (June 2021). The Billingshurst Trade Park is now considered under local planning policy to comprise an 'Existing Employment Site'.

6.6 When the subsequent 'drop-in' application for the Lidl foodstore on Plot 15 (DC/21/0321) was considered in July 2021, it was noted that the development of Phase 2 had thus far been slow to materialise, with only Unit 14 having been completed at the time. Officers noted that the proposed foodstore (Class E(a) use) would conflict with the benefits stated to arise as a result of the consented B'class employment and commercial uses across the wider site, thereby potentially leading to the loss of 'B' class employment floorspace on the site, the importance of which was central to the acceptability of the original application for the Trade Park under DC/18/2122, three years prior.

6.7 However, during the considerations for the foodstore application, Officers noted that the development of the foodstore would not necessarily prevent the wider development quantum of Phase 2 from coming forward up to the consented 14,075sq.m (GEA). The wider delivery of units within Phase 2 had, at the time, not been determined or committed to under any reserved matters applications, however a site masterplan had been provided evidencing that 14,075sqm of floorspace was nevertheless achievable across the remainder of the site. The subsequent Full and Reserved Matters applications for Phase 2 have achieved this remaining quantum of floorspace providing flexible floorspace options with / without mezzanines. Furthermore, in granting the Lidl foodstore, the ability to provide additional local employment-generating opportunities was noted, albeit of a more limited range within a retail use than might otherwise occur under the provision of 'B' class uses, which are considered to provide skilled employment.

Principle of Development:

Impact on Consented Employment Floorspace on the Site

6.8 As stated above, the Trade Park site is considered an 'Existing Employment Site' and continues to benefit from the hybrid planning permission for B'uses. Whilst the Lidl foodstore has separately been added to the site, this was on the basis that it did not prejudice the full quantum of consented B'use floorspace being delivered on the rest of the Trade Park site, including the full 14,075sqm of floorspace within Phase 2. This has been proven by virtue of applications for full and reserved matters consent having been granted for B'uses across all of Phase 2, including this current application site.

6.9 In this context, a key consideration is whether the addition of a further retail unit, this time a comparison good retail unit, would prejudice the full delivery of the consented B'use employment floorspace within Phase 2.

6.10 In assessing the current proposal, officers have calculated that if the proposed retail unit is permitted within Unit 18, then based on the existing consents on the rest of Phase 2, the maximum achievable B'class floorspace within Phase 2 would be **12,876sq.m (GEA)**, dropping to 10,133sqm (GEA) if none of the mezzanines are constructed within the approved units (Nb many of the units benefit from separate Reserved Matters consents with and without mezzanine levels). With the current proposed retail unit in place, the overall achievable B'use floorspace within Phase 2 would therefore fall short of the approved maximum quantum by between -1,199sq.m and -3,942sq.m (depending on whether consented mezzanine options are implemented). It should be noted that the consented Units 16 to 24 expire in May 2025 and the consents for Units 25-32 expire in April 2025, with all pre-commencement conditions having already been discharged.

6.11 The grant of independent planning permission for Unit 18 as a Class E(a) retail use would therefore prevent the full build out of Phase 2 up to its consented maximum floorspace of 14,075sq.m, with the shortfall being between -1,199sq.m and -3,942sq.m.

6.12 Whilst it is noted that the current application also refers to retention of B-class use for Unit 18 as an alternative, this is given limited weight on the grounds that a specific retail occupier (The Range) being identified, and the store layout floorplan has been designed to specifically meet the needs of that occupier.

6.13 Further, where a planning permission grants alternative uses on a site, such as the alternative E(a) retail or E(g(iii)/B2/B8 employment uses being proposed in this instance, Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015, provides that such flexibility only applies for 10 years following the date planning permission is granted. This further limits the weight to be applied to the flexible use being applied for in this instance.

Employment policy framework

6.14 The 2024 revision to the NPPF retains the presumption in favour of sustainable development, not only for homes, but also for employment, retail, leisure and other commercial development (para 20), requiring strategic local policies to set out an overall strategy for the appropriate provision, scale and pattern of such development.

6.15 Locally, strategic policy 2 of the HDPF (2015) sets out the following provision to *'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'* and to '*identify existing sites of important employment use, and to safeguard their function through flexible policies and designation of Key Employment Areas, together with supporting the rural economy, to allow people the opportunity to work close to where they live'*.

6.16 More detailed policies for economic development growth are contained within Chapter 5 of the HDPF, which identifies primarily that there is a lack of employment land within the district, and that:

- *Much of the business accommodation stock does not meet the requirements of existing businesses or attract new businesses.*
- *There is a need to provide suitable high quality space for businesses that wish to move into the district.*
- *There needs to be opportunities for existing businesses to grow, expand and change to meet modern business demands (e.g. design of industrial estates and offices).*
- *Horsham has an ageing population and house prices are high making it difficult to retain young people in the district and for businesses to attract skilled employees.*
- *Social changes such as the internet and out of town shopping, have the potential to change the role of town and village centres*.

6.17 HDPF policy 7 looks to address the shortfall in employment floorspace within the district and achieve sustainable employment development (up until 2031) by ensuring there is a sufficient supply of and choice of employment floorspace across both the urban and rural areas of the district. The policy goes on to state that this will be achieved by a number of mechanisms, including:

- *Redevelopment, regeneration, intensification and smart growth of existing employment sites*
- *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.*

6.18 Whilst the physical build out of the units within Phase 2 has not yet commenced beyond Unit 14 (DW Nye), as stated above the necessary permissions have been in place for over two years to enable the commencement of the remainder of Phase 2 as the consented B'uses. Officers note that the Billingshurst Trade Park is considered to contribute towards the district's employment floorspace provision as it is now defined strategically as an 'existing employment site' (as opposed to a 'Key Employment Site').

6.19 HDPF policy 9(2) only supports the redevelopment of such employment sites and premises provided it has been demonstrated that the site / premises is no longer needed, and / or viable for employment use. The application does not include any evidence that the site is no longer needed for employment use, nor does it present a viability argument. In this regard, the proposal fails to meet the requirements of Policy 9.

6.20 At a parish level, the Billingshurst Neighbourhood Plan refers to the shortfall in employment space, and the demand in the parish for modern, fit-for-purpose business space, including starter units, including low cost, flexible workspaces, as one of the localised issues ('Issues in Billingshurst' (i), page 10).

6.21 Although still at draft stage, the Reg 19 post-submission Horsham District Local Plan (HDLP) confirms that the Land North of Hilland Farm (Billingshurst Trade Park) is considered as an existing employment commitment (19,375sq.m of employment floorspace) which, along with new strategic employment allocations will contribute towards the district's overall need, against which the emerging future economic needs of the district up to 2040 have been planned. Strategic Policy 30 (Enhancing Existing Employment) within the draft HDLP continues to seek protection of employment uses (E(g), B2 and B8), as the current HDPF policy 9 does, setting out under point (7) that alternative uses within existing employment sites and premises will only be supported where *'it can be demonstrated that both the premises and site are no longer needed and are no longer viable for employment use. An assessment of these should be submitted and must demonstrate:*

a) Evidence of active marketing over the period of at least a year, supported by
i. evidence of the condition of the estate and local economic market within the terms of sale and, where applicable, rent; and
ii. written confirmation from the commercial agent(s) regarding the redundancy and lack of viability of both the premises and site for employment or a financial appraisal demonstrating any employment use is unviable; and
b) Where relevant, vacancy, including the reasons for vacancy and the length of time vacant.'

