



**TO:** Planning Committee

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

**DATE:** 10<sup>th</sup> January 2023

**DEVELOPMENT:** Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking.

**SITE:** Horsham Car Centre 264A Crawley Road Horsham West Sussex RH12 4HG

**WARD:** Roffey South

**APPLICATION:** DC/22/0785

**APPLICANT:** **Name:** Salter **Address:** Fewhurst Farm Coneyhurst Road Billingshurst RH14 9DF

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Councillor Raby

**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 car showroom (sui generis) to a retail unit (Use Class E(a)). The proposal would also include single storey extensions to the southern and eastern elevations, alterations to the external fenestration, and internal alterations. This would include the addition of an ATM to the front elevation.

1.3 The proposal also seeks to make changes to the parking layout to provide 10no. customer parking spaces.

DESCRIPTION OF THE SITE

1.4 The application site is located to the east of Crawley Road, within the designated built-up area boundary of Horsham. The site comprises a vacant single storey building set back from the road frontage, previously used as a car showroom.. To the front of the site is the sales forecourt, with a detached two storey building located to the west which formerly comprised the wider car showroom site.

1.5 Access is provided by an existing dropped kerb along the road frontage, with two storey semi-detached properties located to the south of the application site.

## 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 24 - Strategic Policy: Environmental Protection

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

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

#### 2.5 Neighbourhood Plan

North Horsham Parish Council voluntarily withdrew their Parish from the Neighbourhood Development Plan process on 30 July 2018.

#### 2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/166/84	Redevelopment of existing garage to provide new car sales showroom workshops and display area (From old Planning History)	Application	Permitted	on
NH/127/89	Demolition of existing garage and erection of 2 storey office units with car parking Comment: Appeal (From old Planning History)	Application	Refused	on
NH/66/90	Demolition of existing building and erection of 2 storey office building Site: County Croft Garage Roffey Corner Crawley Rd Horsham	Application	Permitted	on
NH/68/93	Extension to workshop & store Site: Horsham Car Centre Crawley Rd Horsham	Application	Permitted	on
NH/30/94	Extension to showroom Site: Horsham Car Centre Crawley Rd Horsham	Application	Permitted	on

NH/60/02	First-floor extension to provide store & office Site: Horsham Car Centre 264A Crawley Road Horsham	Application Permitted on 26.06.2002
DC/22/0785	Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking.	Pending Consideration

### 3. BACKGROUND

- 3.1 An earlier application under planning reference DC/21/2028 was submitted to and determined by the Council. This application related to the southern portion of the site and sought a change of use of the car showroom to a retail unit, along with extensions to the building and associated parking.
- 3.2 A separate planning application (submitted on behalf of a different Applicant) was also being considered for the northern portion of the site under planning reference DC/21/1806. This related to the change of use of the building to a café.
- 3.3 Application reference DC/21/2028 was determined on 10 February 2022 following the recommendation made in the delegated Officer Report. On 9 March 2022, the Council's decision was challenged following the receipt of a Pre-Action Protocol Letter claiming that the Council had failed to take into account an obviously material consideration, namely to assess and determine the application's transport and highway safety impact cumulatively with the separate café application; and failing to weigh the potential cumulative harm from both applications in the planning balance.
- 3.4 The Council conceded that the Officer Report had dealt with highway impact and amenity impact in an inconsistent manner as highways matters had been considered individually but the cumulative impact of both applications had been considered with regard to amenity matters.
- 3.5 The Council's decision was quashed on 5<sup>th</sup> May 2022, where the application was returned to the Council to be reconsidered.
- 3.6 The café application on the northern portion of the site (reference DC/21/1806) was withdrawn by the Applicant on 01.04.2022. As such, this application is no longer a material consideration and there are no other pending applications on this portion of the site.
- 3.7 An application by the same Applicant for a similar development is currently being considered under planning reference DC/21/2028. This relates to the change of use and extension of the building for a Sainsburys Local as proposed under this application, but with differences in the fenestration and elevational treatments.

### 4. OUTCOME OF CONSULTATIONS

- 4.1 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

- 4.2 **HDC Environmental Health:** This is a single storey property on a small industrial site with habitable properties surrounding/adjoining the site. There are no ongoing complaints of statutory nuisance in the surrounding area. Due consideration of the Noise Assessment has been given. There is no concern on averaged increased noise levels as detailed in the Noise

Impact Assessment affecting the neighbouring properties. This department could support the application with conditions regarding opening hours and delivery hours imposed.

## OUTSIDE AGENCIES

### 4.3 **WSSC Highways:** No Objection:-

4.4 West Sussex County Council was consulted previously on Highway Matters for this site under application reference DC/21/2028 which sought change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking.

4.5 Ultimately no overriding highway safety or capacity concerns were raised, consent was granted by the Local Planning Authority. The approval was then subject to Judicial Review and the decision quashed. That application is currently being redetermined. The Local Highways Authority principle view on the application has not changed for the purposes of the redetermination.

4.6 This application seeks the change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking. In principle this is the same as DC/21/2028.

4.7 It is noted that an adjacent building within the wider Horsham Car Centre site was subject of application DC/21/1806 which sought change of use from motor trade showroom (Sui Generis) to a Cafe (Class E(b)). This adjacent application site would be provided with its own independent parking provision which would be accessed via the access arrangements subject of this application. DC/21/1806 was withdrawn on 01/04/2022.

4.8 Given the remaining adjacent building is not currently subject to any live planning application it is difficult to consider the cumulative highways impacts that any additional development of the wider site may have. As such any future application made within the wider site will be considered on its own merits at the time of application. If an application is made within the wider site, prior to this application being determined, then the Local Highways Authority should be re-consulted so that any cumulative impacts can be fully assessed.

