



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 6 December 2016

DEVELOPMENT: The part demolition, reconfiguration and extension of the western part of the shopping centre to provide new A3 (restaurants and cafes) uses at ground floor level, a new Class A1 (retail) unit at mall level and Class D2 (leisure) uses above; construction of new mall entrance; provision of an outdoor seating area onto Springfield Road; and other associated works

SITE: Swan Walk Shopping Centre Horsham West Sussex RH12 1HQ

WARD: Denne

APPLICATION: DC/16/1371

APPLICANT: c/o agent

REASON FOR INCLUSION ON THE AGENDA: More than 5 letters of representation contrary to the Officer's recommendation have been received and the Council has an interest in the application site

RECOMMENDATION: That planning permission be granted subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks permission for the part demolition of the existing centre and its re-building/remodelling to provide the following:
 - a multiscreen cinema with six screens and up to 850 seats in total plus foyer/café and concessions area;
 - four restaurant units totalling approximately 1581m²; with access directly from Springfield Road;
 - A reconfigured retail unit on the first floor only totalling approximately 1641m²;
 - the re-configuration of part of Swan Walk – providing a more legible internal layout;
 - an improved entrance to Swan walk from Springfield Road.
- 1.2. The proposed development results in a loss of approximately 1,730 sq m retail floorspace and a loss of 2,707 sq m office floorspace.
- 1.3 Access to the cinema and Swan Walk would be gained via a glazed entrance along the Springfield Rd elevation, adjacent to the service entrance to the Swan Walk Centre. At this

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point the existing building will be extended out to 'square off' the existing diagonal corner. From this location escalators and a lift would provide access to the upper floors, leading to the retail centre at first floor and cinema at second floor. Access is available to the Swan Walk car park for the public from the first floor and for servicing the cinema from the second floor. The basement service yard lies to the rear of the Springfield Road restaurants.

- 1.4 The internal reconfiguration would affect the westernmost part of the Swan Walk centre resulting in the westernmost 'arm' of the centre proceeding directly towards the proposed Springfield Road entrance rather than reaching the entrance to the final retail unit before heading towards the West Street entrance. The new design and floorplan would allow views internally through the centre out to Springfield Road through the glazed atrium rather than into the side glazed wall of a retail unit. This will also provide direct connectivity between the retail centre and cinema.
- 1.5 The appearance of the centre would represent a contemporary design approach with a large glazed entrance on the Springfield Road elevation with signage indicating the entrance to Swan Walk and also the Cinema (the signage is indicative and advertisement consent is not granted by this application). A bronze coloured anodized aluminium cladding is proposed along the Springfield Road frontage, lying in a band across the first floor and wrapping around the corner to the flank elevation. Beneath this is a band of brickwork which frames the four restaurants. The design of the restaurant frontage is largely uniform across each unit with large areas of glazing alongside bronze louvered detailing and each unit framed by a stone surround. The louvres above the proposed fascias would be in the same material as the main body of cladding. Each restaurant frontage would include a retractable canopy to ensure the use of the external seating areas for a greater length of the year.
- 1.6 Above and between each restaurant unit brickwork is proposed which would link into the corner and West Street elevations. The corner and West Street elevations feature two storey height windows framed in bronze aluminium to match the restaurant frames and with some louvered detail on the West Street frontage. The bronze cladding is replaced on these frontages by brickwork and a textured brick band along the top of the wall that wraps around this part of the building.
- 1.7 The proposed scheme would result in a larger building than at present to accommodate the entrance extension on the Springfield Road elevation and the cinema screens on the top floor – which are contained in the silver/grey clad area of the building. This results in a number of changes which are detailed below, but which essentially result in the brick and bronze facades being a minimum of 2m lower than the existing building where it adjoins the highway, but with the cinema element being between 1.5 – 4 m higher than the existing building. The cinema element of the scheme, clad in the lighter silver/grey cladding would sit behind the main faces of the building. The highest part of the development is that part encompassing the cinema screens. This part of the scheme generally is set back from the ground and first floor facades. The changes can be quantified as follows:
 - the entrance to the scheme in Springfield Road would extend beyond that part of the existing building, projecting to a point level with the existing predominant building line of the Springfield Road elevation. In effect this corner of the building would be 'squared off';
 - the height of the building at its frontage (i.e. the brick elevation), where it abuts West Street would be approximately 2m lower than the roof of the existing building (apart from the staircase projection which would form a relatively narrow projection that would immediately abut the West Street facade). It would increase in height for the cinema level (which would be set back 2m from the frontage facade) to a height that would be between 2 - 4m higher than the existing roof of this building;
 - the height of the proposed front facade on the corner of the site facing into the area of the former Rising Universe, would be approximately 2m lower than the existing

