



**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 11<sup>th</sup> May 2021

**DEVELOPMENT:** Change of use of A3 unit (with ancillary A1 use) to a Use Class E unit on the ground floor and a 2-bed dwellinghouse to first and second floors, including the installation of an external staircase to rear elevation

**SITE:** 4 Park Place Horsham West Sussex RH12 1DG

**WARD:** Denne

**APPLICATION:** DC/21/0137

**APPLICANT:** **Name:** Nick Costin **Address:** 16 Meadvale Horsham RH12 1UL

**REASON FOR INCLUSION ON THE AGENDA:** The application is made on behalf of an immediate family member of a Local Councillor

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.2 The application seeks full planning permission for the change of use of the existing A3 unit to Class E at the ground floor and basement level, and a 2-bed dwelling to the first and second floors. A replacement window and 2no. roof lights are proposed to the front elevation, with an enlarged window and installation of an external staircase to the rear also proposed, and this would provide access to the proposed dwelling.
- 1.3 The proposed commercial unit would extend over the ground floor and basement levels, and would measure to a total floor area of approximately 70sqm. The existing shop front and undercroft doors are to be retained, with no changes to the internal layout proposed, albeit that furnishings would be removed to facilitate any future use.
- 1.4 The proposed 2-bed dwelling would extend over the first and second floors, and would be accessed by an external staircase to the rear. The proposal would involve internal alterations to subdivide the first floor, creating a combined living room/kitchen and dining room on the first floor and 2no. bedrooms and bathroom to the second floor. External alterations are proposed, including the replacement of the first floor windows to the front elevation, the enlargement of a window to the rear window on the second floor, and the installation of roof

lights to the front roof slope. The installation of an external staircase to the rear is also proposed.

## DESCRIPTION OF THE SITE

- 1.5 The application site is located to the east of Park Place, within the built-up area of Horsham and within the defined Town Centre boundary. The site comprises a mid-terraced three storey property located within the designated secondary frontage and Conservation Area of Horsham.
- 1.6 The surroundings are in mixed use for commercial and residential purposes, with the recently completed Piries Place car park located to the end of the terrace. The neighbouring properties consist of commercial uses at the ground floor and residential above.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

- 2.4 **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 14 - Shop Fronts and Advertisements  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities  
Policy 43 - Community Facilities, Leisure and Recreation

- 2.5 **Horsham Town Plan SPD September 2021**

General Guidance 1: Retail Uses  
General Guidance 4: Townscape Character and Design  
General Guidance 5: Sustainable Design  
Site Specific Guidance 2: The Quarter

## RELEVANT NEIGHBOURHOOD PLAN

### 2.6 Horsham Blueprint Business Plan

Policy HB1: Location of Development

Policy HB2: Meeting Local Housing Needs

Policy HB3: Character of Development

Policy HB4: Design of Development

Policy HB5: Energy Efficiency and Design

Policy HB6: Retaining and Enhancing the Vitality and Viability of Horsham Town Centre

Policy HB8: Horsham as a Sustainable Visitor Destination

Policy HB9: Protecting Existing and Encouraging New Commercial Premises and Land

Policy HB12: Encouraging Sustainable Movement

## PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/35/90	Change of use from hotel rooms to class a2 use at first & second floor levels. Comment: Ancillary accommodation for park hotel (From old Planning History)	Application Permitted on 13.03.1990
DC/19/2063	Change of use from A1 (retail) and hotel rooms to A3 (café) with ancillary retail (A1) use, and installation of patio door/s to side elevation to allow access to courtyard area	Application Permitted on 03.04.2020
	Appeal against Conditions 4, 5 and 6 (W/4001104)	Dismissed on 18 March 2021

## 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](http://www.horsham.gov.uk)

### INTERNAL CONSULTATIONS

#### 3.2 HDC Economic Development: Objection

Objection as it results in the loss of commercial floorspace within Horsham Town Centre. Residential should not be the first step without any evidence of the first and second floors no longer being viable for commercial use.

#### 3.3 HDC Conservation: Objection

It is considered that there would no objection to the change of use of the property from a conservation perspective, however an objection would be raised to the proposed changes to the front elevation.