4.9 This Applicant has submitted a Transport Statement prepared by ADL Traffic & Highways Engineering Ltd, within which contains additional technical highways documentation, namely Stage 1 Road Safety Audit, Designers Response and Design Audit of the highways works, which have now been plotted on more detailed topographic plans.

4.10 The application form details that the existing car showroom equated to 278 sqm of floorspace, the proposed retail space will equate to 372 sqm by virtue of a rear extension.

4.11 The Transport Statement presents the results of a Trip Rate Assessment which has used data sourced from the TRICS Database. The existing use 278 sqm car sales, has been summarised as generating 5 (4 in / 1 out) two-way movements in the peak am hour, 08:00 – 09:00 and 6 two-way movements (2 in / 4 out) in the peak pm hour 17:00 – 18:00. The proposed use 372 sqm retail, has been summarised as generating 57 (29 in / 28 out) two-way movements in the peak am hour, 08:00 – 09:00 and 58 two-way movements (29 in / 29 out) in the peak pm hour 17:00 – 18:00. The Transport Statement sets out a methodology whereby a 72% reduction has been made to represent the number of pass by and diverted trips.

4.12 While the Local Highways Authority accepts this with regard to impact upon the capacity of the wider highway network it does not consider this discounting should be applied with regard to trips specifically being associated with the site itself and site access point.

- 4.13 Access to the site is currently achieved via an existing dropped crossing that extends across the whole frontage of the site. The site is located on Crawley Road which is a 'B' classified road subject to a 30-mph speed limit at this point. Currently any driver accessing the site has to drive through the existing layby parking provision that fronts the length of the site.
- 4.14 The most recently proposed access arrangements are presented by Proposed Site Layout Plan 6844[P]102 Revision D Off-Site Highways Works General Arrangement Plan 5150-101. The plan details that the access point will be improved and modified. A 5.9m wide bell-mouth style access will be set out with kerb radii and tactile pedestrian dropped crossing points at either side will be implemented.
- 4.15 Vehicle Tracking – Cars Plan Appendix 5.5 demonstrates that the proposed access geometry can facilitate the two-way passing of vehicles, in this case a standard medium sized saloon car. Vehicle Tracking – Delivery Vehicles Appendix 5.6 demonstrates tracking of a 10m rigid delivery vehicles. The range and combinations of vehicles for which tracking plans have been provided would be considered reasonable for the access requirements for the proposed use.
- 4.16 It is also noted that the existing wider dropped crossing access that fronts the remainder of the site will become redundant as a result of this proposal. The unrequired dropped kerbs should be raised to full height. The Local Highway Authority is satisfied that the details of this can be demonstrated and secured via condition as the 'access closure works' can be included as part of Section 278 agreement that will be required to implement the wider access works required at the site. The Applicant has agreed to include these access closure works as part of the scheme.
- 4.17 For clarity The Local Highways Authority would only be seeking the redundant dropped crossing fronting the site be raised. It is appreciated that dropped crossing within this layby serves both 264 and 260 Crawley Road, and this should remain as existing.
- 4.18 The recommended access closure condition requires plans and detailed to be submitted to clarify these works. This can take place once Technical Approval for the wider Section 278 works has been granted.
- 4.19 A Stage 1 Road Safety Audit has been commissioned and Designers Response provided by ADL Traffic & Highways Engineering Ltd. The Road Safety Audit identified 2 problems, 3.1.1 (Reduced visibility should vehicles be parked within layby) and 3.1.2 (Insufficient right turn provision could lead to rear end shunts).
- 4.20 *3.1.1 - Reduced visibility should vehicles be parked within layby*  
The Audit recommended that visibility at the access should be protected, this could be achieved via building out the access point and removing the northern section of the layby. The latest iteration of the access arrangements as demonstrated by plans 6844[P]102 Revision D & 5154-101 detail that the northern part of the layby will be sacrificed and converted to footway in order to preserve visibility north. A short length of build out south of the access will provide a physical barrier to protect the southern visibility splay being obstructed by on street car parking. Subsequently to the north a visibly splay of 2.4 x 43 metres has been demonstrated, this splay now is not intersected by any on street car parking within the layby as it has been converted to footway. The splay is wholly contained within the extent of the public highway. The splay is considered to be in accordance with the Stopping Sight Distance providing vehicle are approaching the site at a speed equal to or slower than the posted speed limit, 30 mph. Given vehicles approaching from this direction will be approaching a signalised junction it would not be anticipated that the 85th percentile approach speed is above the posted speed limit. While the Local Highways Authority could request an on-site speed detection survey is undertaken to provide a check on this matter, it could only insist on such a request if it was considered reasonable and required to make a recommendation on the application. While such additional data would be of benefit the Local Highway Authority does not feel it has justification to insist on such data being presented.

The Local Highway Authority is minded to accept that the vehicle visibility in this direction, with the build out feature, is acceptable.