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building rising to approximately 4m higher than the roof level of the existing building at the cinema level. The cinema element would be setback from the corner frontage by between 1.6 – 7m:

- on the Springfield Road elevation the front façade would be between 3 – 5m lower than the existing facade with the cinema element being approximately 1.5m higher than the existing roof line. This element of the scheme would be set back between 1.6 – 16.6m behind the front façade;
- the north facing elevation, towards the service road to the Swan Walk centre, would see a decrease in height where the front facade would be lower than the existing pitched roof by a maximum of approximately 5m, the cinema element would be level with the existing pitched roof and where the cinema parts of the scheme reach into the rear part of the site there would be an increase in height of approximately 4m.

- 1.8 Externally, seating areas are anticipated outside each of the restaurants and the proposal includes canopies for this use. These areas would be sited at the point where Springfield Road and West Street are wide enough to permit the easy and free flow of pedestrians along the public highway around these areas.

DESCRIPTION OF THE SITE

- 1.9 The site lies within the town centre and comprises a commercial property forming the westernmost part of the Swan Walk Shopping Centre, lying at the junction of Springfield Road and West Street in the pedestrianised part of the town centre. The ground and first floor are in retail use, being occupied by Wilko with office accommodation above. The area outside Wilko within the centre features a large glazed atrium. The existing building has a red brick façade with red framed windows and three vertical zinc clad towers on the West Street and corner elevations. The roof is pitched and tiled.
- 1.10 The site faces onto the site of the former Rising Universe fountain and onto retail premises along West Street and Worthing Road, the Lynd Cross with flats above on the corner of Springfield Road and Bishops Weald house, a mixed commercial and residential building, which is currently undergoing a redevelopment, on the opposite corner. The service access to the Swan Walk centre lies on the northern side of the site. On the other side of that access is the United Reformed Church building.
- 1.11 The Conservation Area is some 60m from the site in West Street, whilst the nearest listed buildings lie at 12 Bishopric (overlooking Albion Way) and 21 and 22 West Street.
- 1.12 The site lies within the identified town centre, with the retail units within the Swan Centre lying within a primary retail frontage and the ground floor of the site where it faces onto West Street lying within a Primary Shopping Area.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (NPPF)

Building a strong, competitive economy (Section 1)
Ensuring the vitality of Town Centres (Section 2)
Promoting sustainable transport (Section 4)
Requiring good design (Section 7)

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Meeting the challenge of climate change, flooding and coastal heritage (Section 10)
Conserving and enhancing the historic environment (Section 12)

Technical guidance to the National Planning Policy Framework

Planning Practice Guidance

RELEVANT COUNCIL POLICY

2.3 Horsham District Planning Framework (2015) (HDPF)

Policy 1 (Strategic Policy: Sustainable Development)
Policy 2 (Strategic Policy: Strategic Development)
Policy 3 (Strategic Policy: Development Hierarchy)
Policy 5 (Strategic Policy: Horsham Town)
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 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 37 (Sustainable Construction)
Policy 38 (Strategic Policy: Flooding)
Policy 39 (Strategic Policy: Infrastructure Provision)
Policy 40 (Sustainable Transport)
Policy 41 (Parking)
Policy 42 (Strategic Policy: Inclusive Communities)

RELEVANT NEIGHBOURHOOD PLAN

2.4 This site lies within the Horsham Blueprint Area which was Designated as a Neighbourhood Forum in 2015. Preparation of the plan is now underway.

PLANNING HISTORY

2.5 The planning history concerns a number of permissions and advertisement consents relating to the retail units within Swan Walk, none directly relevant to this application.

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 Environmental Waste and Cleansing:** Comment All restaurants, leisure and retail units will require space within the loading areas for trade bins. Each unit will require provision to house refuse and recycling bins for their unit.

3.3 **HDC Environmental Health:** (Summarised) No objections – subject to conditions regarding the following: a construction management plan, air conditioning and ventilation and odour control systems, delivery hours (8-6 Monday to Friday and 8-1 Saturdays), delivery point, waste storage.

3.4 **HDC Town Centre & Events Manager** (Summarised) Support

Supports the application considering it would add substantial value to the town centre's 'offer': to be successful town centres need to change to meet the changing needs of consumers and functionally the advent of this type of family oriented leisure offer is exactly what the town needs, currently being weak in its family offering. With the number of young families currently moving to the Horsham area and the continued increase in population we need these facilities to prevent loss of overall trade and local economic benefit from locals. It will also attract new visitors to spend more time in the town.