Although Strategic Policy 30 carries limited weight at this stage, it nevertheless mirrors the principles established in current Policy 9 of the HDPF.

6.22 Officers therefore acknowledge that the local policy directive is to seek to protect employment sites within the district to ensure there remains sufficient modern and fit-for-purpose employment provision to attract inward investment, provide and maintain local employment opportunities and to enable businesses to remain within the district. Tandem benefits are thus created by way of also minimising commuting distances for residents working and living locally.

6.23 Against the local and national planning policy directive to plan for a sustainable and strategic delivery of homes, commercial development and supporting infrastructure, officers conclude that the proposal to introduce a retail use into a consented employment site would conflict with above local plan policies and national planning policies, as it has not been demonstrated in the application documents that the application site is no longer commercially viable and / or needed for employment use (meaning B'class uses), per the requirements of HDPF policy 9(2).

6.24 Indeed the need for employment floorspace within the district appears to remain strong as evidenced within the 2020 Economic Growth Assessments carried out to support the local evidence base that forms part of the draft HDLP. Officers recognise that the operational needs of many B2 and B8 occupiers may preclude such a use from taking place within a town centre or adjacent to residential amenities, which means that allocated sites with employment permissions benefit from policy protection to secure appropriate uses on appropriate sites. Furthermore, the need for an additional 9,825sq.m of employment floorspace, *in addition* to the 14,075sq.m permitted for phase 2, was cited within the applications made in in 2021 and 2022 in respect of the proposed extension to the Hilland Farm site (termed as 'Phase 3' under DC/21/0748 and DC/22/0566). The applicants of that proposal, who are the same as for this current application, sought to justify the proposal of the Phase 3 expansion on grounds that there were strong arguments showing a market interest in more employment floorspace becoming available in the short term, along with qualitative and quantitative shortfalls of existing stock, despite the location of the site beyond the BUAB of Billingshurst and not allocated for such development.

6.25 The applicant's case instead seeks to justify the application on the grounds that the proposal will serve as a *'facilitator for industrial development by delivering the associated infrastructure (access) to enable future industrial units to come forward'*, and to *'provide significant employment opportunities in the form of up to 80 new full and part-time jobs'.* It is consequently argued by the applicants that the grant of this retail use would *'secure the necessary funding for enabling works at Phase II at Business Park, ensuring the continued flow of investment into this site and bringing with it much needed jobs and infrastructure'.*

6.26 No justification has been provided to demonstrate that the remainder of the employment site could not come forward as consented without the investment generated by the proposed retail occupant taking up the proposed Unit 18. Furthermore, it is noted that the Council has not been provided with any details of the proposed build out of Phase 2 before the permissions lapse in April and May 2025.

6.27 Therefore, officers conclude that on employment grounds alone, the proposed application conflicts with the directives underpinning HDPF policies 7 and 9, which seek to protect employment land and business floorspace. Whilst retail is noted to be an employment-generating use, it does not fall within the definition of 'employment' use, which are B1 (now Class E[g]), B2 and B8 uses. The Council is committed to retaining appropriately located employment sites and premises for employment uses to positively contribute to the district's economy and to retain ongoing inward investment, and ensure employment opportunities remain close to where people live. In this regard the introduction of retail employment at the expense of E(g), B2 and B8 employment opportunities that the site could otherwise deliver would diminish the Council's ability to deliver such employment opportunities in the district.

Employment Benefits

6.28 The application is promoted by the applicants on the ability to provide some 80 retail-based jobs within the site, with the employment benefits arising from this proposal also cited in many of the supporting public representations. The Council's Economic Development team have not raised a concern to this proposal, considering that it aligns with Priority 2 of the District's Economic Strategy, which aims to '*offer a range of quality commercial floorspace to ensure that these businesses have the opportunity to grow and remain here'.*

6.29 For the purposes of 'employment' floorspace within planning policies, it is noted that these are defined as uses falling within the B'class uses: Offices, research and development, light industry, general industry and storage and distribution. These uses typically provide for skilled job creation within the district, reducing the likelihood of residents seeking employment beyond the district, which can lead to a 'dormitory' district where housing provision outstrips local employment opportunities. It is these uses which planning policies HDPF 7 and 9 seek to protect. Other non-employment uses are generally referred to as 'employment-generating uses' within policy.

6.30 The three top priorities of the Horsham District Economic Strategy (2017 – 2027) are to secure inward investment by providing employment opportunities, offering a range of quality commercial floorspace and to develop skilled employment opportunities. This was achieved by way of the original hybrid consent, which was promoted by the applicants as providing much needed B'class employment floorspace within the district, with phased delivery and capable of generating an employment density of between 40 – 102 employees within the unit 18 site (based on the 2015 Employment Density Guide, 3rd Edition by Homes & Community Agency). This is comparable to the 80 retail jobs in quantum terms.

6.31 Officers acknowledge that the policy-approach is not just about number of jobs but also the type and range of employment being offered, and thus retaining a range of jobs meeting differing skill sectors, but also providing flexibility in the event that one sector fails or is affected by outside factors. Whilst this retail proposal would not align with the approved employment-type uses which are so keenly sought by way of the district's planning policies and the Economic Development Strategy, officers acknowledge that the proposal would still be capable of generating new employment opportunities within the retail industry, thus recognising the associated benefit of creating employment opportunities, contributing towards living and working in the district.

6.32 However, whilst it appears that employment-generating quantum of the proposed retail use is broadly comparable to the range of employment densities within the approved B'class use of this site, this is considered to be of limited benefit when compared to those which could be offered by way of the previously consented use of the site.

Retail Impact

6.33 Policy 12 of the HDPF sets a hierarchy for the district's town and village centres, with Horsham town being the primary centre, and Billingshurst being a secondary centre alongside Henfield, Pulborough, Southwater, Steyning and Storrington. Policy 12 seeks to

support this hierarchy of retail centres to help sustain their roles in meeting needs and acting as a focus for arrange of activities including retail, leisure and recreation appropriate to the scale and character of the centre.

6.34 As a defined secondary centre under Policy 12, the policy map details that Billingshurst has a defined town/village centre boundary, a defined 'main shopping area', and a defined primary retail frontage.

6.35 Policy 13 of the HDPF sets out the Council's 'Town Centres First' strategy which seeks to encourage main town centre uses to be located within the defined town/village centres to help reinforce the vitality, viability and character of the centre. Policy 13 goes on to state that proposals for main town centre uses, including new retail warehouses and superstores, should be located in town centres and at an appropriate scale in village centres. Proposals for main town centre uses outside the defined town/village centres will be permitted only when a sequential test has been applied.

6.36 The supporting text to Policy 13 clarifies that where a town centre use cannot be located within the defined town centre boundaries, on account of suitability, availability, flexibility in terms of format and scale, or other issues such as car parking, then such proposals would be expected to be located on suitable sites **adjacent** to the town centre, where they can be easily accessed from the town centre and well-served by public transport (para 5.39). Out of centre sites will not normally be considered suitable for town centre uses (para 6.40)

6.37 Policy 13 defines Broadbridge Heath Quadrant (per Policy 6) as the only out of centre location for main town centre uses. It is noted that an application (DC/23/1133) for the redevelopment of the Highways Depot within the Broadbridge Heath Quadrant for some 6,400sqm of additional retail floorspace carries a committee resolution to approve subject to the completion of a legal agreement. Elsewhere, some 6,400sqm of retail floorspace is approved in outline at the Land North of Horsham development site, the only other out of centre site in the district with large retail consent in accordance with the HDPF.