- 4.21 To the south a visibly splay of 2.4 x 54 metres has been demonstrated, this has been drawn to the pedestrian refuge island at the signalised crossing south of the site. The Local Highways Authority accepts that it is appropriate to draw the splay to this point as per Manual for Streets guidance. A splay of 55 metres is in excess of that required for the vehicle approach speeds providing they are approaching at a speed equal to or slower than the posted speed limit, 30 mph. While the Local Highways Authority could request an on-site speed detection survey is undertaken to provide a check on this matter, it could only insist on such a request if it was considered reasonable and required to make a recommendation on the application. While such additional data would be of benefit, the Local Highway Authority does not feel it has justification to insist on such data being presented. Given the presence of the signalised crossing, in principle vehicle visibility in this direction this would be considered acceptable.
- 4.22 These 'build out' features will result in the loss of 2 -3 on start car parking spaces. The Local Planning Authority would be advised to consider the amenity implications of this. The Local Highways Authority is satisfied that the designers' solution does meet the Road Safety Auditors recommendations.
- 4.23 Comment / representation has been made that queuing vehicles will obstruct southern visibility and that full visibility will only be provided if the adjacent traffic lights are green. This is not uncommon when turning right out of an access point, typically vehicles emerge cautiously until such time as visibility left can be obtained. It is noted that current plans include a keep clear area so that a right turning vehicle has the opportunity to emerge cautiously. Comment / representation has also been provided that a full topographic plan should be provided to ensure that the visibility demonstrated is not obstructed by overgrowing boundary treatment or street furniture. The highway works are now plotted on topographic plans. The Local Highway Authority is satisfied that any street furniture here will not impact upon the entire envelope of visibility. The Local Highway Authority is also satisfied that in each direction the visibility demonstrated is wholly within the extent of the public highway. As such any encroachment into the splay due to overgrowing vegetation can be dealt with by other powers.
- 4.24 *3.1.2 - Insufficient right turn provision could lead to rear end shunts*  
The Audit recommended that further assessment / analysis should be undertaken to determine the appropriate level of right turn provision / requirement.
- 4.25 The latest iteration of the access arrangements as demonstrated by plans 6844[P]102 Revision D & 5154-101 demonstrate that a 30m ghost right turn in lane that is 3.0 metres in width will be provided.
- 4.26 The Local Highways Authority is mindful that in principle this does resolve the problem identified by the Safety Auditor, even if no analysis has been undertaken to determine the requirement for the dedicated right turn in lane. The provision of the right turn in lane and keep clear markings will also require amendments to the queuing capacity at the merge taper of the southbound right-turn lane approaching the Crawley Road/B2195 signal junction. I have consulted with WSCC Signals, they are not aware of any queuing capacity issues at this junction. Previously under DC/21/2028 the applicant demonstrated that the queuing for right turns at this junction will be reduced from 11 to 8. On balance it seems that this would be difficult to justify as resulting is a 'severe' cumulative impact on the operation of the highway network.
- 4.27 The solutions proposed to resolve problems identified by the Road Safety Audit have resulted in significant changes to Crawley Road, the proposed highways works have subsequently been through a design review with West Sussex County Council.

- 4.28 The proposed seeks to formally set out a parking arrangement that provides 10 suitably sized car parking spaces, one of which will be disabled accessible. All spaces are given suitable manoeuvring room to turn within the confines of the site.
- 4.29 WSCC Car Parking Guidance advises that a retail store typically generates vehicle parking demand of 1 space per 14 sqm and a cycle parking demand of 1 space per 100 sqm for staff and an additional 1 space per 100 sqm for customers. For the proposed 372 sqm of E Class retail floorspace this would equate to 26.5 vehicular spaces and 3 cycle parking spaces for staff and 3 cycle spaces for customers (6 in total). A site-specific assessment has been made taking into consideration the number of 'in' trips associated with similar convenience store sites, 29 in the peak hour. An adjustment has been made as it has been established in similar cases that the length of stay at this type of site is circa 9 minutes. It has also been accepted that the distribution of these customers will not all be spread evenly across the course of the peak hour and a spike in customers can result. The applicant has anticipated that this spike would be no more than 50% of all the 29 customers arriving by car within a 20-minute period. This would be considered a reasonable adjustment to make.
- 4.30 Taking the above into consideration it would be anticipated that 7-8 car parking spaces would be required at any one time. This level of demand can be accommodated within the proposed layout. The Local Highways Authority is satisfied with this approach taken with regard to anticipated parking demand.
- 4.31 The site plan details areas where customer and staff cycle parking can be accommodated, these provisions should be covered, the specific details of which can be secured via a suitably worded planning condition. Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.
- 4.32 The Applicant has provided tracking plans 'APPENDIX 4.6' that demonstrates how a 10m rigid delivery vehicle can access the site, turn and park to service the site without prejudicing the remaining parking layout. No concerns would be raised to these details. It would be beneficial if the service and delivery matters can be secured via a suitably worded planning condition within a formal Delivery and Servicing Management Plan.
- 4.33 The Local Highway Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in a 'severe' cumulative impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and as such there are no transport grounds to resist the proposal.
- 4.34 **WSCC Highways (Subsequent Response dated 18.10.2022):** This latest consultation seeks comments pertaining to amended information about Water Neutrality. After review of the latest submitted information highways comments dated 10/06/2022 are still considered relevant when determining this application from a highway safety capacity perspective.
- 4.35 **Southern Water (Response dated 13.06.2022):** Southern Water requires a formal application for any new connection to the public foul sewer to be made by the Applicant or developer.
- 4.36 **Southern Water (Subsequent Response dated 26.09.2022):** The comments in response dated on 13/06/2022 remain unchanged and valid.

4.37 **Natural England: Standing Advice:-**

4.38 It cannot be concluded that existing 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. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to 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.

4.39 To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

4.40 **North Horsham Parish Council:** Refer to comments provided for previously submitted application DC/21/2028 as follows:-

- No objection in principle however, it is important traffic management issue are identified and a solution to these issues are resolved prior to the opening of the retail unit. The traffic along Crawley Road and around Roffey Corner is often congested which could cause access issues to the site, including for the delivery of goods, if left unresolved.
- Whilst residents of nearby houses and flats are currently impacted by traffic using Crawley Road, the use of a retail unit would add considerably to the noise levels i.e. slamming of car doors, cars entering and reversing, wheeled shopping trolleys, loud conversations, shop doors opening and closing, goods being delivered and waste removal. Although efforts have been taken to record Db levels at various times of the day and night, there is concern that the closing/slamming of car doors in the car park at night could be more irritating/disturbing to residents living close by. Agree with the Environmental Health suggested revised trading hours to reduce the impact of noise (8.00 to 22.00 Monday to Sunday and revised delivery times (8.00 to 22.00 Monday to Friday and 8.00 to 12.00 on Saturday) Concern regarding the considerable noise during demolition, clearance and construction of the site and therefore agree with the Environmental Health suggestion that this should only take place between 8.00 to 18.00 Monday to Friday and 8.00 -12.00 Saturday) although I think that 8.00 to 16.30 Monday to Friday may be preferable.