It is also considered that such an addition to Swan Walk would be likely to support increased car park usage and income mostly at times when the car park is substantially underused.

3.5 **HDC Landscape and Horticulture Manager:** (summarised) Comment

It is always our intention to maximise the greening of streetscapes, particularly with structural planting at eye level and above. It appears that the container trees currently in Springfield Road are to be removed as part of these proposals and we are happy for that to happen. We would hope however that suitable street trees could be planted into the pedestrian surface in Springfield Road and would request that opportunities to do this are sought.

3.6 **HDC Conservation:** No Objection subject to Conditions

Firstly it should be noted that the proposal would work with the existing building and thus the existing scale and structural components of the building provide constraints in the proposed design and layout. Further, in working with the existing building the strong linear character of West Street will be maintained as will the strong corner treatment to West Street and Springfield Road –both of which are considered to be positive characteristics.

The LPA have worked closely with the architects on this application and the current design is the result of many reincarnations with various amendments made to respond to the existing and rather varied building types and palette of materials within the locality and it is now considered that the proposal would seek to preserve and enhance the setting.

The predominant use of brick within the design -especially to the West Street elevation- would allow the building to harmonise with the locality and the detailed design with elements such as the textured brickwork, extensive glazing with deep reveals, and the shopfront canopies with louvre features above, would provide relief and articulation to the building. These details would give interest along the prominent frontages and would subtly break up the visual massing of the building.

The use of the bronze metal cladding to the upper area of the elevation fronting Springfield Road has been the subject of much debate between the architects and the LPA and the scale of the chosen material is now considered appropriate. The metal cladding is a high quality material which would give the building interest and in accordance with NPPF advice, the innovative approach is welcomed.

The use of extensive glazing would promote an active street frontage and improve the vitality of the area. The existing building does not interact well with the street at ground floor level and it is considered that the proposal would enhance its relationship with the public realm; and again, the glazing would help to break up the massing.

The design approach also includes a limited palette of high quality materials and the clean lines within the elevation treatment give the building a bold simplicity which should allow the development to sit harmoniously within the streetscene.

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For these reasons, it is considered that the proposal would serve to preserve and enhance the setting of the listed buildings and the Horsham Conservation Area in accordance with local and national planning policy, guidance and legislation. Recommends conditions relating to glazing, shopfronts and signage.

OUTSIDE AGENCIES

3.7 **WSCC Highways** (Summarised) No Objection

The Local Highway Authority (LHA) accept that the majority of the cinema trips will already be taking place and using the highway network, but travelling to a destination outside the existing town. The cinema will provide an alternative and trips will transfer from one destination to another. Similarly, a number of trips may be linked with other purposes in the town centre. The cinema will effectively result in very few new vehicle trips on the wider highway network although there is the potential for increased traffic within the junctions in the immediate vicinity of the site.

The development's peak traffic generation lies away from the network peak times, as such the highway network will have spare capacity at these times to accommodate additional traffic. At other times, in light of the likelihood of linked or transferred trips, the proposal is not envisaged to result in significant increases in traffic.

Parking demands could realistically be spread across a number of car parks within the town centre. Taking the data for Swan Walk, it's apparent that peak parking demands for the proposed development occur away from peak times for other town centre uses. At other times, again, it is accepted that given the potential for high proportions of linked trips, an element of the parking demands will already be taking place in association with other trip purposes. The LHA are satisfied that there are sufficient controls in place and that potential parking demands can be accommodated.

Any works within the adopted highway, for instance to the pedestrianised area of Springfield Road, will require a license which will be dealt with independently to the planning application.

There are no in principle objections to the changes of use proposed.

3.8 **Southern Water** (Summarised) Comment

The results of the initial desk top survey indicate that Southern Water cannot currently accommodate the needs of the application without the provision of additional local infrastructure. The proposed development would increase flows into the foul and surface water system and as a result increase the risk of flooding in and around the existing area.

Should the local authority be minded to approve the application a condition is required to ensure that a drainage strategy is submitted to the local planning authority for agreement prior to development.

3.9 **Horsham District Cycling Forum** Comment

The Cycling Forum consider that cycle provision for staff and visitors should be required in order to encourage sustainable transport to and from the premises. The transport assessment claims that cycle parking facilities are available provided by others.

