



TO: Planning Committee South

BY: Head of Development

DATE: 19 February 2019

DEVELOPMENT: Change of use from a light industrial use to a ski training centre

SITE: Units 53 To 54 Mackley Industrial Estate Henfield Road Small Dole
Henfield West Sussex BN5 9XR

WARD: Bramber, Upper Beeding and Woodmancote

APPLICATION: DC/18/2236

APPLICANT: **Name:** Mr Austin Green **Address:** C/O Parker Dann

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received within the consultation period which have raised material considerations contrary to the recommendation of the Head of Development.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

- 1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks permission for a change of use of Units 53 and 54 from its existing B1 (Light Industrial) use to a ski training centre (D2 leisure use). Internally, Unit 53 would comprise the main reception and storage area, with a staff office and W.C facilities. Unit 54 would comprise two ski ramps that would be used for ski instruction lessons. The ski ramps would each measure approximately 6.5m in width by 12m in length. The ski ramps would operate in a similar way when compared to a treadmill used for running. The ski ramps would tilt to varying angles so that the user can ski or snowboard in a stationary position.
- 1.3 It is the intention that the ski training centre would be used for the instruction of beginner and advanced novice skiers and snowboarders. The ski and snowboard sessions would be by appointment only and there would be no 'free ski' sessions as part of the proposed use.
- 1.4 The units would be accessed from the existing vehicular access from Henfield Road through the industrial estate. A revised parking layout plan has been submitted which has reduced the number of car parking spaces from 22 spaces to 16 spaces which would be located on the existing hardstanding to the front of the units. There are no external alterations proposed

to the building, apart from signage on the existing main doors which no specific details have been provided.

- 1.5 The ski training centre would operate between 9am and 10pm Tuesday to Sunday. The ski training centre would employ approximately 14 members of staff which will include management, instructors, receptionists, admin and office staff.
- 1.6 A Business Plan has been submitted which sets out the requirements for this business in specific relation to the size, scale and form of the building required to accommodate the ski training centre and a list of the alternative sites considered by the business.
- 1.7 A letter from the manager of Mackley Industrial Estate provides information about the continuous marketing of the Industrial Estate as a whole, the lack of surplus enquiries received and the vacancy of one other unit on the site which has been marketed since July 2017. There is a permanent hoarding at the entrance of the industrial estate which constantly invites enquiries and the industrial estate operates a waiting list of potential tenants to ensure that enquiries can still be made even when the industrial estate is fully occupied. However, at the present time there is no active waiting list due to lack of surplus enquiries. No formal marketing of Units 53 and 54 has been undertaken within their current B1 use and the former company which occupied units 51-54 recently vacated the buildings in November 2018.

DESCRIPTION OF THE SITE

- 1.8 The site comprises two industrial units located within the northern part of Mackley Industrial Estate which is situated within the built-up area boundary and within the settlement of Small Dole. The Mackley Industrial Estate is designated within the Horsham District Planning Framework (HDPF) as a Key Employment Area.
- 1.9 Vehicle access is provided into the industrial estate from Henfield Road to the west and there is a hardstanding directly to the east of the units which provides an area for vehicles parking.
- 1.10 The South Downs National Park boundary lies approximately 70 metres from the east of the site. Public Right of Way 2745 runs through Units 53 and 54 and to the west of the buildings. An area of Ancient Woodland lies directly to the north of the units.

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:

National Planning Policy Framework

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 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 41 - Parking

Policy 43 - Community Facilities, Leisure and Recreation

- 2.3 As part of the Local Plan Review Horsham District Council published an **Issues & Options: Employment, Tourism & Sustainable Rural Development document** in April 2018. At present the information within this document is not Council policy and therefore limited weight can be given in the consideration of this application.

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The site lies within the Parish of Upper Beeding. The Parish was designated as a Neighbourhood Plan Area on the October 2013. The Upper Beeding draft pre-submission Neighbourhood Plan Reg 14 consultation period has concluded and responses are currently being considered.
- 2.5 Policy 10 of the Upper Beeding draft pre-submission Neighbourhood Plan relates to Employment Sites & Supporting Businesses and states that proposals that result in the loss of an existing employment site will only be permitted where it is demonstrated that its continued use is no longer viable; unless the site relates to a site specific policy within the Neighbourhood Plan. The Mackley Business Park is included within the Neighbourhood Plan as an existing business parks/industrial area which shall be protected from change of use or redevelopment.
- 2.6 As the Neighbourhood Plan has not been 'made' and has not reached public examination little weight can be given to these draft policies in the consideration of this application.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 The most recent and relevant planning history relating to the site is as follows:

