Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1770
Sainsbury's, 264A Crawley Road, Horsham, West Sussex, RH12 4HG

DESCRIPTION:
Removal of Condition 6 of previously approved application 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.) relating to EV charging spaces.

RELEVANT PLANNING HISTORY:

DC/21/2028	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.	Application 18.01.2023	Refused on
DC/24/1177	Installation of 2x non-illuminated signs and 1x internally illuminated fascia sign.	Application 14.10.2024	Permitted on
DC/22/1812	Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)).	Application 19.06.2023	Permitted on
DC/23/1725	Removal of Condition 9 of previously approved application DC/22/1812 (Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a))) relating to Personal Permission	Application 09.11.2023	Refused on
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.	Application 18.01.2023	Refused on

DESCRIPTION OF THE SITE

The application site is located to the eastern side 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. The front of the site has a large area of hardstanding which was formerly used as the sales forecourt. Access is provided by an existing dropped kerb along the road frontage.

DESCRIPTION OF THE APPLICATION

The proposal seeks to remove Condition 6 of previously approved application 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.) relating to EV charging spaces.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (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

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

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 29: New Employment

Parish Design Statement:
None

REPRESENTATIONS AND CONSULTATIONS RESPONSES
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

Consultations:

WSCC Highways: No Objection

PUBLIC CONSULTATIONS:

Representations:
None received

Parish Comments:
No Objection

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:

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

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

PLANNING ASSESSMENT

Principle of Development:

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.

The application relates to the removal of condition 6 attached to previous planning permission DC/22/0785 relating to EV charging spaces. The condition reads:

6 *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.*

Paragraph 57 of the NPPF 2024 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The provision for EV charging point on this site was not included as part of the initial proposal and it is not a statutory requirement as per the applicant's submission. Given the location of the site, the nature of the convenience store and the plot size, the removal of condition 6 regarding EV charging space would be worthwhile by substituting to a standard parking space instead. A convenience store visitor would typically make a quick shopping trip for a short period of time. It is appreciated that it would be impractical for a customer with EV charging vehicle to stay parked for a longer period when making a brief visit to the store. It is agreed that the parking space would be more beneficial for more frequent, short-stay customers in this location. Therefore, the principle of the development is considered acceptable in accordance with the above policy, subject to all the other material planning considerations set out below.

Highways Impacts:

Policy 41 seeks to ensure that adequate parking and facilities are provided within developments to meet the needs of anticipated users. Consideration should be given to the needs of cycle parking, motorcycle parking, charging plug-in or other low emission vehicles and the mobility impaired.

Following consultation with the Local Highway Authority, it is considered that it is reasonable that, in this instance, a standard parking space for a convenience store with a lower than standard level of parking would provide greater benefit in highway safety terms than the provision of an EV charging point. Therefore, the removal of this condition is viewed acceptable.

Residential Amenity:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

It is considered that the proposal would not have a detrimental impact on neighbouring amenity beyond that of the previous approval. The amenity impacts are therefore considered acceptable and in accordance with the above policy.

Sustainability / Climate Change

Policy 35 of the HDPF states that Development will be supported where it makes a clear contribution to mitigating and adapting to the impacts of climate change and to meeting the district's carbon reduction targets as set out in the Council's Acting Together on Climate Change Strategy. Measures which should be used to mitigate the effects of climate change include (2) Improved energy efficiency in new developments.

Policy 36 of the HDPF states that All development will be required to contribute to clean, efficient energy in Horsham based on the following hierarchy:

1 Lean – use less energy – e.g. through demand reduction
2 Clean – supply energy efficiently – e.g. through heat networks
3 Green – use renewable energy sources

The proposed removal of condition 6 would result in the net loss of the one EV Charging Space at a local convenience store. The site is surrounded by predominantly residential properties and the convenience store would mainly be used by the local residents. The majority of the trips to the store would be for brief shopping. Therefore, it would be uncommon for customers with EV charging vehicles to park for a longer period for a short visit to the store. While the proposal would lead to the loss of EV charging space, the limited car parking spaces should encourage the local residents to walk more frequently to the convenience store. Therefore, on balance the proposal is considered acceptable given the location and nature of the site.