3.10 **Sussex Police** (summarised) Comment

It is recommended that the applicant implement the existing security measures that are presently in force adapting them and introducing new where necessary. The applicant is encouraged to take advice about their current ParkMark accreditation and seek to ensure that this can be applied to the new project.

Any consent for A3 units on these premises should be conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters/waitresses.

PUBLIC CONSULTATIONS

- 3.11 11 letters of objection, including ones from the Horsham Society and the United Reformed Church, have been received, which raise the following issues:
- lack of facilities for all members of the community, specifically no facilities for people with disabilities. A Changing Places facility should be provided to assist disabled children and adults;
 - residents do not wish Horsham to turn into a mini Crawley: we should keep the character of this market town;
 - this will harm the Capitol theatre;
 - more food outlets are not needed;
 - concern about the access to the service facilities;
 - this end of town will become a 'no go' area at certain times of the day because of the anti-social behaviour of younger members of the community;
 - this site is highly visible in an important location – the appearance and materials have no relation to the buildings in the locality and nor do the restaurants public realm work in connection with the town vision. The metal cladding is inappropriate for a historic town crossroads and will 'date' quickly and there is no articulation at first floor and above. The loss of the external seating areas from the public highway should be resisted – to avoid reducing the public realm;
 - access to Swan Walk should remain central to the scheme, not be moved to the northern end of the scheme onto Springfield Road;
 - the additional height with cinema advertising will have a significant impact on views of the site.

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 main planning issues concern the principle of the development and impact upon the existing cinema, reduction in retail floorspace, loss of office accommodation, design and impact upon the character of the surrounding streetscene, heritage impact, impact upon highways and parking, facilities for those with disabilities, and neighbour amenity.

Principle of Development /Impact upon the Capitol

- 6.2 The NPPF confirms that town centres lie at the heart of the community, providing a competitive economic environment that provides customer choice with a diverse range of uses to meet retail, leisure, commercial, office, cultural, community and residential needs.
- 6.3 This is reflected at a local level in Policy 5 of the HDPF which promotes development which would maintain and strengthen the role of the town as the primary economic and cultural centre providing a range of services and facilities including those in arts, heritage and

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leisure that make the town self-sustaining. A range of leisure uses that would contribute towards the evening economy will be supported.

- 6.4 The town has a cinema at the Capitol theatre and concern has been expressed by residents about the need for a multiplex that would compete with the Capitol and which is more representative of a larger town such as Crawley. The NPPF and the HDPF clearly seek to encourage a range of development opportunities with the town centre to respond to the continued population growth around the town and the wider district. The NPPF does not require the applicant to demonstrate need in order for this application to be determined – rather it takes the approach that planning policies should foster competitive town centres providing customer choice and centres that enhance existing markets and create new ones where appropriate.
- 6.5 The following information has been submitted to support the provision of a new cinema in Horsham: the cinema proposed would complement the existing offer at the Capitol insofar as it would offer a mainstream multiplex designed for first showings of blockbuster movies – the nearest such facility currently being on offer in Crawley. Survey results carried out by the applicant indicate that the four main cinemas currently used by the Horsham residents are those based in Horsham, 2 No. in Crawley (including The Hawth) and Dorking, with Cineworld in Crawley being the most popular centre for a cinema visit with around 3,259 seats. Other centres visited for a cinema trip include Reigate, Chichester, Brighton and Guildford. The study/projections calculate that of the cinema trips made by the district's residents only approximately 15% of them are made to the Capitol theatre – meaning that the vast majority are lost to surrounding districts. It is calculated that if all the outgoing visits were retained within the town, that in fact the proposed cinema would not offer enough seats to address the need generated.
- 6.6 The issue of competition between competing businesses is not therefore considered a matter for the planning system to address and any impact upon the Capitol must be addressed by the Council as owner of the Capitol just as any other business would be expected to react to additional competition from new development. 6.7 Therefore subject to complying with other relevant policies within the Development Plan, addressed below, the principle of a cinema led scheme in this location is considered acceptable.

Reduction in Retail Floorspace

- 6.7 As recognised in the section above, the Council should encourage a situation which fosters the provision of a wide range of facilities within the town centre.
- 6.8 Policy 13 seeks to ensure that any new development would improve the character, quality and function of the town centre as a whole. It also addresses the protection of existing retail frontages, generally seeking to retain units located within Primary and Secondary frontages unless it can be demonstrated that the proposed change of use would contribute to the vitality and viability of the town centre.
- 6.9 The application site contains an existing retail store at ground and first floor. In terms of the identified retail frontage, the unit at first floor within the Swan Walk Centre is identified as lying within a Primary frontage, whilst the ground floor unit where it faces onto West Street lies within the Primary Shopping Area.
- 6.10 The proposed scheme would remove the ground floor retail unit and that floorspace would be incorporated into a larger first floor unit. In total this would result in the loss of 1,730 sq m of retail floorspace. In terms of Policy 13 such a loss could be acceptable if the change of use would contribute to the vitality and viability of the town centre.