UB/29/99	Certificate of lawful use for repair of damaged vehicles including paint spraying	Application Permitted on 06.10.1999
DC/07/0253	Widening of road and alteration to car park	Application Permitted on 27.04.2007

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

- 3.2 **HDC Strategic Planning: Objection.**
The dilution of the existing B1 use to a mixed use that principally constitutes a D2 leisure use is considered to be in conflict with Policy 9 of the HDPF. No information relating to the viability of the existing use or details of marketing of the unit have been provided and therefore it is considered that the sequential approach has not been followed in this instance. Whilst there are some positive community benefits from the resulting leisure facility, in accordance with Policy 43, this is not considered to outweigh the conflict with Policy 9.

Further to this, whilst only limited weight can be applied to the draft pre-submission Upper Beeding Neighbourhood Plan, the proposal is found to be in conflict with Policy 10 as it would seek a change of use on an identified industrial estate, which this Policy seeks to resist.

The Council's Strategic Planning Officer has reviewed the additional statements received and considers that the original comments outlined above are still relevant.

3.3 HDC Economic Development: Comment.

Whilst it is an interesting proposal which would provide a new and innovative experience, there is concern that this type of use could have an impact on the operation of the rest of the Estate. The units do not appear to have been vacant for very long and the preference would be to retain them for a B1 use.

In response to the additional statements and car parking layout received, the Council's Economic Development Officer has commented that the peak use appears to be on Saturday and Sunday which may reduce the potential conflict with the rest of the estate.

It is queried whether the use could be controlled to ensure that it was a training centre/academy rather than a leisure use which would allow the traffic to be controlled and the impact on the estate reduced. However, if this is not feasible or enforceable then despite the number of employees, this would give consent for a leisure use, losing the B1 use without any evidence that it could not be marketed and occupied by a B1 business.

3.4 HDC Drainage Engineer: No Objection.

3.5 HDC Environmental Health: No Objection.

Recommends a condition that should any external fixed plant or machinery be installed then an acoustic impact assessment would need to be submitted to and approved by the Council.

OUTSIDE AGENCIES

3.6 WSCC Highways: No Objection.

Additional car parking layout plan submitted showing 16 car parking spaces is considered to be acceptable.

3.7 WSCC Public Right of Way: Comment.

Although no change to the external footprint of the building is required it should be noted that the current industrial unit is actually sited across the legal line of public footpath 2745 and is therefore illegally obstructing the right of way. It is recommended that the owner applies to get the footpath legally diverted, under the Highways Act 1980, onto the current used route to avoid any legal implications that may arise in the future.

PARISH COUNCIL

3.8 Upper Beeding Parish Council: No Objection.

PUBLIC CONSULTATIONS

3.9 Thirteen letters of support have been received for this application. The comments are summarised below:

- Lack of snow sports facilities in Sussex.
- Bring more business and employment to the area.
- Improve the local economy.
- Good community facility and facility for young people.
- Give Small Dole a focal point and identity.

- Due to uncertainty of Brexit the Industrial Estate needs to expand their remit to other uses.
- Demand for industrial units 3,000-6,000sq-ft has been slower than usual over last 12 months.
- Supports a start-up business.

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development

- 6.1 The application site is located within the Mackley Industrial Estate which is designated as a Key Employment Area in the HDPF and is contained within the defined Built Up Area Boundary of Small Dole. The application seeks permission for a change of use from its existing B1 (Light Industrial) use to a ski training centre (D2 leisure use).
- 6.2 Policy 7 (Strategic Policy: Economic Growth) of the HDPF seeks to achieve sustainable economic growth for Horsham District to 2031. Policy 7 states that this will be achieved in a number of ways, including the development, regeneration, intensification and smart growth of existing employment sites and the retention of Key Employment Areas for employment uses.
- 6.3 Policy 9 (Employment Development) of the HDPF states that redevelopment in the Key Employment Areas must not result in the overall loss of employment floorspace. Proposals for alternative uses within the Key Employment Areas will be allowed where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres for employment.
- 6.4 The sequential approach is a planning principle that seeks to identify, allocate or develop certain types of uses before others. In this instance, the HDPF requires the sequential approach to be applied to development proposals in the Key Employment Areas. The sequential approach favours employment based redevelopment in the first instance, mixed use or other employment creating use redevelopment in the second instance and lastly, alternative non-employment use based redevelopment.
- 6.5 The B-class sectors including B1, B2 and B8 are generally accepted to be the use classes generating employment space. This is supported by the Economic Growth Assessment Supplementary Report prepared for Horsham District Council which focuses only on B-class uses in a review of employment space requirements in the District.