4 Park Place is part of a distinctive parade of traditional shops enclosing the eastern side of the street and the richly embellished, terraced frontage makes a strong contribution to the character of the Horsham Conservation Area. Indeed the row of buildings are identified as being important to the street scene in the Horsham Conservation Area Advice Leaflet (March 2001).

As noted in Historic England's Traditional Windows publication (Feb 2017) traditional windows and their glazing make an important contribution to the significance of historic areas. The historically appropriate material for the windows of a building of this period is timber, with a painted finish. It is also suggested that timber is more environmentally sustainable. It is noted that UPVC was approved at the neighbouring property in 2015 however each application should be determined on its merits in accordance with current policy and guidance. The proposed changes to the first floor window would appear

incongruous as the sections and proportions of UPVC windows cannot match the delicacy of historic joinery. The cumulative effects of unsympathetic windows will erode the locally distinctive character of the designated conservation area and would thereby incrementally harm its significance.

#### 3.4 **HDC Environmental Health:** No Objection

No Objection in principle, however controls required to mitigate any adverse impact on the neighbouring and proposed residential properties.

#### OUTSIDE AGENCIES

#### 3.5 **WSCC Highways:** No Objection

The applicant proposes a nil car parking provision for this development. The WSCC Car Parking Demand Calculator indicates that the proposed dwelling would create a demand for two car parking spaces. Therefore, vehicular parking would have to be accommodated on-street.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place on the nearby road network prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a severe highway safety concern, nor give rise to any parking capacity issues. Weight is given to the fact the site is situated in a sustainable location. The LHA advises the planning authority to consider the potential amenity impacts that may result from a small increase in on-street parking demand.

The site is situated in Horsham Town Centre, within walking/cycle distance of shops, schools and other amenities and services. Cycling is a viable option in the area. The site is also well connected by public transport. Regular bus services are available from the nearby A281. Horsham Train Station is situated approximately 750m northeast of the site.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

#### PUBLIC CONSULTATIONS

#### 3.6 **Denne Neighbourhood Council:** Objection

No objection in principle to the conversion of the first and second floors to residential. However, concerns regarding the viability of the ground floor as an independent unit.

A previous application DC/19/2063 proposed installing patio doors to the covered area at the side which indicated this additional covered space would be utilised by customers of the cafe. This new application would mean that this outside space would no longer be available other than for bin and cycle storage and access to the apartment. Previously the cafe also made full use of the first floor area for customers indicating that additional space was necessary.

#### 3.7 No letters of support or objection were received from interested parties.

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

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

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

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

## **6. PLANNING ASSESSMENTS**

- 6.1 The application seeks full planning permission for the change of use of the existing A3 unit to Class E at the ground floor and basement level, and a 2-bed dwelling over the first and second floor. External alterations to the front and rear elevations are also proposed.

### **Principle of Development**

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) state that development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy.
- 6.3 General Guidance 1 of the Horsham Town Plan outlines that there is a need for a greater mix of large and small retail units to maintain the historic grain of the town whilst at the same time opening up greater opportunities for modern retailer requirements.
- 6.4 The application site is located within the built-up area of Horsham, categorised at the Main Town within the settlement hierarchy. There is a presumption in favour of sustainable development, where redevelopment, located within the built-up area boundary, is considered acceptable. The redevelopment of the site for mixed commercial and residential use is therefore acceptable, subject to detailed consideration.
- 6.5 The site is located within the defined Town Centre Boundary and Secondary Retail Frontage, and the Town Centre Policies are therefore relevant to the appraisal of the proposed change of use. Policy 12 of the HDPF recognises the development hierarchy of the District, and supports the promotion and encouragement of activities in the town centre so that it continues to be the prime focus for community life. This includes maintaining a diverse range and choice of suitable uses and providing a convenient, cohesive and concentrated primary area which contains a high proportion of retail uses. Policy 13 of the HDPF outlines that proposals for main town centre uses will be allowed within the defined town centre boundary provided that proposals are of an appropriate scale to the centre; will complement the vitality and viability of the centre; the proposal is accessible, relates to, and is well connected to the defined frontages of the centre; and the proposal will improve the character, quality and function of the centre as a whole.
- 6.6 The proposal would retain a commercial use to the ground floor, with the addition of 1no. 2-bed residential dwelling to the first and second floors. These uses are generally considered acceptable within the Town Centre, with the retention of a commercial use to the ground floor considered to retain the active frontage and viability of the centre.
- 6.7 It is however recognised that the site has been subject of recent planning permission under reference DC/19/2063 for the use of the ground, first and second floors as an A3 (Restaurant and Cafes) use, along with ancillary A1 (Retail) use. The proposal would therefore result in the loss of retail floorspace to the first and second floors.
- 6.8 The Applicant has outlined that the multi-floor layout of the Victorian property does not suit the vast majority of High Street retail businesses. Various occupiers over the years have sought to make the awkward layout workable, but all have been unsuccessful. The current commercial tenant of the premises has tried, but has suffered the same issues. The additional cost it takes to staff and service the premises makes it economically prohibitive, and there are significant issues with regards to disabled access, mobility and fire safety. The existing staircase is restrictive and impractical for use by anyone with limited mobility. The