6.38 The Council' Horsham Town Retail and Leisure Study (2017) (HTRLS) has been produced to support Policies 12 and 13 and divides the study area into 8 zones, with Horsham located in Zone 1 alongside Billingshurst and the application site. Within Zone 1, Horsham has retained its market share, along with increasing its market share in Zones 3 (Crawley), 6 (Pulborough, Storrington), 7 (Arundel), and 8 (Wisborough Green). The HTRLS recognises two areas of potential growth for the retail offer, outside of the Horsham town centre:

- Broadbridge Heath Quadrant, recognised as a '*redevelopment opportunity area to form part and complement other redevelopment in Horsham town, in order to benefit Horsham district and secure the vitality and vibrancy of Horsham town as a whole'* and forming the only current out of town retail location (HDPF policy 6), and
- Land north of Horsham, which is a strategic allocation comprising a mixed use development for at least 2,500 homes and associated infrastructure, and no more than 6,000sq.m of sales floorspace (HDPF policy SD1 and SD3).

6.39 Locally, the Billingshurst Neighbourhood Plan recognises that the village centre performs a strong local role in providing a community focus, but noting that changing consumer habits and online shopping is having an impact on the village centre. The Neighbourhood Plan at paragraph 7.2 identifies that there has been a shift in the way people buy goods which has had an impact on the High Street, with the effect being reduced footfall and expenditure. In addition, the Neighbourhood Plan explains that issues raised by the community in its preparation included concern over the loss of shops (paragraph 7.5) Policy Bill 7 of the Neighbourhood Plan therefore seeks to reinforce the shopping offer of the High Street so it remains a place of community interaction.

6.40 At a national level, Chapter 7 of the NPPF (Ensuring the vitality of town centres), sets out the national policy framework for considering retail development. Consistent with Policy 13,

Paragraph 91 sets out that a sequential test is required for retail development outside of defined town centres:

'91. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

6.41 Paragraph 94 then requires that retail development outside of town centres should also be subject to an impact assessment if providing over 2,500sqm of gross floorspace:

'94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m2 of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'

6.42 Finally, Paragraph 95 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on a town centre then 'it should be refused'.

6.43 The proposed development comprises some 3,119sq.m of retail floorspace (excluding the outside garden centre). The site is located some 735m from the edge of the Billingshurst town centre boundary, meaning the site is considered to be 'out of centre' in local and national policy terms. As a consequence of its scale and location, the proposals must be subject to both the retail sequential test and retail impact assessment as referred to above. The applicant has submitted a Retail Impact Assessment (MWA dated January 2024) and has included a Retail Sequential Test within Chapter 7 of the Planning Statement.

Retail Sequential Test

6.44 Paragraph 92 of the NPPF sets out that when considering proposals for edge of centre and out of town retail development, preference should be given to accessible sites which are well connected to the town centre. The application proposal lies some 735m north of the Billingshurst town centre boundary, and whilst it is possible to walk or cycle to the site, at this distance it is clearly not well-related or adjacent to the village (town) centre. Paragraph 92 also sets out that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

6.45 The Billingshurst Village Centre SPD (March 2017) notes that many of the village centre units are small (less than 100sq.m). The Billingshurst Neighbourhood Plan identifies that the village centre plays a strong role in the community, but that the changing retail habits such as online shopping, has had an impact on the retail role of the High Street, along with a reduced footfall and expenditure. The Billingshurst Neighbourhood Plan therefore recognises that the retail provision within the High Street needs improving to include more diversity and quality, with policy BILL 7 looking to enhance and retain the vitality and viability of the shopping offer in Billingshurst village centre accordingly, with the policy pre-amble stating that the high street provides a valuable community hub and meeting point for residents.

6.46 In assessing the Retail Sequential Test submitted within the Planning Statement, officers refer to the prospective operator requirements for a minimum of 3,119sq.m of floorspace,

along with the need for some external yard area (stated as a need for 418sq.m), as well as sufficient land for customer parking, staff parking and servicing and deliveries by HGV, leading to a requirement of at least 0.75ha of land that is easily visible and accessible from the road. The requirements precisely mirror the application proposals and there does not appear to be any flexibility within these criteria. Furthermore, the Planning Statement sets out that the nature of a bulky goods retailer, which sells items such as furniture, carpets and domestic appliances, may not necessarily be suited to a town centre location.

6.47 The Sequential Test also sets out that the customer catchment area identified by the intended operator includes much of the north of Horsham district, extending north-east into Crawley and west towards Wisborough Green and Kirdford, with a desire to locate the store as centrally as possible within this catchment area and be accessible by public transport. Officers note that the identified operator has a store in Crawley, some 20km to the north-east of the application site (further stores are located 23km to the south in Worthing, 30km to the south-west in Chichester, 32km to the north-west in Aldershot).

6.48 As part of the submitted application, the intended operator has set out very specific size demands, allowing a margin of 10% in relation to the floorspace requirements, and stating that associated parking and servicing requirements would be difficult to accommodate within a town centre location, concluding that comparable uses are better suited to 'out of centre' locations, which can better accommodate delivery and loading. Furthermore, there is the recognition in the statement that most of the customers would likely be car-based given the catchment area and the nature of goods being sold by the identified operator (The Range), thus requiring a sizable car park / collection point.

6.49 The Sequential Test identifies that there are no alternative sites available, aside from the application site (Unit 18). It concludes that the application site therefore provides a viable location to serve the intended catchment area within *'easy drive time'*, with the site ideally located as close to the centre of the catchment area as possible.

6.50 Officers agree that there are no sequentially preferable sites within Billingshurst town centre. It does not otherwise appear though that there has been any assessment of sites likely to become available within a reasonable period. In this regard Officers note that the site within the built up area boundary of Billingshurst currently occupied by Mole Valley Country Stores has a lease that terminates in 2027. This site qualifies though as 'out of centre' in the retail hierarchy as it is in excess of 300m distance (actual distance 356m as the crow flies) from the nearest part of the primary retail frontage (Nb only well-connected sites within 300m of the primary retail frontage qualifies as 'edge of centre' per the definition set out in the NPPF glossary). Nevertheless, this site provides a delivery and service yard, customer parking and a garden area of only around 460sq.m, and has a smaller GEA of around 1,400sq.m. Even accounting for flexibility as required by Paragraph 92, this site falls significantly short of the prospective occupiers floorspace needs and Officers agree that it should not be considered further.

6.51 Further afield within the catchment area, Officers note that Homebase has recently gone into administration with a potential that their premises within the Broadbridge Heath Quadrant may become available within a reasonable period of time. As of January 2025, officers note that this Homebase store is set for imminent closure. Officers also note that an adjacent retail outlet, Carpetright, is also closed and vacant (estimated around 1,000sq.m GEA). Both the Homebase and Carpetright stores are within the defined Broadbridge Heath Quadrant, the specific 'out of centre' location which is allocated within the HDPF for retail use. The Homebase store would provide a GEA of some 3,500sq.m, a garden centre area of around 1,100sq.m, and a dedicated customer parking area and rear delivery yard. As a site located within a policy-allocated out of centre retail location it appears potentially suitable to meet the prospective operator's requirements.

6.52 Whilst Officers acknowledge and agree that there may be no alternative and sequentially preferable sites available within and adjacent to the Billingshurst town centre that could accommodate the requirements of the operator, the lack of consideration of alternative and sequentially preferable sites in Horsham or within the designated 'out of town' location at the Broadbridge Heath Quadrant (both of which lie within the same retail catchment area- Zone 1) brings into question the robustness of the applicant's Retail Sequential Test. Officers therefore conclude that the retail sequential test has not been satisfactorily met.