4.41 **North Horsham Parish Council (Subsequent Response dated 22.09.2022):** No objection in principle. However, it is important traffic management issue are identified and a solution to these issues are resolved prior to the opening of the retail unit. The traffic along Crawley Road and around Roffey Corner is often congested which could cause access issues to the site, including for the delivery of goods, if left unresolved.

4.42 **North Horsham Parish Council (Subsequent Response dated 24.11.2022):** No Objection

4.43 14 representations were received (from 6 separate addresses) objecting to the proposal for the following reasons:-

- Out of character with the locality and ambience of the neighbourhood
- Severe detrimental impact on the environment
- New road layout increases danger to motorised road users, cyclists and pedestrians
- Alterations to existing layby parking will result in a severe reduction in parking spaces
- Increase in traffic
- Traffic pollution

- Noise and disturbance
- ATM resulting in disturbance and anti-social/criminal behaviour
- Crime and anti-social behaviour resulting from presence of ATM
- Light pollution
- Hours of opening and impact on neighbour amenity
- Undersupply of parking on-site
- Increased congestion
- Increased likelihood of accidents and impediment to emergency service vehicles
- Number of deliveries and conflict with road users
- Potential overspill parking
- Restricted access to neighbouring properties
- Impact on Root Protection Area
- Inaccuracies with the highway consultation response in relation to number of car parking spaces available in the layby, the assessment of required parking spaces for the development given the limited on-street parking, failure to describe hazards and difficulties already existing within the local highway network, flawed description of the nature of the store, significant over-estimation of how many customers would walk to the store.
- Proposal will have a severe residual cumulative effect on the local highway network
- Conflict with Policy 13 of the HDPF and inability to assess against Policies 24 and 40 of the HDPF
- Material intensification of traffic over the existing use
- The use would require a greater number of parking spaces than calculated
- TRICS examples are not comparable to the proposed use because they are quiet edge of town convenience stores with significant local parking provision
- Policy non-compliant parking provision proposed
- Only a small percentage of visitors would be pedestrian with most of the visits arriving at the site by vehicle
- Pedestrians would not walk to the site due to narrow pavements, poor cut-throughs and footways, and hard barriers (gardens, walled estates, and church grounds) restricting access
- Application mischaracterises the daily turnover of the store based on the floor area and the likely number of visits generated by this
- Overflow layby would not accommodate 9 cars due to the required alterations to the access to accommodate entrance/exit and safety splays.
- Other possible overflow parking in the vicinity would be on principal busy highways which would be unsafe and obstructive
- Queries benchmark for existing water usage, particularly given closure of business since 2020, and the usage of a 'properly managed' car showroom
- References other development on the wider site (namely a café and other unspecified sites) and the implications on the proposed water usage/demand
- Water usage of the proposed store is understated and does not incorporate water usage from the supply chain
- Figures provided for washing a car using a bucket and hose are overstated (it is possible to wash a car using as little as 10 litres and then a 100 litre hose down of all cars)
- The number of cars per annum are overstated (reviewing the business accounts the average turnover is lower than what would be expected given the average sale cost of a car)
- Extremely high water usage for employees at the car showroom
- Does not take account of the floor area for the wider site
- Water usage of the proposed development is understated when considering turnover
- Figures provided by the Applicant are not supported by evidence and do not correlate to factual information

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

- 5.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.
- 5.2 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.
- 5.3 Consideration of Human Rights and Equalities forms part of the planning assessment below.

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

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

## **7. PLANNING ASSESSMENTS**

- 7.1 The application relates to the change of use of the building and land to a retail shop which would provide convenience facilities, including an ATM.

### **Principle of Development:**

- 7.2 Policy 13 of the Horsham District Planning Framework (HDPF) states that proposals for main town centre uses, including new retail warehouses, superstores, extensions to existing retail units, recreation, leisure and entertainment uses, should be located in town centres and at an appropriate scale in village centres in accordance with the Council's Town Centre First Strategy. Proposals for main town centre uses outside the defined town and village centres will be permitted only when a sequential test has been applied.
- 7.3 The proposed Sainsbury's Local Store is a small scale local convenience shop that is likely to fill a predominantly everyday top-up convenience shopping function for local residents. The catchment area defined by the Applicant is approximately 500m walking distance. The Applicant's business model is specifically tailored to providing a commercially prominent location in Roffey area, relative to the main transport networks and surrounding area; a full range single level convenience shop, providing for high quality everyday top-up food shopping needs for the local population; a densely populated residential area; and a small number of on-site car parking spaces. The Sequential Assessment undertaken by the Applicant recognises that given the desire to serve the local residents in and around Roffey, there will be no sequentially preferable sites. No sites that could serve the Roffey area would be considered either town centre or edge of centre sites due to the distance of the catchment area from Horsham Town Centre. The Assessment has however identified two sites (98 Crawley Road, Roffey and 45a West Street, Horsham). The first has been trading as a dry cleaning business and is located within walking distance of the existing parade of shops serving Roffey. The site is not within either a town centre or edge of centre location and is therefore not sequentially preferable to the application site. The very limited size of the unit and the lack of parking means that the site is physically incapable of accommodating the proposed development, taking account of the need to demonstrate flexibility. On this basis, the site is unsuitable in this instance. The latter is a retail unit located within Horsham Town Centre. While the site is in a sequentially preferable location, being within the town centre and by applying the business model requirements flexibly the unit could accommodate a convenience store, the site is over 2.5km from the local community and would not serve the Roffey area. On this basis, the site is considered unsuitable to support the needs of the business model. The Retail Impact Assessment thereby concludes that there are no suitable alternative sites that are sequentially preferable to the application site.