potential cost of replacing the stairs to comply with current regulations or introducing a lift would prove prohibitive, and would result in an increase in circulation space, which would compound the viability of the commercial unit. In respect of the proposed uses, it is outlined that these would be consistent with the wider Town Centre and would complement the use of the neighbouring properties. It is intended that the practical commercial unit on the ground floor would prove more attractive to potential tenants, with the proposal considered beneficial to the vitality of the building and the area; creating much needed housing and offering a viable commercial premises for future tenants.

- 6.9 While the loss of the larger retail floorspace would be unfortunate, it is recognised that the wider surroundings are characterised by mixed use properties comprising retail to the ground floor and residential above. A residential use to the first and second floors would reflect similar arrangements within the terrace and wider area, and given the age and structure of the building, and particularly given previous concerns under planning reference DC/19/2063 regarding noise and disturbance, is considered to improve the quality of the environment for the neighbouring properties. The proposal would therefore result in public benefit through the provision of a commensurate use within the upper floors. This is of weight in the consideration of the application, and weighs in favour of the proposed development.
- 6.10 On the balance of all considerations, the proposal is considered to maintain the diversity and offer within the Town Centre and is considered to complement the vitality of the defined centre. The proposed change of use is not considered to demonstrably impact the viability of the Main Town Centre, with the resulting uses considered to complement the character of the area. While the loss of the larger retail space is unfortunate, the proposal would retain a commercial use on the ground floor, with the additional residential use on the upper floors considered to be a complementary use within the Town Centre. The proposal is therefore considered acceptable in principle, subject to all other material considerations.

### **Design and Appearance**

- 6.11 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the townscape character from inappropriate development. Proposal should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.12 Policy HB3 of the draft Horsham Blueprint Business Plan states that development is expected to preserve and enhance the Character Area in which it is located. The design should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area.
- 6.13 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.14 The proposed development would involve a number of external alterations to replace certain windows to the front, side, and rear elevations with upvc, the enlargement of a second floor window to the rear elevation, and the installation of a door and external staircase to the first floor on the rear elevation. Two roof lights are also proposed within the front roof slope.

- 6.15 These alterations would maintain the proportions of the building, with the shop front retained at ground level and the upper floor bay window feature and dormer also retained. While recognised that the alterations and additions to the front elevation would be visible from the public realm, it is considered that the overall proportions, detailing, character and appearance of the building would be maintained. The proposed alterations are therefore considered to appropriately reflect and reinforce the character and visual amenity of the street scene, and would reflect similar features within the wider locality.
- 6.16 While recognised that the proposal would include the enlargement of a window to the rear elevation, and the installation of a door and external staircase to the first floor, these features would not be readily apparent from public view, and would generally be anticipated on a building of this age and character. These additions and alterations are not therefore considered to result in such harm to justify a reason for refusal on design grounds.
- 6.17 The proposed external alterations and additions are therefore considered to relate sympathetically to the character and visual amenity of the subject building and wider street scene, and are considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Heritage Impacts**

- 6.18 Paragraph 193 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.19 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
- 6.20 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.21 Policy 34 of the HDPF states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.
- 6.22 Policy HB3 of the draft Horsham Blueprint Business Plan states that development should be guided by conservation principles and should conserve those features identified as contributing to the character of the area.
- 6.23 General Guidance 4 of the Horsham Town Plan states that proposals which protect and enhance the heritage assets of the town centre and work within the constraints of the historic core in a sensitive manner will be considered favourably.