Retail Impact Assessment

6.53 As set out above, Paragraph 94 of the NPPF requires that a retail impact assessment (RIA) addresses:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

6.54 The submitted Retail Impact Assessment (RIA) acknowledges the intended operator's retailing model of offering an all-encompassing product range, aiming to become a 'one-stop shop' for home, garden and lifestyle goods at 'affordable prices', with floor areas of around 250sq.m attributed to convenience goods, and some 2,770sq.m of comparison goods. The primary catchment area of the proposal comprises an area extending from the eastern and northern extents of the district, west to include the Wisborough Green and Loxwood settlements, and south to encompass Pulborough and Storrington, as per the HTRLS referenced above.

6.55 The submitted RIA considers that Horsham Town Centre has the strongest market share in comparison goods, with the Broadbridge Heath Quadrant and Tandridge Retail Park dominating the 'out of centre' comparison goods shopping pattern, although noting that the Tandridge Retail Park is being developed to a new Aldi discount food retailer, thus re-distributing the comparison goods share back towards the Horsham Town Centre and the adjacent John Lewis store. The RIA acknowledges, based on the resident telephone surveys carried out in the production of the HTRLS, that whilst Billingshurst attracted a share of trade in relation to DIY and decorating goods, most residents would travel to the Homebase store at the Broadbridge Heath Quadrant. The proposed development is therefore submitted as an opportunity *to 'reduce the outflow of expenditure locally*'. The RIA calculates the likely trade draw from Horsham Town would equate to 0.2% of the overall turnover from comparison goods and 0.1% from convenience goods, which is submitted as being a small reduction in growth rather than an absolute decline.

6.56 The RIA considers that Billingshurst town centre provides only a limited comparison goods offer, as it is '*dominated by food and drink and service uses'*, although the presence of a Morrisons Daily and Sainsbury's Local is noted (the latter including an Argos Collect point). For convenience goods, the RIA submits that the Sainsbury's Local in the High Street did not feature as the 1st or 2nd choice for food shopping, as per the evidence in the HTRLS, with the village performing more as a 'top-up' shopping destination. The RIA finds that '*despite evident decline, Billingshurst continues to offer a good, basic range of local shopping and service facilities which is contributing towards fulfilling the needs of the immediate resident population.'*

6.57 The RIA concludes with the findings that the proposed development would lead to a potential comparison goods trade draw from larger retail warehouses, garden centres and other larger stores which sell DIY products, garden and household goods, including Mole Country Stores (in Billingshurst), and Homebase and Newbridge Nurseries (in Broadbridge Heath), and will impact to a small degree on the company's nearest stores (at Crawley, Chichester and Worthing). The RIA also considers that the resulting trade draw from Billingshurst town centre would be limited given the limited comparison goods offer available, and that residents

within the identified catchment areas primarily shop for comparison goods in the larger retail areas such as Horsham town and the Quadrant.

6.58 In relation to the impact on the local convenience goods market, the RIA concludes that the proposed development would serve to complement the local offer of convenience shopping, allowing existing stores like Sainsbury's Local, Morrisons Daily and other specialist food outlets to trade, with the majority of convenience goods trade drawn from larger food stores in Horsham and the adjacent Lidl.

6.59 In relation to the impact on the local comparison goods market, the RIA considers that the village currently does not provide a realistic choice of comparison goods that would be adversely impacted by the proposed development. Nevertheless, the applicants have stated that they are happy to accept a planning condition to limit the range of goods sold within the store in order to limit the potential impact on the viability of existing retail centres, as follows:

- Pet products (but excluding the sale of live animals);
- Toys and outdoor leisure goods;
- Furniture and flooring products, including rugs, fabrics, curtains, blinds and poles;
- Stationery including arts and crafts;
- Bathroom and household goods including textiles and soft furnishings including cushions;
- Seasonal goods relating to Christmas, Halloween, Easter and Summer;
- Hardware, DIY and garden goods;
- Painting and decorating products;
- Kitchen, bathroom and dining room goods and accessories;
- Beds and bedroom furniture including home storage;
- Home decoration products including cleaning and laundry goods, linens, china, glassware, and cooking utensils;
- Pictures, mirrors, clocks and decorative accessories;
- Health and beauty goods;
- Small electrical goods including technology accessories;
- Food and drink for consumption off the premises from up to 250 sq.m. net;
- Ancillary and incidental items not exceeding 10% of the total floor area.

6.60 The application is therefore promoted by the applicant as enabling *'a greater proportion of comparison goods expenditure to be retained locally at a scale which would not give rise to a detrimental impact on the village centre and which would provide more sustainable patterns of shopping'*, and that the range of goods available will provide '*a complementary addition to shopping facilities reducing the need for residents to shop further afield including outside the district'.*

6.61 Officers have undertaken an overview of the units within the town centre of Billingshurst, noting that of the 60 units present, there are currently 4 vacant. Of the others, some 13 units are in 'personal care' type uses (hair dressers, barbers, nail and tanning), and 14 are in use for food-related purposes (cafes, bakery, take-aways, restaurants and pubs). There are some 9 'specialist uses' such as carpet brokers, funeral parlour, estate agencies, and 16 retail-based uses (including comparison and convenience goods, pet shop, charity shops, florist and pharmacy). Officers acknowledge that there would be an overlap between some of the product ranges sold within the identified operator, such as craft supplies, pet products, DIY, gardening, homewares and convenience goods, and some of the available retail goods in the village.

6.62 Officers acknowledge that there is currently a relatively low vacancy rate of units in the designated town centre boundary, with a large proportion of food and service-related uses dominating the primary retail frontage. Officers also note the separate comments made in the applicant's RIA that the town centre is in '*evident decline'* and in the Billingshurst

Neighbourhood Plan that the recent shift in the way people buy goods has had the effect of reducing footfall and expenditure in the High Street. In the context of this evidence, and the large and very broad comparison goods offer proposed within the store, Officers have significant concern that the proposed development would act to reduce footfall on the High Street further, reducing the viability of comparison goods stores already on the High Street, and therefore act as a disincentive for new comparison goods retailers taking up future opportunities / vacant units within the town centre. The overall impact would lead to a likely loss of viability and vitality of Billingshurst as an 'independent shopping destination' for the local community, and exacerbating the decline identified in the submitted RIA. It is noteworthy that the applicant's RIA does not seek to address this loss in any meaningful detail, other than relying on the fact that the town centre 'provides only a relatively limited comparison goods offer'. The loss of these remaining comparison goods stores would clearly negatively impact on the retail offer in the town centre.

6.63 Officers note that the cumulative floorspace available within the defined town centre of Billingshurst is calculated as being around 5,000sq.m with the proposed floorspace from the application site amounting to 3,110sq.m. The application proposals will therefore significantly increase the retail floorspace in and around Billingshurst by some 60%. As a result, officers note that the proposed development, along with the cumulative impact arising from the trade counters within Phase 1, the Lidl food store, the coffee shop and the petrol filling station on the Trade Park site, would likely begin to re-focus the retail hub of the village away from the traditional village centre and into the Trade Park, creating a new 'retail destination'. Furthermore, the proposal is likely to alter shopping habits, making the village centre less attractive as a destination and leading to a reduced footfall, affecting profitability and the ability for the village centre units to attract occupiers, with customers likely to prefer to link trips within the Trade Park, with its free parking, as opposed to shopping in the village itself.