- 7.4 The proposed retail shop would provide convenience facilities and would service the local community by providing a 'local' store that could minimise the distance people need to travel to access groceries and goods. The proposal would result in economic benefit through the provision of jobs and employment and would also provide social benefits to the local community. While providing a retail use outside of the defined Town Centre, and sited outside of the defined Out of Centre location, the proposal would support the needs of the local community, and would be of a scale and nature that would not significantly nor demonstrably impact the viability and vitality of the Main Town Centre. As such, while the proposal would result in some conflict with Policy 13 of the HDPF, the sequential test has justified the location of the proposed development, with economic and social benefits considered to result. On the balance of these matters, it is considered that the public benefit arising from the proposal would outweigh the conflict as identified. The principle of development is therefore considered acceptable, subject to all other material considerations.

#### **Design and Appearance:**

- 7.5 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape 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.
- 7.6 Paragraph 130 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.
- 7.7 The proposed extensions would be of a form that would sit in general conformity with the vernacular of the existing building, and the proposed extensions would be subservient in height and scale to the existing building. The proposed extension would also be set to the side/rear of the existing building and would not therefore be readily apparent from the street frontage. While the additions would increase the bulk and mass of the building, given the siting of the extensions and the set back from the road frontage, it is not considered that the proposal would result in significant or demonstrable harm. It is therefore considered, on balance, that the proposed extensions would sit appropriately within the context of the building, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

#### **Amenity Impacts:**

- 7.8 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes 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.
- 7.9 Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area; establish or maintain a strong sense of place to create attractive and welcoming places; and create places that are safe, inclusive and accessible, with a high standard of amenity of existing and future users.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by "...preventing new and existing development from contributing to, being out at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability..." Paragraph 187 furthers that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the Applicant should be required to provide suitable mitigation. Paragraph 183 of the NPPF continues that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions."*

- 7.10 The application site comprises a commercial unit, occupied as a car showroom. The nature of activity on the site is therefore already characterised as commercial, albeit that this is subject to restrictions on operating hours. The proposed development would involve the change of use of the building from a car showroom to retail shop. It is proposed that the local convenience store would be open between the hours of 7am and 10pm.
- 7.11 An Operational Noise Impact Assessment by Noise Solutions Ltd reference 90204 revision 02 dated 9<sup>th</sup> December 2021 and revised 7<sup>th</sup> April 2022 has been submitted. Two environmental noise surveys were undertaken to establish the typical background sound levels at the façades of the nearest noise sensitive receptors to the plant area and the proposed store's car park activity respectively. It is concluded that noise levels from the associated plant and car park activity would be no greater than the prevailing noise levels, with operating during the proposed hours unlikely to have an adverse noise impact on the closest residents.
- 7.12 A number of objections have been received raising concerns with potential noise and disturbance arising from the proposed development, particularly due to the extended opening hours, with concerns with regard to potential activity and noise within the car park during these times.
- 7.13 The application site is located within close proximity to a number of residential properties, with the layout and arrangement of the built form enclosing the site in a manner that would direct and enclose the noise emanating from the associated activities. It is however recognised that the site is also located immediately adjacent to a busy road, with the residential properties impacted by this background noise. Any activity would therefore be experienced within this context, with the findings of the Operational Noise Impact Assessment confirming that the noise levels would be no greater than that already experienced. It is however recognised that infrequent bursts of noise have a different affect than continuous background noise, so that noise resulting from activity within the car park are more greatly perceived.
- 7.14 Following consultation with the Environmental Health officer, concerns were raised regarding the potential impact the proposed opening hours would have on the nearest residential properties. It was recognised that the application site is located within a dense residential area, with a number of residential properties located immediately adjacent to the site. The proposed opening hours, particularly when considered against the nature of activity associated with the use, was therefore considered to result in some noise and disturbance that would be detrimental to the amenities of nearby residential occupiers. It was noted that while the noise itself is not significant the levels and inconsistency of the noise (i.e. vehicle engines and exhausts, vehicle movements, slamming of doors, shouting etc) has the potential and likelihood to cause disturbance and nuisance. Given these concerns, the Environmental Health Officer has suggested that the opening hours be restricted to between 08:00 and 22:00 Monday to Saturday, and 09.00 to 22.00 on Sundays and bank holidays.

- 7.15 The application site is located within close proximity to a number of residential properties, with the layout and arrangement of the built form enclosing the site in a manner that would direct and enclose the noise emanating from the associated activities. It is however recognised that the site is also located immediately adjacent to a busy road, with the residential properties impacted by this background noise. Any activity would therefore be experienced within this context, with the findings of the Operational Noise Impact Assessment confirming that the noise levels would be no greater than that already experienced. It is however recognised that infrequent bursts of noise have a different affect than continuous background noise, so that noise resulting from activity within the car park are more greatly perceived.
- 7.16 While the nature and scale of the proposed development is considered appropriate and acceptable within the immediate context, it is recognised that the site shares a close relationship with neighbouring residential properties, where certain types of activity could have a detrimental impact. Given this context, it is therefore considered reasonable to restrict the operating hours of the proposed retail unit. It is considered that an opening hour of 07:00 would be acceptable. The Operational Noise Impact Assessment and Technical Note indicate that the noise levels experienced during this hour would be no greater than that experienced at 08:00, as such there are considered to be no reasons to require a later opening. Subject to the imposition of such a condition, the proposed development is not considered to result in significant adverse harm to the amenities and sensitivities of neighbouring properties.
- 7.17 The application also proposes an ATM to be situated on the front elevation of the building. While an ATM itself would not cause direct harm to the amenity of neighbouring properties, the potential for noise disturbance resulting from people using the facility. It is recognised that the ATM would be located in a visible location on the main road, where users may be attracted to the machine while making late night or early morning journeys, rather than only using the machine in combination with a trip to the retail facility. While such use may be infrequent and occasional, it is a type of noise and disturbance in the night that could cause harm to the residential area. Use of the ATM would inevitably include car doors closing, manoeuvring and pulling away, and other associated sources of noise. This type of noise and activity does have the potential to affect the living conditions of neighbouring residential properties. However, it is considered that a condition restricting use of the ATM to store hours only could mitigate the harm arising, particularly during the night-time hours. Subject to the imposition of such a condition, along with conditions restricting hours of opening and hours of delivery, the proposed development is not considered to result in significant adverse harm to the amenities and sensitivities of neighbouring properties.