The Applicant's Supporting Information

- 6.6 A Business Plan and a supporting statement have been submitted which sets out the requirements for this type of business in specific relation to the size, scale and form of the

building required to accommodate the ski training centre. A list of the alternative sites considered by the business has also been provided.

- 6.7 A letter from the manager of Mackley Industrial Estate provides information about the continuous marketing of the industrial estate as a whole, the lack of surplus enquiries received and the vacancy of one other Unit on the site which has been marketed since July 2017. There is a permanent hoarding at the entrance of the industrial estate which constantly invites enquiries and the industrial estate usually operates a waiting list of potential tenants to ensure that enquiries can still be made even when the industrial estate is fully occupied. However, at the present time there is no active waiting list due to lack of surplus enquiries. The supporting information states that demand for industrial units of 3,000-6,000sq.ft has been slower than usual over the last 12 months and that it has taken 12-18 months to let some of the industrial units within the estate. No formal marketing of Units 53 and 54 have been undertaken within their current B1 use and there is no supporting evidence to indicate that the existing units could not be occupied by another B1 use. In the absence of any supporting marketing evidence it is considered there is insufficient grounds to justify the loss of the B1 use within a Key Employment Area to a leisure based use.
- 6.8 The proposed use as a ski training centre would generate employment of approximately 14 members of staff. The company which recently vacated the buildings in November 2018 occupied units 51-54 and employed five people across four units. It is acknowledged that in this case the proposed use would create an increase in the number of staff employed on site in comparison to the former business that occupied the site. However, it is not considered that this small uplift in employment would not justify the loss of the B1 use within a Key Employment Area which would be likely to employ a higher proportion of skilled professionals than an equivalent D2 leisure use.

The Council's Evidence Base

- 6.9 Horsham District Council published an Issues & Options: Employment, Tourism & Sustainable Rural Development document in April 2018 as part of the Local Plan Review. A review of the existing Key Employment Areas has been undertaken to ensure that they remain fit for purpose.
- 6.10 The report recommends that the Mackley Industrial Estate Key Employment Area is retained with no changes to the current boundaries. The report clarifies that this site is well used and provides a significant employment offer within the southern part of Horsham District. It is also acknowledged that the site has good accessibility to the main road network comprising the A2037, and there is a small local shop within walking distance of the site which has the potential to be used by local employees on the site.
- 6.11 The Issues & Options document confirms that current evidence shows that there is a limited supply of office, industrial and warehouse facilities (B1 and B8 uses) which has arisen due to a modest increase in demand, loss of existing stock to alternative uses and a limited level of new development coming forward. The Council's Economic Development Officer has also confirmed that there is a high occupancy in the Mackley Industrial Estate and that it is likely that these units would be occupied by other B1 businesses following the recent vacation of the previous business occupying the site.
- 6.12 Taking into account the above evidence there is concern that the proposed change of use to a D2 leisure based use would result in the loss of a valued employment site within the Key Employment Area. In the absence of supporting marketing information to demonstrate that the existing use is no longer viable, it is considered that the sequential approach has not been applied in this instance and therefore is in conflict with Policy 9 of the HDPF.
- 6.13 Policy 43 of the HDPF seeks to retain and enhance existing facilities and services, and ensure that new facilities are provided at an appropriate level of provision where a need is

identified. Policy 43(1) states that *the provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study and other relevant studies.*

- 6.14 Whilst it is considered that this proposal would provide an innovative and new leisure facility within the District, it is not a use that constitutes an identified need within the District. The proposal accords with Policy 43 of the HDPF but only limited weight can be given to benefits of the leisure facility provided and this would not be outweighed by the loss of an employment use within the Key Employment Area and the conflict with Policy 9 of the HDPF.

Impact on Residential Amenity

- 6.15 The proposal does not include the provision of any externally fixed plant or machinery outside of the units. The nearest residential properties are located 117 metres to the west and 175 metres to the north of the industrial units. Given the degree of separation between the units and the closest neighbouring residential properties and their location within the established industrial estate it is not considered that the proposed ski training centre use would cause any harmful noise disturbance to the occupiers of neighbouring residential properties located on Sands Lane or Henfield Road to the west.