6.64 Whilst the scale of Billingshurst has been increased in recent years following strategic housing allocations and build-outs, officers note that the scale and function of the town/village remains defined as a 'secondary' settlement, with Horsham prioritised as the primary town centre within the district. The impact of a national retailer of this scale occupying a site on the edge of Billingshurst would therefore lead to the effect of dispersing trade within the district, diverting footfall and trade away from the primary identified town centre (Horsham) and undermining its function as the district centre. It would also significantly impact on the vitality of Billingshurst as a local retail centre by drawing trade away from the high street and disincentivising new retail operators given the variety of product being sold on the Trade Park and its easy access for linked trips with the Lidl and the trade counters.

6.65 As a consequence, Officers conclude that the proposal fails the Paragraph 94 impact assessment as it would result in a significant adverse impact on the vitality and viability of Billingshurst town centre by drawing trade into an easily accessible out of centre retail location with the ability to link trips with adjacent uses including the Lidl store. The impact would result in the further decline of the town centre as a local retail destination, with little incentive for new retail occupiers in the centre given the scale, accessibility and broad retail offer available in what would amount to a new retail park on the outskirts of the village.

Conclusion on Retail Impact

6.66 Paragraph 95 of the NPPF advises that *'where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94 it should be refused'.*

6.67 As set out above, the application has failed to satisfactorily address the sequential test, as it has not been demonstrated that there are sequentially preferred sites available in the Broadbridge Heath Quadrant or Horsham town, with the recent closure of the Homebase store at the Quadrant not addressed in the submission. In respect of the retail impact assessment, the conclusion of officers is that the significant addition of some 3,000sq.m of mainly comparison goods floorspace in this out of centre location will detrimentally impact on

the vitality and viability of Billingshurst town centre and undermine Horsham town as the primary retail destination in the district, contrary to Policies 2, 12 and 13 of the HDPF and Paragraph 95 of the NPPF.

Conclusion on Principle:

6.68 Following the assessment of the current retail proposal against the employment policies which form part of the current local plan, Officers conclude that the loss of B'use employment floorspace fails to accord with the strategic employment policies which aim to retain appropriate levels of high quality and modern employment floorspace within the district, conflicting with HDPF policies 2, 7 and 9. In addition, the scale and nature of the proposed retail use in this out of centre location would lead to a significant impact on the functions and viability not only of the secondary village centre (Billingshurst), but also the primary district retail hub (Horsham), contrary to policies 2, 12 and 13 of the HDPF. The failure to satisfactorily meet the retail sequential test and impact assessment means that, per paragraph 95 of the NPPF, planning permission should be refused.

Design and Appearance:

6.69 Officers note that the approved Reserved Matters under applications DC/22/1054 and DC/22/1088 have already consented to a large warehouse style units(s) within Plot 18, with parking to the north (front) side of the unit and vehicular access achieved from the north side and the internal access roadway running through the Phase 2 development site. As approved, the unit(s) in Plot 18 are grey clad large industrial style buildings, finished with a timber corner detail. The approved zoning plan imposed height limits in phase 2 / zone 2, where height limits were set to a 12m max ridge, and 10m max eaves. This design style was originally set by development within Phase 1 of the wider development, and has therefore been carried through by way of the reserved matters consents to Phase 2 of the wider development.

6.70 The proposed new building sits within this height limit above relative external ground level, showing a maximum height of 9.55m, replicating the grey cladding and timber cladding to the front corners and entrance. The proposal therefore accords with the approved zoning plan, despite not being subject to this zoning plan given the application is made in Full.

6.71 Officers note that one area of diminishment compared to the previously approved development layouts of Unit 18 involves the removal of any landscape potential along the eastern side of the proposed building, which has previously been approved with a planting strip of between 2.5m – 5m (under DC/22/1054 and DC/22/1088). Notwithstanding this diminishment created by way of the loss of this landscape strip, the eastern side wall of the building itself would be set an increased distance off the site boundary (some 15m), and furthermore, that the eventual materials / colour of the proposed yard enclosure could be secured by way of a suitable planning condition to ensure the resulting appearance is acceptable. Officers consider that the combined effect of these, along with an overall robust planting scheme to the other designated planting areas within plot 18, would offset the loss of the eastern landscape strip.

Heritage and Archaeology:

6.72 The wider site has already undergone a programme of archaeological trial-trenching to discharge the planning conditions imposed as part of DC/18/2122. As such, Officers consider that matters of heritage have already been considered and addressed by the Council's Archaeological Consultant and the Council's Conservation Officer so that no further action would be required in the event of permission being granted for the proposed development.

Residential Amenity:

6.73 At the time of the outline permission, it was noted that Phase 2 would likely result in a larger scale of commercial unit than were approved in full within Phase 1. In order to ensure the eventual layout would not generate an undue wind and noise 'tunnelling' effect on the residential amenities of Hilland House to the east of the wider site, or undue impact arising from activity, lighting and noise (in relation to Friskeys to the north), additional controls were included by way of parcel-specific conditions within Phase 2:

- Noise Management Plan
- Acoustic Impact Assessment
- Hours of external operations and activities (inc plant and machinery)
- Hours of external lighting use
- Only loading or unloading to take place in the open air
- No external storage of materials or waste

6.74 The proposed opening hours are not provided within the application documents, but officers acknowledge that the permitted hours of use of the adjacent Lidl foodstore are Mon – Sat 08:00 hours – 22:00 hours, with Sundays and Bank Holidays as 10:00 hours – 17:00 hours, which are general accordance with the operating restrictions set out under Condition 57 of the original hybrid planning consent DC/18/2122 (Cond 58 of DC/20/0171).

6.75 Therefore, it is noted that a condition would be suitable to limit any eventual hours of use, as well as delivery and servicing hours to the application site, ensuring accordance with the wider site and adjacent units.

Highways Impacts:

6.76 The current proposal seeks a floorspace quantum (internal sales area, staff area and external garden centre / yard area) of 3,119sq.m and an increased parking area (124 car parking spaces, including 4 accessible bays and 5 parent and child bays) compared to the current consent on this part of the Trade Park site. The current application is supported by a Transport Assessment Note (TAN).

6.77 The revised NPPF (2024) requires that sustainable access and transport modes are prioritised, taking account of the type of development and its location, and to ensure safe and suitable access can be achieved for all users (para 115). At the same time, any significant impacts arising by way of capacity and congestion, or to highways safety, should be cost-effectively mitigated to an acceptable degree through a vision-led approach. Paragraph 116 retains the earlier approach that development should only be refused on highways grounds if there would be an *'unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'.*

6.78 Bulky goods retailers rely on car-borne customers given the nature of 'bulky' goods being sold, and which are usually located in out of centre locations which are easily accessed by vehicles and the road network and which can provide dedicated parking and collection areas for customers. As a result, officers are aware that such uses generally have larger catchment areas than the immediate settlements where they are located.

6.79 The starting point for the highways impact considerations is the assessment and forecast TRICS data used to support and assess the likely impact arising from the new Trade Park under DC/18/2122, whereby it was assumed that trips to / from the business units would be new to the road network, with the exception of those associated with the petrol filling station and coffee shop which were considered to be generated by traffic already within the existing road network (by-pass trips). In relation to the employment floorspace generated by a fully built-out development (of up to 19,075 sq.m across both phases), the employment use was calculated as generating some 5.6 daily vehicular movements per 100sq.m / employment

floorspace, or new vehicular trips (including cycles) at the new roundabout of some 1,337 daily arrivals and some 1,332 daily departures. This was then further distilled into a site-wide average of 137 AM peak arrivals and 98 AM peak departures, and around 89 PM peak arrivals and 134 PM peak departures.