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- 6.11 The scheme as a whole would provide a first floor retail unit of just over 1,600 sq m in size, 4 new restaurants, a ground floor cafe (Use Class A3) and a 6 screen cinema. The cinema would add to the range of leisure facilities available in the town centre – capturing, at least in part, the local cinema audience that currently travels to surrounding towns such as Crawley for a multiplex visit. It is anticipated that the cinema would also create linked trips to existing and proposed retail and restaurant facilities in the town centre – where currently some of those visits are not made in Horsham – use being made in Crawley for instance of the neighbouring A3 facilities when linked to a cinema visit. It is concluded that the anticipated footfall and activity associated with a retained, albeit smaller, retail unit in combination with the restaurant uses and cinema would significantly exceed those of the existing larger retail unit on its own. The proposed scheme would therefore positively contribute to the vitality and viability of the town centre and the loss of some of the existing retail floorspace would be more than offset by the gains resulting from the cinema and proposed restaurant uses. The proposal is therefore considered to comply with the overall strategy to encourage economic growth within the district, to comply with the specific requirements of Policy 13 and with the aims of the NPPF.

Loss of Office Accommodation

- 6.12 Policy 9 of the HDPF seeks to protect existing employment sites outside the Key Employment Areas seeking to ensure that their redevelopment must demonstrate that the site is no longer needed and/or viable for employment uses.
- 6.13 The existing site has just over 2,700 sq m of office space on the top two floors of the building (Albery House) which would be lost as a result of the proposed scheme. This space is currently occupied by a technology based company who have been a long term occupant. No information is available from the applicants regarding the plans of the current occupants should this permission be granted.
- 6.14 An assessment of the Council's provision of office space, by Crickmays on behalf of the Council, concludes that the previously identified surplus of office space has been depleted within the town centre, partly as a result of changes to the permitted development rights allowing the change of office accommodation to residential use. However, a demand for the best quality office accommodation remains unsatisfied. Whilst the applicant draws attention to the proposed North Horsham development as a means of delivering future office provision for the town, this underestimates the benefits that the provision of offices within the town centre provide. Jobs located within the town centre provide custom for existing businesses within the town centre during the week with some potential for evening visits to surrounding restaurants, pubs etc. Taking the working population out of the town could have adverse impacts upon spending and activity levels within the town centre and this forms part of the consideration of the loss of the offices
- 6.15 However, the proposed use, whilst primarily a leisure use, would have an employment element whose staff would be able to use the town centre shops. The numbers of new staff, are likely to be less than the number of workers that could be accommodated were the existing offices retained and used to their fullest extent. Equally important however in terms of the vitality of the town centre are the linked trips that would be expected to accrue from visits to the cinema and restaurants.
- 6.16 The loss of office space is considered regrettable. It is acknowledged that the offices are not a premium grade accommodation, as a result of their age, location and situation above a shopping centre and that they offer a slightly lower grade accommodation. No evidence has been submitted to demonstrate that the space is no longer needed or viable for use and there remains an unfulfilled demand for the best quality office space within the town centre. However, conversely, the proposed use would provide employment opportunities, the expectation of linked trips to existing businesses as a result of the uses proposed and a very clear boost to night time levels of activity and the economy of the town centre. On

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balance therefore, it is considered that concerns about the loss of the offices would be outweighed by the benefits that would accrue from the proposed scheme.

- 6.17 In conclusion the loss of the office accommodation is, on balance, considered to be acceptable. Whilst the town centre retains a demand for office accommodation that cannot be met, the accommodation is not the best grade available and the proposed scheme would provide some employment as well as providing a scheme that would enhance the overall vitality and viability of the wider town centre.

