



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee

BY: Development Manager

DATE: 01 November 2016

DEVELOPMENT: Proposal for a 20m(W) x 40m(L) x 7m(H) temporary structure (marquee housing ice rink, cafe, bar and reception) to be erected for 101 days between 21st October 2016 and 30th January 2017. The structure will be removed completely after 30th January 2017. Temporary change of use (from A1 to mixed use) for Christmas Fantasia including Christmas market between 26th November and 2nd January.

SITE: Camping World Hornbrook Park Brighton Road Horsham

WARD: Forest

APPLICATION: DC/16/1939

APPLICANT: Mr Richard Bradley

REASON FOR INCLUSION ON THE AGENDA: More than 5 letters of representation have been received within the statutory consultation period, contrary to the Officer's recommendation, and; Councillors Bradnum and Newman have requested the item to be brought forward to the Planning Committee.

RECOMMENDATION: Subject to the highways issues being resolved to grant planning permission, subject to conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Temporary planning permission is sought for a change of use to the site from an existing A1 outdoor tent display and retail area, to a mixed use ice skating rink with fayre ground rides/attractions, and seasonal Christmas Market. The ice rink would operate for a total of 101 days (21st October 2016 to 29th January 2017) running from 10am to 9pm every day, and the Christmas Market/Event would run for a total of 22 days (26th to 27th November, 3rd to 4th December, 10th to 11th December, 17th to 24th December, and 26th December 2016 to 2nd January 2017) opening from 10am and closing at 10pm every day. The ice rink would be enclosed within an 800m² marquee, which would include a café and bar, sited close the entrance of the site. The market/fayre would occupy the remaining outdoor area, including approximately 15 small retail huts, a 12m high Ferris wheel, inflatable slide, and a child's car track. Temporary permission for the site is sought between the 21st October 2016 to the

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2nd January 2017. The site's use would be reverted back to A1 following the end of the event dates.

DESCRIPTION OF THE SITE

- 1.2 The application relates to an outdoor retail display area serving an A1 retail unit (Camping World). The proposal site is approximately 4,600m² (0.46 hectares), and is sited to the rear of the retail unit, at the south-western corner of the Hornbrook Park retail estate. Hornbrook Park serves four retail units: Hillier's Garden Centre, Petworld, Wenban Smith, and Camping World, all of which share a central car parking area with a maximum capacity of 250 parking spaces. The site is located approximately 160m east of the built up area, within the open countryside. The surrounding area to the west of the site is characterised suburban development, including some housing that sit outside of the built-up area, whereas the area to the east of the site is rural, and sparsely developed. The site is heavily screened to the south and the west, including tall hedging and fences, and evergreen trees.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012)
NPPF1 - Building a Strong, Competitive Economy
NPPF3 - Supporting a Prosperous Rural Economy
NPPF7 - Requiring Good Design
- 2.3 National Planning Policy Guidance (March 2014)

RELEVANT COUNCIL POLICY

- 2.4 The following policies of the Horsham District Planning Framework (2015) are considered to be relevant:
HDPF1 - Strategic Policy: Sustainable Development
HDPF2 - Strategic Policy: Strategic Development
HDPF7 - Strategic policy: Economic Growth
HDPF10 - Rural Economic Development
HDPF11 - Tourism and Cultural Facilities
HDPF 26 - Strategic Policy: Countryside Protection
HDPF33 - Development Principles
HDPF40 - Sustainable Transport
HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The site is located within the boundary of the Horsham Blueprint Neighbourhood Forum which was confirmed as a designated Neighbourhood Forum area in June 2015. The Forum is currently preparing a Regulation 14 Pre-Submission Plan. As the Forum is in early stages of producing a Neighbourhood Plan, no weight can be given to this process at this stage in the determination of this application.

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PLANNING HISTORY

HR/51/80	Industrial units Comment: Outline (From old Planning History)	REF
HU/334/88	Use of building to include sales of camping and caravan goods (From old Planning History)	PER

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 **Landscape Architect** – No objection.
- 3.3 **Community and Culture** – Supports application, which would provide an excellent temporary benefits to the town's sport, recreation, leisure, and trade.
- 3.4 **Strategic Planning** – Supports application, the principle of leisure and commercial development has already been established on the Hornbrook Trading Estate, including the adjacent Hilliers Garden Centre. The temporary development, supporting tourism and the economy will take place on previously developed land and it complies with the NPPF and the policies in the HDPF.
- 3.3 **Public Health and Licencing** – suggested condition relating to protecting neighbouring amenity from noise.