6.80 In assessing the original application, Highways Officers acknowledged a 2023 scenario which included some 630 committed new homes and 340 new jobs locally, and reflecting the strategic local (Billingshurst) growth forecast for the plan period up to 2031, with some 506 overall new employees calculated to arise by way of the wider consented development (Travel Assessment for DC/18/2122).

6.81 Recent nearby planning applications for residential development have included committed development within the junction modelling assessments, including the recent Duckmoor development for 83 dwellings, and strategic growth scenario to the end of 2040. It is within this context that the potential highways impact arising from the current proposal has been assessed by the Local Highways Authority.

6.82 Taking a proportional split of the forecast site-wide vehicular movements set out under DC/18/2122, Officers calculate that the consented reserved matters applications in respect of Unit 18 (comprising B'class floorspace of between 3,562sq.m – 3,820sq.m) would have yielded an expected 196 – 212 daily vehicular movements.

Access

6.83 Officers recognise that the overall access strategy for the wider Trade Park was agreed as part of the 2018 application, with the site served by a new 4-arm roundabout and junction with New Road / Stane Street, providing access to the entirety of the Trade Park. The application site itself would then be afforded vehicular access from within the Trade Park, off the internal estate spine road, which currently serves the occupied petrol filling station, drive-through coffee shop and Lidl store. The route operates along the northern boundary of the application site (Unit 18) with access provided via a priority junction to the estate road. This access route is considered of sufficient width and geometry to serve the development.

6.84 The design and geometry of the roundabout junction between the wider Trade Park, New Road and Stane Street was considered under DC/18/2122 and accepted by the Highways Authority, with the road layout having since been built out and fully operational. Furthermore, the TRICS data used to analyse the potential impact on the wider highway network was assessed as part of the original hybrid application, accounting for the build out of the entire site and the forecast strategic housing and employment delivery within Billingshurst up to 2040.

6.85 There is nothing to suggest this roundabout is not operating as per the expected traffic flows and geometry as originally designed with no issues identified by the Local Highways Authority.

Capacity and Trip Distribution

6.86 Vehicular trip generation was agreed as part of the previous 2018 application for the wider Trade Park development, with traffic flows calculated in conjunction with committee development in Billingshurst at the time of the original application, and as forecast in para 6.80 above. Based on these original figures the consented employment use of Unit 18 would have raised the following expected vehicular AM / PM peak split in arrivals and departures (derived from a proportional split of the site-wide calculations):

- 11 arrivals / 4 departures in the AM peak, and
- 3 arrivals / 11 departures in the PM peak

6.87 The submitted TAN for the proposed retail use of Unit 18 calculates the following likely vehicular AM / PM peak split in arrivals and departures (including trips associate to the garden centre):

- 13 arrivals / 3 departures in the AM peak, and
- 36 arrivals / 44 departures in the PM peak

6.88 In the AM peak, this reveals a likely minimal reduction in vehicular trips entering the wider highway network (-1), but acknowledges an increased number of vehicular movements during the PM peak, with an additional 33 vehicular movements into the site, and an additional 33 vehicular movements existing the site and dispersing across the wider highway network. An associated parking demand assessment also reveals that the busiest daily periods for the retail store would be 16:00 – 18:00hours, followed by 10:00 – 13:00hours, indicating a change from the traditional peak hours associated with the consented employment use of the application site.

6.89 The Local Highways Authority have assessed the proposed retail use of the Unit 18 site and are satisfied that the modelling assessments clearly demonstrates that the junction works well within its theoretical capacity, and that furthermore, trips generated by the site would quickly disperse across the nearby road network. Officers have no reason to disagree with this conclusion.

Parking and Layout

6.90 Officers note that the on-site car parking provision has accounted for the data from the TRICS database covering the types of uses, with the provision of cycle parking. Officers recommend a planning condition to secure any eventual details of the cycle parking to ensure these are covered and secure. The proposals include a total of 124 standard parking spaces (which includes 4 accessible spaces and 5 parent and child spaces for visitors). 10 additional car parking spaces will be available during trading hours, albeit these will be required to facilitate HGV turning movements when deliveries are undertaken. The Local Highways Authority considers that the parking provision on-site is sufficient for the site's usage, and would not lead to overspill onto the estate roads. Officers have no reason to disagree with this conclusion. Whilst it is acknowledged that the submitted TAN does not provide swept path diagrams tracking a 11.2m-long refuse vehicle or likely delivery vehicles, these details could be secured by way of a suitable planning condition, noting that deliveries are referenced as occurring outside of trading hours to avoid conflicts with other traffic movements within the site.

Accessibility by Sustainable Modes

6.91 Local Highways Officers accept that the principle of B1/B2 and B8 uses are already established through the 2018 application (DC/18/2122). The submitted TAN has provided reference to the accessibility of the site by way of existing walking, cycling and public transport connections, which can reduce the reliance on the use of vehicular based trips:

- Local bus stops are provided on Stane Street at the western boundary of the site, served by 100 bus route which operates hourly between Horsham and Pullborough, and Billingshurst station.
- Billingshurst train station is located circa 2.1 kilometres to the south of the site and can be accessed on foot, via cycle, or via local buses. Rail services from Billingshurst operate every 30 minutes to London Victoria and Bognor Regis.
- Footways throughout the site, connecting to the existing footways on the southern side of the wider spine road. Additional pedestrian links throughout the wider site providing connections to local bus stops and other existing infrastructure serving Billingshurst to the south.
- Although the TAN acknowledges that there is no formal cycle infrastructure proposed as part of the current application, a cycle link has been provided south out of Phase 1 of the wider development, with the internal road layout designed to encourage low vehicle speeds providing a suitable route for cyclists.
- Proposed Cycle parking will be provided within the development.
- Proposed Staff travel plan to reduce the reliance on car-use

6.92 The combination of proposed measures, such as the staff travel Plan and cycle parking, along with the existing connection to footpaths, cycle and walling routes created by way of the wider development, are considered to be suitable and in accordance with the requirements of WSCC, with a travel plan monitoring requirement to be secured under a s106 agreement, noting that the Local Highways Authority would regularly monitor and evaluate travel plan and participate in on-going review and agreement to any amended plans in the future, including post planning once the development is built out and occupied.

Conclusion on vehicular impact

6.93 In principle, officers recognise that this site forms part of the larger employment development consented at the site by way of DC/18/2122, achieving some 5,000sq.m of floorspace in Phase 1 and up to 14,075sq.m of employment floorspace in Phase 2. The proposed floorspace would sit within the latter 14,075sq.m of consented floorspace.

6.94 Officers acknowledge that a number of objections received as part of the public representations cite adverse traffic impacts arising from the existing development at the New Road / Stane Street roundabout, and concerns that the proposed retail use would significantly worsen the situation. However, there is nothing to suggest that the geometry of the new 4-arm roundabout fails to accommodate the traffic flows at the junction, as per the assessment by the Local Highways Authority, and whilst officers are aware that south-bound traffic flows and priorities can delay entry onto the roundabout from New Road or the Trade Park, these delays are typically only seconds in length.

6.95 The Highways Authority notes that mitigations that cover the proposed development have already been agreed through consented applications forming part of the wider site, including the cycle link south of the Phase 1 site, and bus stop improvements.