Design & Impact upon the Surrounding Streetscene

- 6.18 The NPPF considers the role of high quality design as a means to add to the overall quality of an area, to create a strong sense of place, to optimise the potential of a site to accommodate development whilst responding to local character, reflecting the identity of local surroundings and materials whilst not preventing or discouraging appropriate innovation. Design policies should concentrate on guiding the overall scale, density, massing and height and should not attempt to impose architectural styles of particular taste and not should stifle innovation, originality or initiative. It is considered proper however to seek to promote or reinforce local distinctiveness. Whilst visual appearance is important, high quality and inclusive design goes beyond the aesthetic – addressing connections between people and places and the integration of the new into the natural, built and historic environment.
- 6.19 Policy 32 of the HDPF seeks high quality and inclusive design for all based upon a clear understanding of the context of the site, contributing to a sense of place and the way the building integrates with its surroundings whilst complementing any locally distinctive character and heritage.
- 6.20 The Horsham Town Design Statement 2008 concentrates predominantly on the residential areas surrounding the town centre but where it does make reference to the town centre, it identifies that a few town centre developments have used more innovative approaches but that these were not always universally welcomed”. It is considered important that new development is “accommodated in ways that do not damage the overall visual quality of the built environment and that Horsham should retain and enhance its image as a historic market town.” “All new development should take account of the setting of the town and respect the character of the approach roads. Design should have regard for the surrounding street scene, existing buildings and the local character of the area, but need not preclude innovative modern design”. In relation to shopfronts these should have regard to their context and location and where there is more than one shopfront in a building the design should be similar.
- 6.21 The existing building has 4 floors with regularly spaced and designed windows on the upper floors with large glazed shop windows at ground floor, albeit many of these are covered with vinyls on the inside face of the glass. The building uses traditional brick materials with a tiled pitched roof and a number of vertical towers punctuating the main facades.
- 6.22 The surrounding area comprises a mixture of designs, materials and building styles, although brick is the predominant material in use. The wider surrounding area has a generally traditional feel although the development around this pedestrian junction is largely more recent and a scheme at Bishops Weald House is currently under construction. The scale of buildings around the junction are generally larger than in the adjacent West Street and Bishopric with Bishops Weald House currently being constructed as a 5 storey development, with ground and first floor commercial uses and 3 floors of residential above. That scheme will feature facing brick and some cladding with contemporary shopfronts inserted. The application site lies at a crossroads and as a result of its scale and position

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forms quite a prominent building providing a backdrop to views from Worthing Road, Bishopric, Springfield Road and West Street.

- 6.23 The bulk and scale of the scheme reflects a combination of the form of the existing building and the function of the proposed use as a cinema. Therefore, whilst the details of the design of the scheme have changed since its original submission, the scale remains unchanged.
- 6.24 The scheme incorporates a number of changes of height and level compared to the existing building and these are detailed in paragraph 1.8 above. In general terms the scheme has been designed to lower the front façade compared to the existing building to on this corner site and to remove the upper cinema levels from the front façade and set them back as far as can be achieved. The setback distance varies and it is clear that the cinema clad element of this scheme will be visible within the streetscene. The prominence of the cinema level works will be of greater or lesser prominence depending upon where the site is viewed from, however, the set back position ensures that these views do not overwhelm or dominate the overall appearance of the building. From a greater distance such as when viewed from Albion Way, the flank wall of the scheme will show in its entirety from that area between Springfield Road and Springfield Park Road. However at that distance the bulk and mass of the roof works would sit comfortably with the general bulk and mass of the Swan Walk and town centre development. The materials proposed are not used elsewhere in the town but are not dissimilar to the zinc/lead cladding that is evident on rooftops in smaller quantities around the town centre. The works to the Swan Walk Marks & Spencer for instance comprising zinc clad buildings on top of the brick built centre are easily visible from Albion Way but whilst a different form and material, these read as part of the wider streetscene rather than a jarring or unusual feature. It is considered that the longer distance views of this site would be interpreted in the same way. The closest views of the site would show, to varying degrees, the cinema level, but at this distance the forward prominence of the brick and bronze façade would be clearer and would be expected draw the eye from the lighter cinema cladding at the top of the scheme.
- 6.25 The design would create a contemporary and interesting scheme yet retaining a simple palette of materials. The existing building has very little interaction between the ground floor store and the street outside, which on a prominent corner such as this is a failing of the existing site. The proposed scheme seeks to change that with significant levels of glazing across two floors not only to provide visual interest, but to increase interaction between the uses inside and the external pedestrianised realm.
- 6.26 The palette of materials is simple with a mix of traditional brick, primarily on the West Street and corner part of the building, leading into a mix of a more contemporary anodised aluminium cladding above the restaurants and cinema on the Springfield Road elevation. The anodised cladding is a relatively common material although perhaps new to Horsham, but maintains a clean contemporary appearance that weathers well. The balance of the materials and the way in which they are used maintains a balance along the West Street elevation of a more traditional appearance, which changes to a slightly different character as you move away from the conservation area and round the corner to Springfield Road. Springfield Road at present forms a dead frontage and this scheme would introduce a lively frontage that would draw people further up the road to gain access to Swan Walk and the cinema as well as the restaurants in between.
- 6.27 Concern has been expressed by residents regarding the more contemporary nature of the scheme and the ability of this to 'fit in' with the general character of the town is questioned. The development sits in a part of the town that lies outside a conservation area, it does not lie close enough to any listed buildings to have to react to their setting and with more contemporary development in place, with the new Waitrose/John Lewis and the Bishops Weald House scheme under development, this is considered to be the appropriate part of town in which a more contemporary scheme could be accommodated. The design has