OUTSIDE AGENCIES

- 3.4 **Sussex Police** – No objection.
- 3.5 **West Sussex County Council Highways** – Objection, on the following grounds:
- Road safety and turning movements concerns
 - Free flow traffic obstruction
 - Poorly justified Transport Management Plan
 - Resultant queuing on A281
 - Insufficient alternative transport
 - Insufficient car parking
 - Concerns regarding to transport in and out of the site when dark

PUBLIC CONSULTATIONS

- 3.6 **Forest Neighbourhood Council** – No objection.
- 3.7 Ten letters of representation have been received from nearby occupants – nine objecting, and one neither objecting nor supporting the proposal, on the following grounds:
- 12 hour noise disturbances from machinery and visitors every day for 14 weeks
 - Overlooking from Ferris Wheel into residential garden area
 - Insufficient parking accommodation will result in congested roads
 - Resultant increased traffic throughout area

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- Inappropriate location for a Christmas market
- Market would have an adverse impact on trade within the main town

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The principal issues in the determination of the application are:
- a) Principle of the development
 - b) Visual impact within countryside
 - c) Impact on neighbouring amenity
 - d) Highway safety

Context

- 6.2 Planning permission was granted in 1988 for the use of the site and associated building as a retail unit for the sales of camping and caravan equipment. Therefore, the approved use of the site is A1. Generally, a temporary change of use is not required to any site, providing that the temporary use does not exceed 28 days per calendar year, or 14 days in the case of a market use. Further to this, there is no permitted use class change to the proposed use from the approved A1 use. As the proposed ice rink would operate for a total of 101 days, the market/event for 22 days, and would be in the curtilage of a building, the proposal would exceed the stipulations as defined within Schedule 2, Part 4 of the General Permitted Development Order (2015) – temporary planning permission is therefore required.

Principle of the development

- 6.3 Policy 10 of the Horsham District Planning Framework relates to rural economic development, and states that enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social, and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity, will be supported in principle. Any development should be appropriate to the countryside location.
- 6.4 Policy 11 of the Horsham District Planning Framework relates to tourism and cultural facilities, and states that Measures which promote tourism and enhance local cultural facilities, including recreation based rural diversification, will be encouraged. Any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District.
- 6.5 Historic planning records indicate that the site has been in retail use for the sales of camping and caravan equipment since 1988 (HU/334/88). The proposed temporary use for

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an ice skating rink and seasonal Christmas market event would temporarily cease the retail use on the site until the final day of the event on the 30th January 2017. Following this date, the existing approved retail use would be reinstated.

- 6.6 The proposed temporary use of the site is considered contribute to a strong, responsive, and competitive economy, which would also result in supporting a strong and vibrant community. Whilst the site is located outside of the main town of Horsham, the event would have connections to the main town – the proposed café/bar within the ice rink, and individual retails huts (which would be operated by local retailers) will contribute to the regeneration and intensification of an existing employment site on a temporary basis.
- 6.7 The event would enhance the attractiveness of the place in terms of tourism, and provide an alternate seasonal economy. Due to the temporary nature of the event, it is not considered that the development would result in any harmful conflict with the vitality the existing retail centres. The temporary development is also expected to promote tourism and enhance local cultural facilities, due to the proximity of the site in relation to the centre of the main town, and would revert back to the approved retail use after the 30th January 2017. The development would therefore have positive economic and social benefits.

Visual Impact

- 6.8 The site is located outside of any defined built-up area, approximately 160m east of the Horsham built-up area boundary. Therefore, the site is located within the open countryside, in which the Council's countryside protection policy would be applied. Policy 26 of the Horsham District Planning Framework states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Proposals must be of a scale appropriate to its countryside character and location and will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.
- 6.9 In regards to the resulting appearance of the temporary development, policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape. Development must relate sympathetically to the local landscape and should justify and mitigate against any losses that may occur through the development.
- 6.10 The proposed temporary development would be sited wholly within the curtilage of the existing retail park, located to the south-western corner of the site. The 4,600m² (0.46 hectare) site is currently decked, which is used for the display and sales of camping equipment, and is bound by 2.5m high metal fencing to all elevations. The proposed development would occupy the entire site, which would be taken up by an 800m² marquee for the ice skating rink, individual temporary retail huts, and various attractions, such as a Ferris wheel and inflatable slide. No permanent structures or equipment would be erected on the site, and the existing retail building would remain unaltered.
- 6.11 The site is set some 130m back from the highway – views to the site would be obscured by the existing retail building to the north, and the neighbouring garden centre to the east. The larger structures, such as the marquee and Ferris wheel, would be sited to the eastern boundary of the site in order to maintain a maximum distance from the nearest residential dwelling on Hornbrook Copse, and Oaklands Close. Given the temporary nature of the proposal, in which the largest structure would be erected for 101 days (excluding assembly and disassembly), coupled with the fact that the site would be reverted back to its main use as an outdoor retail area, and satisfactory distance from the highway. Further to this, as the Hornbrook Trading Estate is an established commercial development within the countryside, the proposal is not considered to negatively impact on the character and setting of the site.