6.96 The Local Highways Authority have therefore raised no objection to the proposals, based on the preceding assessments, and subject to the planning conditions to secure suitable cycle parking and turning space within the site. Therefore, no unacceptable effects upon highway safety are considered to arise by virtue of the proposal, nor would there be any resulting 'severe' impact upon the operation of the highway network. The proposal is therefore considered to accord with the requirements of HDPF policy 40 and NPPF paragraph 116.

Ecology:

6.97 In support of the wider Phase 2 development, application DISC/20/0200 was submitted in order to discharge the Ecological Mitigation and Management Plan (EMMP) condition 46 of DC/20/0171, which specified the installation of various bird and bat nesting boxes within the boundary trees, and on specific buildings The current application is supported by an Preliminary Ecological Appraisal (PEA) which recommends the installation of additional nest boxes to the application building itself, thus supporting and enhancing the mitigation measures already set out and approved under DISC/20/0200.

6.98 Further measures are set out in the PEA recommending a suitable landscape strategy is designed to '*provide a range of native habitats including species with provide a source of nectar, seeds and berries'*. In the event of a recommendation for approval, officers advise that a landscape condition be imposed to ensure the delivery of beneficial soft landscape and planting can be achieved within the application site.

Water Neutrality:

6.99 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve

this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

6.100 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.

6.101 The requirements of Section 70(3) are reflected in paragraph 193 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*. The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraphs 192 and 193 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making. In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley.

6.102 Officers have referred to the water demand calculations which have previously been incorporated within the reserved matters applications for Unit(s) 18, which formed part of the wider approved WNS across the as yet unbuilt development within Phase 2. The approved WNS provides average calculations across Units 16 – 32, arriving at a total employee figure of some 284.3 across 17 units (average of 1 employee / 53.3sq.m of floorspace which is derived from all three consented use classes within this development). The baseline overall water demand across these 17 units is therefore some 8,607.7 l/p/d before any efficiency measures. With efficiency measures, including low restrictors within the buildings to minimise on-site water use the baseline need reduced to 6,759.9 l/p/d, or a demand of 23.7 l/d / per employee. The calculated unit specific water demand for Unit 18 was 68 employees / 1,611 l/d (as approved under DC/22/1088), or 72 employees / 1,706 l/d (as approved under DC/22/1054).

6.103 Given the range of employee densities across all three consented use classes, the water demand in the remaining Phase 2 development was assessed using a 'worst-case' scenario, whereby all units are occupied at maximum employment densities for the consented use class (being B2 @ 1 employee per 36sq.m / GIA), the highest number of expected employees anticipated across all 17 units would be 400, the daily on-site water use is calculated at 9,512 l/p/d. To ensure the development remains entirely water neutral, a rainwater harvesting system has been approved to provide for all the likely water use within the remaining units 16-32, using a filtration / treatment system to ensure that the water can be used for drinking, with calculations of the available roof area, average rainfall and co-efficient, yielding a potential of 19,536 litres per day. The RWH system has therefore been previously considered to be sufficiently sized to accommodate fluctuating staffing numbers across Phase 2, including the potential maximum occupancy, as well as providing a 35-day drought resilience requiring a 170,000 litre bulk tank across all 17 units (Units 16 – 32).

6.104 The current proposal advances an anticipated water demand across Unit 18 as 766.8 l/d for the proposed retail use based on employee densities of a retail warehouse use, which is 1 staff per 90sq.m, or 33 staff upon which the submitted Water Neutrality Statement is based. Clearly officers note that the submitted application anticipates an average employee potential of this site to be some 80 staff, which are acknowledged to not likely be present on each and every day. However, using this 80 employee figure to build in some precautionary resilience to the calculated water demand, officers note that 80 staff @ 23.7 l/d would lead to an expected water demand per day within Unit 18 of 1,896 l/d, which represents a marginal increase over and above the likely water demand acknowledged under the approved applications for Unit 18 (by 185 litres and 190 litres, respectively).

6.105 However, this figure is comparable to the 'worst-case' scenario of the consented B'class employment use (based on employment density of an approved B2 use) which amounts to 1,930 l/d. Whilst officers are aware that customer WCs are provided within the unit, these would not be used by each and every customer. Furthermore, whilst officers acknowledge that some of the operator's stores include cafes, the proposed floorspace in this location does not propose an in-store café. Furthermore, Officers consider that a planning condition can be applied to prevent the formation of an in-store café without prior planning consent and the required water neutrality calculations.

6.106 Officers therefore accept that the water consumption calculations for the proposed retail use would be below that of the robust assessment previously carried out across for this site, and within the available headroom that has previously been demonstrated within the approved RWH system to be implemented across the remainder of the Phase 2 site.

6.107 Given that the rainwater harvesting system already approved across the remainder of the Phase 2 development site, if implemented in accordance with the proposed details, has the capacity of rendering the proposed development water neutral, the proposed development would not increase water consumption at the site and would not result in a significant impact on the integrity of the Arun Valley habitat sites. An Appropriate Assessment has previously been completed to accord with s63 of The Conservation of Habitats and Species Regs 2017, and Natural England have been consulted.

6.108 Natural England previously provided comments in relation to the Water Neutrality Statement that was provided to support applications DC/21/1223, DC/21/1224, DC/21/1225 and DC/21/1226, as well as DC/21/2077, which set out that the full RWH system would be implemented across the remainder of the units in Phase 2, along with adequate filtration to ensure it meets potable standards. Following previous comments from NE, the applied conditions were revised to ensure they were capable of delivering the robustness required to satisfy the Habitat Regulations and to achieve Water Neutrality for this site. It is noted that these applications were formally granted consent in April 2022, and since then, there has been no evidence to suggest the RWH system would not be able to achieve the envisaged savings on this particular site.

6.109 Following acknowledgement of the earlier permissions on this site, the comments from NE concur with the AA, and previous assessments, in that the proposed measures, provided they are secured by way of condition, and include a 35-day drought tolerance tank capacity, would mitigate against any adverse effects on the integrity of the habitats sites.

6.110 Officers therefore consider that it is a rational and proportionate approach to attach the same conditions to this application, which follows the same approach of a full Rainwater Harvesting System with filtration to achieve full water neutrality for the previously approved units, including the required 35-day drought tolerance in the tank capacity.

6.111 Accordingly, the Council has had appropriate regard to the previous advice of Natural England (under Reserved Matters application DC/22/1054 and DC/22/1088 for two units on this site) and is satisfied as the competent authority that the grant of planning permission

would not adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017, subject to the detailed conditions below to secure the implementation of the water neutrality strategy.

6.112 **Other Matters:**

Air Quality:

6.113 Paragraph 199 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.

6.114 Accordingly, the applicant has submitted an Air Quality Assessment which seeks to assess the potential local air quality impacts associated with the proposed retail development, arriving at a damage cost calculation over 5 years as £2,559,072 across the Phase 2 development, with the application site arriving at a damage cost calculation of £42,490, as set out in the summary of the Air Quality Assessment (by AECOM,dated 31 May 2024).

6.115 The Council's Air Quality (AQ) Officer has reviewed the assessment and confirmed that 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 (2014). The proposed mitigation measures set out within the submitted document includes the provision of solar PV panels to the southern roof-slope of the building, envisaged to offset electricity which would otherwise have been drawn from the grid, still largely dependant on the use of fossil fuels, and the implementation of a travel plan to reduce staff use of their own vehicles to / from work, along with linkages to sustainable travel choices off-site, along with the provision of cycle parking. However, these measures are duplications of measures which would normally be required through other regimes, such as highways.