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been modified to tone down the originally proposed expanse and brightness of the cladding and more brickwork and stone work has been introduced to relate to the surrounding buildings. The scale of the cladding on Springfield Road has been reduced to provide a more interesting elevation such that the lack of windows along the Springfield frontage at first floor level does not lead to a featureless façade. The proposed shopfronts with the fascias and louvered elements within the stone surrounds would provide a relatively traditional form but with clean modern materials. The double height windows on the corner and West Street elevations add to the visual interest of the scheme and would create a better interrelationship with the retail centre around the site, than the current scheme, which essentially turns its back on the retail centre other than from within Swan Walk.

- 6.28 Externally the scheme proposes seating areas in front of each of the restaurants on both Springfield Road and West Street. Springfield Road has a very slight incline and originally it was proposed that the areas in front of the restaurants in Springfield Road would be levelled out to a lower level than the surrounding pavement with a stepped access up to the surrounding pavement – of the same character as the stepped areas in the Carfax. Such works would require a Stopping Up Order to remove the specific areas from the public highway, which could not be resolved during the lifetime of this application. The area remains within the red line of the application site and the plan has been revised to show seating areas at pavement level. This matter will be resolved by means of a condition so that if the former approach is pursued then once the legalities have been finalised the details of the seating areas can be considered by the Council. In terms of the appearance of these areas however the scheme ensures that they provide a unified approach to the design of the building and the actual spaces and the details of any planters, screens etc can be dealt with as part of a condition to ensure a consistent approach to this area.
- 6.29 The scheme is required to fit comfortably within its context – that does not mean that it must slavishly copy any other building or style. This part of Horsham is undergoing change with more contemporary buildings in evidence. The scale of the building is considered to fit comfortably into its surroundings and the design and materials proposed, whilst offering a more contemporary approach would result in a scheme that contributes to a sense of place and that would integrate with its surroundings. It is considered that the scheme is policy compliant in this respect.

Impact upon Heritage Assets

- 6.30 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special regard to the desirability of preserving a listed building and its setting and the desirability of preserving or enhancing the character or appearance of conservation areas. This site does not lie in close proximity to any listed buildings, with the nearest such building lying at the far end of the Bishopric over 50m away. The nearest part of the conservation area lies in West Street some 60m to the east.
- 6.31 The scale of the scheme and its design has been considered above. The existing building already provides a prominent finish to West Street and the proposed scheme would not change that. It would provide a change in materials with a lighter brickwork being seen from West Street, with the front façade being lower than the existing building. The cinema level would be set back 2m from the West Street frontage and its lighter cladding is expected to register as a change in appearance, but not one that would adversely affect the setting or character of the conservation area. It is considered rather that the use of a lighter material to the upper elements would aid to lessen the perception of built form. The stairs onto West Street would require an extension to the building which would be higher than the existing façade and which would be visible from West Street. However the conservation area sits sufficiently far from the site that views of this more prominent part of the scheme would be insignificant.

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- 6.32 The Council's Conservation Officer has considered the scheme and commented as set out above in paragraph 3.6 where it can be seen that the manner in which the scheme has been developed, results, in the view of officers, in a scheme that does not harm the setting of the nearest listed building nor the conservation area. This aspect of the scheme is considered to be policy compliant.