#### **Highways Impacts:**

- 7.18 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 7.19 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 continues that within this context, development should allow for the efficient delivery of goods, and access by service and emergency vehicles.
- 7.20 This application is supported by a Transport Statement prepared by ADL Traffic & Highways Engineering Ltd, within which contains additional technical highways documentation, including a Stage 1 Road Safety Audit, Designers Response and Design Audit of the highways works. The Transport Statement presents the results of a Trip Rate Assessment, which has used data sourced from the TRICS Database. The proposed 372sqm of retail floorspace generates 57 two-way movements in the peak am hour (08:00 to 09:00) and 58 two-way movements in the peak pm hour (17:00 to 18:00). This is a substantial increase

above the existing use which generates 5 two-way movements and 6 two-way movements respectively. Typically, any major development proposal that includes highways works, or results in an intensification of use at an access point of greater than 50 movements per day should be supported with a Stage 1 Road Safety Audit. A Stage 1 Road Safety Audit has now been commissioned and a Designers Response provided. The Road Safety Audit identified reduced visibility should vehicles be parked in the layby, and insufficient right turn provision which could lead to rear end shunts.

- 7.21 The Audit recommended that visibility at the access should be protected, this could be achieved via building out the access point and removing the northern section of the layby. The amended access arrangements demonstrate that the northern part of the layby will be sacrificed and converted to footway in order to preserve visibility north. A short length of build out south of the access will provide a physical barrier to protect the southern visibility splay being obstructed by on-street car parking. Subsequently to the north a visibly splay of 2.4 x 43 metres has been demonstrated, This splay is not intersected by any on street car parking within the layby as it has been converted to footway, and the splay is wholly contained within the extent of the public highway. The splay is considered to be in accordance with the Stopping Sight Distance provided vehicles are approaching the site at a speed equal to or slower than the posted speed limit, 30 mph. Given vehicles approaching from this direction will be approaching a signalised junction it would not be anticipated that the 85th percentile approach speed is above the posted speed limit. To the south a visibly splay of 2.4 x 55 metres has been demonstrated, this has been drawn to the pedestrian refuge island at the signalised crossing south of the site. The Local Highways Authority accepts that it is appropriate to draw the splay to this point as per Manual for Streets guidance. A splay of 55 metres is in excess of that required for the vehicle approach speeds providing they are approaching at a speed equal to or slower than the posted speed limit, 30 mph. The Local Highways Authority recognise that while an on-site speed detection survey could be requested to confirm the assumption, it could only insist on such a request if it was considered reasonable and required to make a recommendation on the application. While such additional data would be of benefit the Local Highway Authority does not feel it has justification to insist on such data being presented. The Local Highway Authority is minded to accept that the vehicle visibility in this direction, with the build out feature, is acceptable. The Local Highways Authority is satisfied that the designers' solution does meet the Road Safety Auditors recommendations.
- 7.22 Objections have been received stating that queuing vehicles will obstruct southern visibility and that full visibility will only be provided if the adjacent traffic lights are green. This is not uncommon when turning right out of an access point, typically vehicles emerge cautiously until such time as visibility left can be obtained. It is noted that current plans include a keep clear area so that a right turning vehicle has the opportunity to emerge cautiously. Representations have also been received regarding potential obstructions to the visibility through street furniture and hedging. The Local Highway Authority is satisfied that any street furniture here will not impact upon the entire envelope of visibility. The Local Highway Authority is also satisfied that in each direction the visibility demonstrated is wholly within the extent of the public highway. As such any encroachment into the splay could be dealt with by other powers.
- 7.23 The Audit recommended that further assessment / analysis should be undertaken to determine the appropriate level of right turn provision / requirement. The amended access arrangements demonstrate that a 30m ghost right turn in lane that is 2.5 metres in width will be provided. The Local Highways Authority is mindful that in principle this does resolve the problem identified by the Safety Auditor, even if no analysis has been undertaken to determine the requirement for the dedicated right turn in lane. The provision of the right turn in lane and keep clear markings will also require amendments to the queuing capacity at the merge taper of the southbound right-turn lane approaching the Crawley Road/B2195 signal junction. WSCC Signals are unaware of any queuing capacity issues at this junction, and the Applicant has demonstrated that the queuing for right turns at this junction will be reduced

from 11 to 8. On balance it is considered that concerns in this regard would be difficult to justify as resulting in a 'severe' cumulative impact on the operation of the highway network.