6.116 Officers acknowledge the use of PV panels which are to off-set the electricity use for the application site, but do not consider that these comprise a suitable damage cost mitigation measure as these should be used to address the direct heating/emissions arising from the development itself rather than general electricity use which does not impact local air quality, so as to accord with HDPF policy 35, 26 and 37.

6.117 Therefore, in order to ensure that the proposed development is acceptable in terms of its impact on air quality, further mitigation measures, or the payment of a damage cost, are 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 Billingshurst Trade Park. Officers consider that this can be secured by way of a planning condition.

*Drainage and Flood Risk***:**

6.118 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 consider the site to be at any risk of Surface Water Flooding.

6.119 It was 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. Conditions were applied to the works within Phase 2, to ensure details are

submitted in relation to the disposal of foul and surface water, and ongoing maintenance of any SUDS features (Catchment B attenuation tank) in order to comply with the provisions of the NPPF and HDPF policy 38, and these are therefore suggested to be applied again, given the nature of this application being made in full, and relating to a different proposal to the previous Reserved Matters having been secured for this plot under DC/24/1054 and DC/24/1088.

Biodiversity Net Gain (BNG):

6.120 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG), unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development may not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.121 The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

6.122 Following additional confirmation having been provided, it is understood that the applicant intends to deliver the required BNG within *'another part of the wider site under Dunmoore's control'*. Further details would be established under the requirements of the biodiversity gain condition, which would need to be submitted and discharged prior to any works being commenced within the application parcel. As the off-setting land is considered off-site, a legal agreement (or a conservation covenant) will be required to secure the Net Gain. As no such legal agreement has been provided to identify the land and secure monitoring costs for this offsite net gain, BNG has not satisfactorily been secured.

Planning Balance and Conclusion:

6.123 At the time of consideration of the original hybrid application for this site officers and members were aware that the applicant argued a need for modern fit-for-purpose employment floorspace within the district, which furthermore, would address a significant shortfall within Billingshurst. Whilst the development was located in a rural area, outside of the then BUAB of Billingshurst, and therefore a departure from the local development framework adopted development plan, the ability to provide both an immediate contribution towards employment / commercial floorspace (of just under 5,000sq.m), as well as a longer term provision for larger employment units (for up to 14,075sq.m), carried material weight in the planning considerations, and contributed to the eventual permission for the development of the Billingshurst Trade Park (under DC/18/2122).

6.124 Officers note that in the interim, Phase 1 has largely been built out, and the whole site area now lies within the expanded BUAB of Billingshurst following the adoption of the Billingshurst Neighbourhood Plan (June 2021). Given the commitments towards progressing the site, noting the near completion of Phase 1, it is also classed as an 'Existing Employment Site' within local policy, and furthermore, is considered to contribute towards the district's existing employment floorspace commitments under the emerging local plan (Reg 19) as providing for some 19,375sq.m of flexible B'class employment floorspace.

6.125 Whilst the proposal advances both continued B'class employment use options as consented, as well as the proposed introduction of retail use, albeit of a 'bulky goods' type, it is clear that the application is being submitted with the view of an identified end occupier (The Range).

Therefore, officers acknowledge that the proposal, which seeks some 3,110sq.m of retail floorspace, would reduce the provision of employment floorspace within this site, thus conflicting with the benefits that were stated to occur as a result of the consented scheme (under DC/18/2122), and would lead to a potential loss of 'B' class employment floorspace at the site. As a consequence, this would impact on the ability of the district in being able to accommodate a diverse range of local business growth as per the quantitively assessed needs, derived from the 'Northern West Sussex Economic Growth Assessment Focused Update for Horsham' (Nov 2020) which has been prepared as part of the evidence documents for the draft local plan.

6.126 Of further note is that the applicants have been promoting an adjoining field (2.3ha) to the south of Phase 2 for employment allocation as part of the Reg 19 site assessment, on the basis that it would help meet the local employment needs, and that the allocations and existing commitments in the draft local plan fail to promote sufficient employment land and *'based on past development rates, will tend to perpetuate existing issues and not provide the step change to deliver the choice of high-quality sites necessary to create conditions in which businesses can invest, expand and adapt'.* The site assessment has dismissed the suitability of this additional site south of Phase 2 for a number of reasons, and officers note this site has not been caried through to the draft local plan document.

6.127 Officers therefore note that the proposal to include retail within the consented employment development at the Billingshurst Trade Park, would significantly undermine the ability for the Council to continue to allocate strategic sites within which identified employment land can be accommodated, leading to a conflict with HDPF policies 2, 7 and 9. Whilst the development of a foodstore on the adjacent site (Plot 15) is noted, this was approved on the basis that it would still allow for the full quantum of employment development within the remainder of Phase 2 to come forward. It is evident, that in the event of the approval of this application, that the consented employment floorspace within Phase 2 would no longer be able to be brought forward to the full consented quantum of 14,075sq.m, leading to a deficit of between -1,199sq.m and -3,942sq.m..

6.128 Officers acknowledge that the proposed retail use would deliver other employment generating opportunities in the retail sector. However, both the HDPF and NPPF require that retail development is first directed sequentially to defined town centres, then edge of centre sites, before out of centre sites are considered. The NPPF also requires that an impact assessment be carried out to ensure out of centre sites do not result in a significant adverse impact on existing town centres, requiring that applications be refused if these tests are not satisfied.

6.129 As set out above, the application does not fully assess current or imminently available sites in the wider catchment area, particularly those within the defined out of centre retail area at the Broadbridge Heath Quadrant. Further, Officers advise that the significant scale (over 3,000sq.m of out of centre retail floorspace) and very broad comparison goods offer being proposed would likely detract from the vitality and viability of Billingshurst Town centre, drawing trade away to an out of centre site easily accessible by car and with the ability to combine trips with the Lidl store and trade counters elsewhere on the Trade Park. Officers are of the view that this impact would result in a significant adverse impact on the Billingshurst Town centre, noting that the Billingshurst Neighbourhood Plan identifies a declining footfall and the applicants Retail Impact Assessment also noting the 'evident decline' of this centre. It would also undermine the 'Horsham Town First' retail strategy set out in the HDPF, which promotes Horsham Town and the Quadrant as the primary/sole location for retail development. In this context, the proposal fails to satisfy Policies 12 and 13 of the HDPF and Paragraph 95 of the NPPF.

6.130 Accordingly, officers conclude that the application should be refused for the reasons set out below.

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
Large-format retail development	3,019	0	3,019
		Total Gain	**3,019**
		Total Demolition	**0**

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 To refuse planning permission for the following reasons:

Reasons for Refusal:

1 The proposed development would lead to the loss of employment floorspace within an existing employment area. It has not been demonstrated that the site is not needed or is not viable for employment use therefore the proposal for retail use of the site would undermine the delivery of planned for employment floorspace and employment opportunities within the district in conflict with policies 2, 7 and 9 of the Horsham District Planning Framework (2015).

2 It has not been demonstrated that there are no sequentially preferrable sites reasonably available within town centre or edge of centre locations within the proposal's catchment area for the proposed retail use. Furthermore, the significant scale and very broad retail offer of the proposal would result in a significant adverse impact on the vitality and viability of Billingshurst town centre and would undermine the district's retail hierarchy which promotes Horsham Town and the Broadbridge Heath Quadrant as the primary retail centre for the district, contrary to the provisions of policies 2, 12 and 13 Horsham District Planning Framework (2015), and paragraph 95 of the NPPF (2024).

3 The proposed development fails to secure the off-site delivery and ongoing monitoring of the statutory Biodiversity Net Gain for a period of 30 years by way of an appropriate legal agreement. Therefore, the proposal would not be in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).