Water Neutrality:

This application relates to the removal of condition 6 of the approved planning permission DC/22/0785 where the inspector considered that 50% water demand savings would be envisaged from changing the use of the premises from a car showroom to retail. There were no conditions imposed to secure specific mitigation other than to prohibit any changes of use between uses within Use Class E in case there would be a difference in water demands between an intensive retail use and other permitted uses within Class E.

Therefore, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the application site necessitating an increased consumption of water that 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 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

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

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

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

1 **Standard Time Condition**: The development hereby permitted must be commenced by the 27th June 2027.

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

2 **Regulatory Condition:** The development hereby permitted shall be carried out strictly in accordance with the following plans and details:

- Off-Site Highway Works General Arrangement, Ref 5154-101
- Location Plan, Ref 6844(P)100
- Block Plan, Ref 6844(P)100-1
- Proposed Site Plan, Ref 6844(P)102 Rev D
- Proposed Ground Floor Plan, Ref 6844(P)104 Rev D
- Proposed Roof Plan, Ref 6844(P)106 Rev B
- Existing West Elevation & Proposed West Elevation, Ref 6844(P)200 Rev B
- Existing East Elevation & Proposed East Elevation, Ref 6844(P)201 Rev C
- Existing & Proposed North, Existing & Proposed South Elevations, Ref 6844(P)202 Rev C
- Proposed Section AA & Proposed Section BB, Ref 6844(P)300 Rev B
- Energy Statement, dated August 2021, v1.0
- Operational Noise Impact Assessment, dated 09.12.2021, Ref 90204 02

Reason: For the avoidance of doubt and in the interest of proper planning.

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: In the interests of road safety and 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: In the interests of road safety and 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 as customer-only spaces.

Reason: To provide car-parking space for the use 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 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: 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).

7 **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).

8 **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).

9 **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 the proximity to neighbouring properties and the economic benefit the approved use provides under Policies 26 and 33 of the Horsham District Planning Framework (2015).

10 **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: In the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework 2015.

11 **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: In the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework 2015.

12 **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: In the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework 2015.

13 **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).

14 **Regulatory Condition**: No external lighting or floodlighting shall be installed within the site.

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

15 **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).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1770

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Document	Planning Statement		15.11.2024
Details plan	Off-Site Highway Works General	5154-101	21.04.2022

	Arrangement		
Tree plan	Tree Constraints Plan	TCP-01	21.04.2022
Tree plan	Tree Protection Plan	TPP-01 a	21.04.2022
Location plan	Location Plan	6844(P)100 #	21.04.2022
Block plan	Block Plan	6844(P)100-1 #	21.04.2022
Site plan	Proposed Site Plan	6844(P)102 D	21.04.2022
Floor plan	Proposed Ground Floor Plan	6844(P)104 D	21.04.2022
Roof plan	Proposed Roof Plan	6844(P)106 B	21.04.2022
Elevation plan	Existing West Elevation & Proposed West Elevation	6844(P)200 B	21.04.2022
Elevation plan	Existing East Elevation & Proposed East Elevation	6844(P)201 C	21.04.2022
Elevation plan	Existing & Proposed North, Existing & Proposed South Elevations	6844(P)202 C	05.05.2022
Section plan	Proposed Section AA & Proposed Section BB	6844(P)300 B	21.04.2022
Supporting Statement	Transport Statement by ADL Traffic dated April 2022	ADL/AP/5154/13A	21.04.2022
Supporting Statement	Arboricultural Impact Assessment by Ace of Spades Gardens Ltd dated 26.08.2021	NONE	21.04.2022
Supporting Statement	Energy Statement by Future Planning and Development dated August 2021	1.0	21.04.2022
Supporting Statement	Operational Noise Impact Assessment by Noise Solutions Ltd dated 09.12.2021	90204 02	21.04.2022

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 08.01.2025

Authorising Officer sign/initial RHERMITAGE Date: 08.01.2025