- 7.24 The proposal seeks to provide 10no. suitably sized car parking spaces, one of which will be for disabled access. All spaces are given suitable manoeuvring room to turn within the confines of the site. WSCC Car Parking Guidance advises that a retail store typically generates vehicle parking demand of 1 space per 14 sqm and a cycle parking demand of 1 space per 100 sqm for staff and an additional 1 space per 100 sqm for customers. For the proposed 372 sqm of E Class retail floorspace this would equate to 26.5 vehicular spaces and 3 cycle parking spaces for staff and 3 cycle spaces for customers (6 in total). A site-specific assessment has been made taking into consideration the number of 'in' trips associated with similar convenience store sites, 29 in the peak hour. An adjustment has been made as it has been established in similar cases that the length of stay at this type of site is circa 9 minutes. It has also been accepted that the distribution of these customers will not all be spread evenly across the course of the peak hour and a spike in customers can result. The Applicant has anticipated that this spike would be no more than 50% of all the 29 customers arriving by car within a 20-minute period. This would be considered a reasonable adjustment to make. Taking the above into consideration it would be anticipated that 7-8 car parking spaces would be required at any one time. This level of demand can be accommodated within the proposed layout. The Local Highways Authority is satisfied with this approach taken with regard to anticipated parking demand.
- 7.25 Objections have however been received which raise objection to the proposed level of parking and the assumptions made by the Applicant. These state that the undersupply of on-site car parking spaces would result in greater level of congestion and queueing on the public highway and would have implications on highway safety. It is also outlined that the retained layby parking spaces would be less than assumed and would result in a loss of spaces for residents while also limiting access to these properties. The representations also consider that the number of vehicular trips to the site is under calculated, with the proposal resulting in a greater number of movements and parking requirement than proposed.
- 7.26 The application site is located within the built-up area and is within walking distance to a number of residences. It is reasonable to assume that the proposal would act as a local convenience for nearby residents, who would likely walk or cycle to the site. It is also acknowledged that staff employed may also be from the local area, where walking and cycling could be an option. The application has sought to address this by advising that parking on-site would be for customers only. The application site is therefore considered reasonably situated to allow for more sustainable modes of transport, whilst also helping to minimise the distance residents need to travel to access groceries and other goods.
- 7.27 Given the nature of the store, the assumptions made regarding average length of stay are considered reflective of other stores of similar size and service within comparable localities, with the discounts applied in this regard considered reasonable. Whilst it is acknowledged that the on-site parking provision would result in a shortfall of 16 spaces (as calculated using the West Sussex Car Parking Calculator) it is acknowledged that visits to the store would not be consistent nor spread evenly, with discount applied to these peaks and troughs also considered reasonable. The Local Highways Authority is satisfied with this approach, and consider the 10no. parking spaces proposed acceptable given the nature and likely spread of trips to the site. The details submitted in support of the application indicate that delivery vehicles can enter and exit the site without conflicting with users of the car park, so that potential conflict will be mitigated in this regard. On the balance of these considerations, it is considered that the proposal would provide adequate parking to meet the anticipated needs of users.
- 7.28 It is noted that concerns have been raised regarding the reliance on the existing layby along the frontage of the site. The existing layby forms part of the public highway under the control of the Local Highways Authority. There are no parking restrictions in place and the layby

does not comprise dedicated resident parking, and is not under the control of the Applicant. It does however provide overspill parking for businesses and residents alike, as the previous/current situation and representations evidence.

- 7.29 The Local Highways Officer considers that the likely level of demand could be accommodated within the proposed layout. However, it has been acknowledged by both the Applicant and the Local Highways Officer that the layby could be used for any overspill parking if necessary. The proposed development requires highway alterations which would reduce the availability of this layby in order to provide appropriate visibility splays and a footway. As such, the previous parking provision accommodation would be reduced. Whilst it is acknowledged that any part retained could be utilised for parking purposes, the availability of this additional parking is not relied upon to make the development acceptable. The on-site parking provision is considered adequate for the anticipated demand and nature of trips to the site, and no highways objections have been raised in this regard.
- 7.30 The Applicant has outlined that electric vehicle charge points are not sought at the development in order to control the dwell time at the site and mitigate potential parking implications. The Planning Statement outlines that a fast charge connection could take an average of 6 hours to fully charge using an 22kw Fast Charge connection. Whilst the approach taken by the Applicant is acknowledged, paragraph 112 of the NPPF states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient networks.
- 7.31 The inclusion of charging points would contribute to the network of EV charge points locally and would provide some environmental and public benefit in this regard. This does however need to be balanced against the parking provision being proposed and the nature of stays generated by the store. It is acknowledged that the introduction of fast charging points would encourage longer dwell times at the site, which could have implications for parking provision on-site and potential overspill demand in the immediate surroundings. Notwithstanding this, it is considered that the provision of a single rapid charging point, which can take an average of 10-15 minutes to notably charge a vehicle, could offer some benefit whilst also addressing the concerns regarding dwell time. A condition to require the installation of 1no. rapid charging point is therefore recommended and considered reasonable.
- 7.32 On the basis of the evidence available, and on the balance of considerations, it is considered that the proposed access and parking arrangements, which would involve works to improve the layout and function of the public highway, would provide adequate access suitable for all users, and would not result in a severe cumulative impact on the operation of the highway network. The proposed development is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

#### **Water Neutrality:**

- 7.33 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 7.34 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