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Notwithstanding the above, it is also noted that any impact would be temporary and minimal due to the relatively short period of time in which the proposal would be in operation. Therefore, the development is considered in accordance with policies 26 and 33 of the Horsham District Planning Framework in regards to its proposed appearance and visual impact within the countryside.

Impact on Neighbouring Amenity

- 6.12 Policy 33 of the Horsham District Planning Framework states that developments shall be required to Ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views
- 6.13 Representations have been received regarding the potential impact on neighbouring amenity by way of overlooking, mainly from the proposed Ferris wheel attraction. The closest residential dwellings to the site are No. 7 Oaklands Close, some 188m from the western boundary of the site, and Nos. 4-6 Hornbrook Copse to the north, at some 55m from the northern boundary of the site. The applicant has provided photographs of the surrounding area to the north, south, east, and west of the site at 8m (height of the inflatable slide) and 12m (maximum height of Ferris wheel). The photographs illustrated that views from these heights to all directions would be obscured by the surrounding trees beyond the boundary of the site, and by the retail building. Further to this, the separation distance from the site and neighbouring dwellings is considered satisfactory enough to not result in clear views into residential properties or garden curtilage. Therefore, the Local Planning Authority is satisfied that no harm would arise by way of overlooking as result of the development.
- 6.14 Due to the site's arrangement, orientation, and distance from neighbouring dwelling, the proposed temporary structures would not result in any adverse amounts of overshadowing detrimental to neighbouring amenity.
- 6.15 In regards to lighting: the event would be lit by low level local LED lighting. The existing outdoor retail is not currently lit, and does not include any floodlighting. Whilst the event would be lit during night time hours up until 10pm each day until the end of the event, the low level of lighting is not considered to result in any harmful amounts of light pollution compared to the surrounding residential street lighting on Hornbrook Copse. Further to this, the separation distance of the site in relation to neighbouring dwellings, coupled with the existing trees surrounding the site, and due to the temporary nature of the development, the proposed lighting would not result in any harmful amounts of lighting detrimental to neighbouring amenity.
- 6.16 The applicant has commissioned a week-long noise survey, which will monitor localised noise levels from visitors to the event. The associated licence with the application stipulates that no more than 700 people are to be on the site at any one time. This will be monitored by stewards. Noise levels from visitors is considered incidental to the use of the site, and cannot be controlled by reasonable conditions. However, the applicant's noise survey will be able to monitor on-going noise levels on the site throughout the event, and will attempt to reduce noise levels where necessary.
- 6.17 The event will also require some degree of plant/machinery, such as generators and a refrigeration unit to maintain the ice skating rink on the site. 1 generator will be required, which would generate at a level of 65dB at 1m, and would operate during opening hours only. The ice skating rink requires an on-site refrigeration unit, which will operate 24 hours, at level of 70dB at 10m. Whilst the generator and refrigeration unit levels are considered acceptable in principle, further detailed is required to ensure that this would no result in any

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harm by way of adverse noise levels. A timed condition is therefore attached to the recommendation.

- 6.18 With the above in mind, the applicant has satisfactorily demonstrated that no adverse impact to neighbouring amenity by way of overlooking or overshadowing would result from the development, due to the modest height and position/orientation of the proposed structures and equipment. Whilst the proposed noise levels are not considered harmful in principle, further detail can be secured by way of a timed condition subsequent to the decision. The application is therefore considered in accordance with policy 33 of the Horsham District Planning Framework in regards to impact on neighbouring amenity.