- 6.24 The application site is located within the designated Conservation Area of Horsham. The building itself is not listed, but it does make a contribution to the character and setting of the designated Conservation Area.
- 6.25 Following consultation with the Design and Conservation Officer, concerns were initially raised regarding the replacement of the windows with upvc and the installation of roof lights within the front roof slope. While these concerns are of weight in the consideration of the current application, it is however recognised that upvc windows have recently been installed to the immediate neighbouring properties, and these have replaced the original timber framed windows. It is therefore considered to be unreasonable to object given the use of upvc has been established within the locality, and specifically within this part of the designated Conservation Area. On the balance of these considerations, it is therefore considered that the use of upvc would be acceptable.
- 6.26 The Applicant has provided section and elevations of the replacement window, indicating the bulk, proportions and nature of opening. Upon review, these details are considered acceptable and are not considered to result in harm to the special character of the Conservation Area.
- 6.27 It is noted that concerns have also been raised regarding the 2no. roof lights proposed to the front roof slope. These would be located to the side of the pitched roof dormer feature, and would provide natural light to the second bedroom and bathroom. While these roof lights would be a new feature within the roofscape, the number and size of these rooflights are considered to sit appropriately within the context, and would be of conservation style. The roof lights are not therefore considered to appear overtly dominant and are considered to sit proportionately within the roof scape. In addition, these features would not be relatively apparent from immediate views, albeit that they could be seen from limited wider public views. For these reasons, it is not considered that the proposed roof lights would result in harm to the character of the designated Conservation Area, and are therefore, on balance, considered acceptable.

### **Amenity Impacts**

- 6.28 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.29 The application site comprises a mid-terraced property within the built-up area of Horsham. The area is a mixed use of commercial and residential properties, with the immediate neighbours comprising retail use on the ground floor and residential above.
- 6.30 The site is currently used for A3 (Restaurant and Café) purposes across all floors, subject of planning approval DC/19/2063 (which initially sought A4 use of the premises also). At this time, concerns were raised regarding potential noise and disturbance, with conditions imposed relating to hours of operation, noise insulation, and the restriction of amplified music and sound. These were necessary to protect the amenity of neighbouring residential occupiers that share a party wall with the subject building.
- 6.31 Conditions 4 (use to be only A3 with ancillary A1 only), 5 (opening hours 8am to 9.30pm Monday to Saturday and 9am to 5pm Sundays and Bank Holidays), and 6 (no playing of live or amplified music) of the planning approval were subsequently appealed to the Planning Inspectorate under appeal reference W/4001104. The Inspector dismissed the appeal, concluding that the conditions were reasonable and necessary in the interests of protecting the living conditions of neighbouring occupiers from unreasonable noise nuisance.

- 6.32 While the current application no longer relates to the provision of an A4 (Drinking Establishment) use over all floors of the building, the appeal decision provides a framework to potential impacts of development on the neighbouring properties. The subject application seeks to retain a commercial use on the ground floor, with the conversion of the first and second floors to residential. Such uses would reflect those within the immediate surrounds, and would bring the use of the building in line with the neighbouring properties, with the upper floor residential flat now siting adjacent to other residential flats in the terrace. This is considered to result in a benefit to the neighbouring residential occupiers, and would reduce potential conflict through noise and disturbance.
- 6.33 It is however recognised that Use Class E now encompasses a wide variety of uses that have the potential to result in noise and disturbance to residential occupiers. In particular, the use of the building for a day nursery, gym or light industrial purposes, could increase noise, activity and disturbance. Given the proximity to residential receptors within an aging building that does not have high quality insulation between walls and floors, such uses are not considered appropriate and a condition restricting those mentioned is considered necessary. Furthermore, conditions restricting the hours of opening and the use of amplified sound would be imposed to further limit potential conflict.
- 6.34 The mixed commercial and residential use is considered to better reflect the established character of the area, and would be commensurate to uses within the terrace and wider locality. The proposal is therefore considered to take appropriate account of the sensitivities of neighbouring development, and subject to conditions limiting potential commercial uses on the ground floor, is not considered to result in harm to the amenities of neighbouring occupiers and users of land, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