- 7.35 The Water Neutrality Statement submitted by the Applicant indicates that the existing car showroom resulted in a high water demand, particularly due to the regular external water use required to wash cars for sale. The Applicant has provided a Statutory Declaration from the previous owner outlining that the water demand arose from washing and cleaning the cars stored on the forecourt, with approximately 50-70 litres of water per wash. The resulting consumption is thereby estimated as between 3,000-3,500 litres per week. Additional water demand arose from the 9no. staff members employed at the business, along with visitors attending to view and purchase cars. With a conservative estimate, it was outlined that this resulted in a consumption of 2,362.5 litres per week. In total, this resulted in 298.5m<sup>3</sup> per year. Subsequent water bills have been provided over the last 3 year period for the car showroom operation, and these indicate an average water use of 318.3m<sup>3</sup> a year.
- 7.36 It is noted that an objection has been received which queries the benchmark used for the existing baseline, particularly as the Car Centre has been closed since 2020, and also the amount of water previously used by the commercial enterprise. The Council's FAQ's on Water Neutrality confirms that existing baseline can be calculated using the water consumption over the last three years. While it is recognised that the business has been closed for a period of time, the Statutory Declaration as detailed above provides an overview of water demand when last in use. This use falls within the three-year period and is therefore considered to be sufficient for comparative purposes. The objection also states that the baseline figures provided go beyond what would be considered a 'properly managed' car showroom that uses water responsible procedures. The Statutory Declaration makes reference of the water-using practices of the car showroom, with the figures provided justified with regard to the activities carried out on a weekly basis. It is not the purpose of the HRA Screening to assess the nature of water-using practices having taken place, but rather to confirm based upon the evidence provided, whether the development would result in greater water demand than the existing situation. The Statutory Declaration, when read alongside the water bills provided, are considered to provide an existing baseline for comparative purposes.
- 7.37 Following a request for further information with respect to the proposed use, the Applicant has confirmed that the average water use for the proposed premises would be around 167m<sup>3</sup> per year (based on the 'Type C' Sainsburys store model). It is outlined that this type of store ranges between 372sqm and 465sqm in size, with the proposal being the smallest size that Sainsburys would consider a 'Type C' store. The email outlines that the principal driver of water use in the store would be dependent on sales, rather than unit size, where busy city centre stores would have 4 or 5 times the turnover of a store like the one proposed. This results from the number of staff, customers, and the water used in the general operation of the store. The expectation, given the location of the proposed store and its size, is that the store would have below average water use. Notwithstanding this, the water consumption of the proposal would be below that of the former use. To demonstrate this, the Applicant has provided evidence of water charges for 2no. similar stores in Hassocks and Haywards Heath. It is stated that these stores have similar footprints to that proposed, but would have a similar number of staff. The evidence provided indicates that the stores use between 76m<sup>3</sup> and 94m<sup>3</sup> a year, with the stores consuming an average of 84.5m<sup>3</sup> annually.
- 7.38 The information provided demonstrates that the proposed use would result in less water consumption than the existing use. The proposed development would not therefore result in an increased water consumption which has the potential to have a likely significant effect on the protected sites. The development has thereby been screened out.
- 7.39 It is noted that the objection also makes reference to the proposed water consumption failing to make reference to the subdivided site and the potential café to the northern portion of the wider site. As outlined previously, there are currently no pending applications for development on other portions of the site, with the café application having been withdrawn. There are no other pending applications on the northern portion of the site, and it is not therefore necessary to take account of other potential water use in this regard. Any future

application(s) on the adjoining site would be considered on their own merits and having regard to all relevant material considerations.

- 7.40 Based on the above information, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation that would necessitate an increased consumption of water which would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

**Climate change:**

- 7.41 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.
- 7.42 Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Cycle parking facilities
- 7.43 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

**Conclusions:**

- 7.44 The proposed retail shop would provide convenience facilities and would service the local community. The proposal would result in economic benefit through the provision of jobs and employment, but would also provide social benefits to the local community. While providing a retail use outside of the defined Town Centre, and sited outside of the defined Out of Centre location, the proposal would support the needs of the local community, and would be of a scale and nature that would not significantly nor demonstrably impact the viability and vitality of the Main Town Centre. As such, while the proposal would result in some conflict with Policy 13 of the HDPF, the sequential test has justified the location of the proposed development, with economic and social benefits considered to result. On the balance of these matters, it is considered that the public benefit arising from the proposal would outweigh the conflict as identified, and the principle of the development is acceptable.
- 7.45 It is recognised that the proposed development would increase the level and intensity of activity within the site, as well as vehicle movements to and from the site. While this does have the potential to affect the neighbouring residential properties, it has been demonstrated that the resulting noise levels would be no greater than the background levels. It is also considered that conditions on hours of opening and deliveries could be reasonably imposed to limit potential conflict. Subject to such conditions, the proposed development is not considered to result in harm to the amenities and sensitivities of neighbouring properties.
- 7.46 The proposed access arrangements are considered to provide safe and adequate access for all users, with the Local Highways Authority concluding that the development would not result in a severe cumulative impact on the highway network. Furthermore, the proposed parking arrangements are considered acceptable to meet the anticipated needs of the operation.

- 7.47 On the balance of all considerations, and subject to appropriate conditions, the proposed development is considered acceptable, in accordance with all relevant local and national planning policies.

## 7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following 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 shall be first occupied until such time as the remaining existing redundant vehicular crossover onto Crawley Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

- 4 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access and highways works serving the development has been constructed in accordance with Proposed Site Plan reference 6844[P]102 rev D and Off Site Highways Works General Arrangement reference 5154-101 which may be subject to minor modification as part of the Section 278 Technical Approvals process. The approved details shall thereafter be retained as such.

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

- 5 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the plan reference 6844[P]102 rev D. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until means for the charging of electric vehicles by way of 1no. rapid charging point has been installed in accordance with details that have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of the charging point, it's specification, means of allocation, and means for its long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national

objectives for pollutants in accordance with Policies 24 and 41 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Delivery, Collection & Service Management Plan, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries has been submitted to and approved in writing by the Local Planning Authority. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

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

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the site boundaries. The facilities shall thereafter be retained for use at all times. 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).

- 9 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

- 10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used for Class E(a) and for no other purposes whatsoever, (including those falling within Class E(b), (c), (d), (e), (f), (g) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: 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 (insert with reasons) under Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 07:00 and 22:00 Monday to Sunday.

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

- 12 **Regulatory Condition:** The Automated Teller Machine (ATM) and associated lighting shall be switched off between the hours of 22:00 hours and 07:00 hours.

Reason: To safeguard the amenities of nearby residents in accordance with the aims of Policy 33 of the Horsham District Planning Framework (2015)

- 13 **Regulatory Condition:** No deliveries to or from the site in connection with the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Saturdays and 10:00 hours to 16:00 hours on Sundays, Bank or Public Holidays

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

- 14 **Regulatory Condition:** No external storage of any materials or waste shall take place at any time.

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

- 15 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

Background Papers: DC/22/0785  
DC/21/2028