Transport Issues

- 6.19 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. Dispersed rural settlements, coupled with the limited access to public transport, results in a population that is highly reliant on the use of cars. The need for sustainable transport and safe access is vital to improve development across the district.
- 6.20 Policy 41 of the Horsham District Planning Framework relates to parking, and states that development should seek to improve parking in town centres so it is convenient, safe and secure. Parking provision must ensure a balance between good urban design, highway safety, residential amenity and promoting town centre attractiveness and vitality. Adequate parking and facilities must be provided within developments to meet the needs of anticipated users.
- 6.21 Hornbrook Trading Estate currently includes a 250 capacity car park – the site is accessible from the A281 (Brighton Road), and includes its own filter lane from westbound traffic. Traffic will be marshalled at all times during the event to ensure that the maximum capacity is not exceeded. Given the established use of the car park, which includes ample visibility east and westbound from the exit, the safety of the junction is not considered to be dissimilar from the existing arrangement.
- 6.22 A parking survey was undertaken on site between Monday 26th September and Sunday 2nd October at 10am, 12 noon, 2pm, and 4pm in order to ascertain the existing use of the car park, and to identify its peak demand for the existing use of the site. The survey revealed that the peak time tended to be at 2pm, with 285 cars being parked on the site at this time over the whole week, and Saturday as the peak day, with some 171 cars over the whole day. Saturday at 2pm recorded the most cars on the site at one time – 56. With the existing business uses on site in mind, this should result in the availability of approximately 200 parking spaces on the site during peak business times. Given the predicted 330 cars per day, and the average 2-3 hour visiting time, the existing parking arrangement should be sufficient – a licence from the owners of the land has been obtained, granting permission for the use of the car park for the event. Alternative methods of transport to the site have also been proposed, such as a shuttle bus service from the Carfax to the overfill car park at the Rugby Club. The existing bus routes on Brighton Road can also be utilised to get to the site.
- 6.23 It is noted that the Local Highway Authority has objected to the proposal, as it was not considered that the submitted transport management plan provided sufficient information and justification to overcome previously established concerns. However, discussions are still underway, as the objections within the consultation response can be overcome by the submission of a revised transport management plan, alongside further clarification, and the attachment of relevant conditions to ensure the measures are implemented and maintained.

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- 6.24 It should be noted that the applicant does not intend to sell tickets to the attraction on the access to the highway, as stated on the second point of objection from the LHA. It is anticipated that most ticket sales will be done online, which will also allow the event managers to prepare and advise customers of the parking situation on the site. Live feed dot matrix signs have been proposed to be placed facing east and west of the A281 to indicate the availability of parking, or inform of an alternative car park. Approximately 30-40% of ticket sales would occur on the access to the attraction as “on the door” sales.

Conclusion

- 6.25 Due to the site’s location outside of the built up area, siting to the rear of the plot, relatively low structures, and temporary nature of the development, the proposed temporary event is not considered to result in an adverse visual impact on the countryside or any harm to the amenity of neighbouring occupiers. Whilst the event would result in an increase in activity within the countryside, consideration is given to the site’s relatively close location to the main town, and its existing commercial use and siting on a main A road (A281/Brighton Road). The event is expected to promote tourism and enhance local cultural facilities, due to the proximity of the site in relation to the centre of the main town, and would ultimately have positive economic and social benefits. In regards to transport arrangements, the event (subject to the detail received within the revised transport management plan) would promote safe and sustainable transport. Officers therefore recommend the application for approval, subject to the satisfaction of the attached conditions.

7. RECOMMENDATIONS

- 7.1 That the application be approved, subject to the following conditions:

1. The proposed temporary use of the land for an ice skating rink and seasonal Christmas market hereby permitted shall be discontinued and the land restored to its original condition and intended use immediately following 30th January 2017 in accordance with a scheme of work submitted to an approved in writing by the Local Planning Authority

Reason: The use hereby approved is not considered suitable as a permanent form of development to safeguard neighbouring amenity, and to comply with policies 26 and 33 of the Horsham District Planning Framework (2015)

2. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework (2015)

3. The premises shall not be open for trade or business except between the hours of 10:00 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)

4. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

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5. Within 2 weeks of the date of this decision a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented within 1 week of such approval in strict accordance with the approved details, and shall be retained throughout the duration of the hereby approved development.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with Policy 33 of the Horsham District Planning Framework (2015)

INFORMATIVES

Please be advised that there are conditions on this notice that will require formal discharge. In order to secure the discharge you will need to submit an "Application for approval of details reserved by condition" application form and pay the appropriate fee, guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms

The applicant is advised to contact the area highway manager, Chris Stark, as an agreement or licence may be required to place the proposed dot matrix signage on highways land for the extended period of time: chris.stark@westsussex.gov.uk

Background Papers: DC/16/1939