### **Highways Impacts**

- 6.35 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.36 The proposal has been put forward with a nil parking provision. However, it is recognised that the application site is located within the Main Town Centre, and is therefore within a sustainable location. The site is located within walking and cycling distance to a range of public services, amenities and employment options. Bus and rail links also provide a realistic travel opportunity for longer trips. It would not therefore be anticipated that future occupiers of the property would be overtly reliant on the use of a private motor vehicle.
- 6.37 Given this context, and in consideration of the available public car parks in the vicinity, it is considered that there is reasoned justification to permit a nil provision of residential parking spaces. On this basis, and in considering the context of the site and surroundings, it is not considered that a reason for refusal on the grounds of parking could be justified.

### **Climate Change**

- 6.38 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.39 Policy HB5 of the draft Horsham Blueprint Business Plan states that the design and standard of any development is encouraged to achieve the highest level of sustainable design in order to reduce energy consumption and climate effects.

- 6.40 The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Dedicated refuse and recycling storage capacity
  - Cycle parking facilities
- 6.41 In addition to these measures conditions are attached to secure the following:
- Water consumption limited to 110litres per person per day
  - Requirement to provide full fibre broadband site connectivity
- 6.42 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

### **Conclusion**

- 6.43 The application site is located within the built-up area boundary and within the Town Centre boundary of Horsham Town. While the proposal would result in a reduced commercial floor area, the proposal would maintain a commercial unit to the ground floor, with residential use to the upper floors. This would reflect similar properties within the vicinity, and is considered to maintain the diversity and offer within the Town Centre. The proposal is therefore considered acceptable in principle.
- 6.44 Use Class E encompasses a wide variety of uses that have the potential to result in noise and disturbance to residential occupiers. In considering the age of the building and the mixed use character of the surroundings, it is considered necessary and reasonable to impose a condition restricting the use of the building for uses within Class E, excluding indoor sport, recreation and fitness, crèche, day nursery and day centre, or light industrial use. Subject to such condition, the proposal is not considered to result in harm to the amenities and sensitivities of the neighbouring properties, including the residential occupiers.
- 6.45 The proposed external alterations would respect and retain the special features and character of the designated Conservation Area, and would not result in demonstrable harm to the setting of the designated heritage asset. The proposal would reflect the character and ambience of the mixed use area and would result in similar uses to the immediate neighbouring properties. The proposal would not therefore result in harm to the amenities and sensitivities of neighbouring properties.
- 6.46 While the proposal would result in a nil parking provision, it is recognised that the site is located within a sustainable location and in close proximity to amenities and services, as well as public transport offers. It is therefore considered that there are material considerations that justify a nil parking provision.
- 6.47 The proposed development is therefore considered to accord with Policies 1, 2, 3, 9, 12, 13, 25, 32, 33, 34, 40, and 41 of the Horsham District Planning Framework (2015).

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.48 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.49 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	79.4	79.4	0

All Other Development	64.7	64.7	0
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**Total Gain**

**Total Demolition**

- 6.50 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.51 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 approve the application subject to the following conditions.

### Conditions:

1 **Approved Plans**

- 2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling or use in accordance with drawing number PL04. These facilities shall thereafter be retained for use at all times.

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

- 4 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number PL04. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The ground floor unit hereby permitted shall be used for purposes falling within Class E (except for those uses falling within (d), (f) and (g)(iii) of Class E) as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), only and for no other purpose.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the proximity to neighbouring properties and the economic benefit the approved use provides under Policies 12, 13 and 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours 0800 and 2130 Monday to Saturday and 0900 to 1700 on Sundays and Bank / Public Holidays.

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

- 7 **Regulatory Condition:** There shall be no playing of live or amplified music, speech or other amplified sound.

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

- 8 **Regulatory Condition:** The replacement window hereby approved shall strictly accord with the design and details as shown on plan references PL07 and PL08.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the setting of the designated Conservation Area, and in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).