Impact on Visual Amenity of Area

- 6.16 There would be no external alterations to the existing units apart from the provision of signage on the existing doors in which no specific details have been provided. The proposed signage would also be likely to require the benefit of separate advertisement consent.
- 6.17 As there are no other external alterations to the units the proposal would have no impact on the visual amenities of the area.

Highways Impacts and Parking Provision

- 6.18 At present the car parking to the eastern frontage of the building is informal with no arranged car parking spaces. An amended car parking layout plan has been provided which has reduced the number of car parking spaces serving the proposed ski training centre from 22 spaces to 16 spaces to meet the car parking space size requirements given by West Sussex County Council.
- 6.19 The proposed ski training centre use would generate employment for approximately 14 members of staff. The Applicant has advised that a maximum of 3 people would be booked onto ski-training sessions at any one time. During off peak hours, 10am and 6pm Tuesday to Friday, it is anticipated that there will be 6 bookings, and in the evening peak hours between 6pm and 10pm Monday to Friday, it is anticipated that there will be up to 12 bookings. On Saturday and Sunday all hours will be peak and the maximum number of clients would be 24. On the basis of this information it is anticipated that up to 14 car parking spaces would be required for members of staff and up to six spaces required for visitors based on back to back training sessions. This would create a need for approximately 20 car parking spaces to serve the proposed ski training centre use. The West Sussex County Council Parking Standards and Transport Contributions Methodology Supplementary Planning Guidance 2003 requires 1 car parking space per 22sqm for a D2 leisure use and 1 car parking space per 30sqm for the existing B1 Light Industrial use. Against the West Sussex Parking Standards, the proposed D2 use of the units with a combined floor area of 578sqm would create a requirement for 26 car parking spaces. There would be a shortfall of 10 car parking spaces to serve the proposed D2 use. In comparison the existing B1 use of the units requires lower amount of 19 parking spaces.

- 6.20 Given the shortfall in the number of car parking spaces to serve the proposed D2 leisure use there is concern that this could result in car parking being displaced to adjoining areas and have an impact on those adjacent business units. The additional information provided by the Applicant suggests that the peak use of the ski training centre would be on weekday evenings and at weekends and this would be likely to reduce the potential conflict with the rest of the estate which is mainly in use on weekdays. It is not therefore considered that the shortfall of parking provision associated with the proposed D2 use would, in this instance, cause any harmful impact on adjacent industrial units or the overall level of parking provision within this part of the industrial estate.
- 6.21 West Sussex County Council (WSSC), as the Local Highway Authority, has commented that the proposed use would not give rise to any increase or material change in the character of traffic in the vicinity of the site. The revised parking layout is also considered acceptable by WSSC and is unlikely to cause an increase in on-street parking as a result of the proposed use. On the basis of the advice received from the Local Highway Authority it is considered that there would be no highway safety concerns in relation to the proposed change of use.

Conclusions and Planning Balance

- 6.22 The proposal which would involve the change of use of two B1 (Light Industrial) units to a ski training centre (D2 leisure use) within a key employment area. It is considered that the proposed change of use would conflict with Policy 9 of the HDPF as no supporting marketing information has been provided to demonstrate that the existing B1 use is no longer viable and the sequential approach has not been applied. There is a lack of commercial sites within the District as identified within the Council's Issues & Options document (April 2018).
- 6.23 Given that the units have only recently been vacated by a B1 use business, and that the occupancy rates within this industrial estate are high, it is likely that these units would be occupied by other B1 employment uses. Whilst there would be some positive community benefits from the resulting leisure facility, in accordance with Policy 43 of the HDPF, this is not considered to outweigh the fundamental conflict with Policy 9 of the HDPF. It is therefore considered that there is a policy objection to this proposed change of use to a D2 (Leisure) use within the key employment area and the application is therefore recommended for refusal.

7. RECOMMENDATIONS

- 7.1 To refuse planning permission for the following reason:

Reason for Refusal:

1. The proposed change of use of the units from B1 (light industrial) use to a D2 (leisure) use would result in the loss of employment floor space within a Key Employment Area in the Horsham District which would conflict with Policy 9 of the Horsham District Planning Framework (2015). No supporting information relating to the viability of the existing use or details of marketing of the unit have been submitted and therefore it is considered that the sequential approach, as set out in the Horsham District Planning Framework, has not been followed in this instance.