Impact upon the Highway and Parking

- 6.33 One of the cornerstones of the NPPF is the encouragement of a pattern of development, where reasonable, which facilitates the use of sustainable modes of transport seeking to balance the transport system in favour of sustainable transport.
- 6.34 Local authorities should seek to improve the quality of parking in town centres so that it is convenient safe and secure whilst recognising that the parking standards required should take into account the accessibility of development, the availability of and opportunities for public transport, car ownership levels and an overall need to reduce the use of high emission vehicles.
- 6.35 Policy 40 of the HDPF refers to a re-balancing in favour of non-car modes supporting development which is located in areas where there are or will be a choice in the modes of transport available. Policy 41 addresses the issue of parking, requiring adequate parking facilities to meet the needs of anticipated users.
- 6.36 The site of the proposed re-development lies adjacent to a 900 space multi storey town centre car park which is open 24 hours a day. The site is also about 100m from the bus station and approximately a 15- 20 min walk to the train station. The adjacent car park is well connected to the highways network – linking to Albion Way.
- 6.37 Analysis of the occupancy rates for the adjacent car park indicate that the peak occupancy rates are during the day – between 11am – 12 midday with 89% occupancy on the Fridays when surveyed and 93% occupancy on the Saturdays surveyed. Occupancy after 6pm on both those days was generally low, being below 10% occupancy.
- 6.38 The anticipated trip generation for the scheme indicates that the peak hours are predicted to occur between 7pm-8pm on both weekdays and Saturdays – with the cinema generating 247 two way trips on weekdays and 671 two way trips on Saturdays. The restaurants are predicted to attract 134 two way vehicle trips in the peak hour during weekdays and 90 two way vehicle trips during the peak hour on Saturdays. The submitted Transport Assessment assumes that all vehicular traffic attracted to the site will use the Swan Walk car park, whilst in reality traffic is likely to be spread over a number of town centre car parks. However even using the assessment of the use of only the closest car park, the increase in traffic at the Medwin Way roundabout amounts to less than one additional vehicle every 3 minutes in the peak hour on a Saturday. This impact would be reduced with the use of the other car parks within the town centre.
- 6.39 The traffic would be quickly dispersed and it is not considered that the proposed development would have a significant impact on the operation of the local roads and junctions. In terms of the additional parking requirements generated by the development it is predicted that the existing Swan Walk car park would be able to accommodate the additional parking demand, whilst there is of course additional parking across the wider town centre.
- 6.40 The site is centrally located and well connected to public transport. In addition there are good cycle connections to the site with cycle parking available within the town centre. Overall as can be seen from the County Highways assessment, it is not considered that the proposed scheme would have an unacceptable or harmful impact upon the traffic and

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parking conditions within the town centre and vicinity of the site. The proposal is therefore considered to comply with the NPPF and Policies 40 and 41 of the HDPF.

Facilities for those with Disabilities

- 6.41 The HDPF at Policy 42 seeks development which helps create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs. Particular account will be taken of the need to “address requirements stemming from people with additional needs including the disabled or those with learning difficulties”. It is clearly considered important that development should contribute towards meeting the needs of all sections of the community to help to encourage social cohesion.
- 6.42 In terms of statutory provision the minimum space for a Standard Wheelchair Accessible Toilet would require a space of some 3.3 sqm, a Space to Change Toilet would require 7.5 sqm and the most comprehensive facility available, a Changing Places facility, would require 12 sqm. Within Horsham town, the nearest facility which is almost compliant with the Changing Places standard is based in the leisure centre in Horsham Park. The existing Centre has a changing places type facility but that would be lost as a result of the development. There are existing toilet facilities and changing facilities within the main part of Swan Walk but no permanent toileting facilities for people with significant care needs..
- 6.43 Whilst Policy 42 is supportive and encouraging of new provision, the statutory provision securable as part of the Building Regulations, would not actually require anything other than the most basic of facilities in order to be compliant with the legislative background. The wider centre provides the minimum necessary and therefore it is not considered that a reason for refusal of this application could be justified on these grounds.

Neighbour Amenity

- 6.44 The NPPF seeks to ensure that the amenities of both existing and future occupants are protected from the harmful impacts of new development. This is addressed in Policy 33 of the Horsham District Planning Framework.
- 6.45 This scheme would comprise a major addition to the night time economy of the town in a part of the town where there are residents immediately adjacent to the site (the flats in St John’s House on the opposite side of Springfield Road) and in the surrounding area, with additional flats being constructed at Bishops Weald House. In addition the Travelodge has rooms in close proximity to the site. The implications of the scheme would amount to additional noise and disturbance from those going to and from the cinema and restaurants, the noise of those sitting outside the restaurants and the potential for odours emanating from the restaurants.
- 6.46 The site lies in the heart of the town centre where there is already noise and disturbance to a certain level arising from those visiting the pubs and restaurants already in the town, including The Lynd Cross public house immediately below the flats in St John’s House. That level of noise may well rise as a result of drawing more people into the centre, particularly in respect of the outdoor seating areas and the cinema – when those leaving a screening would leave at the same time and thus the numbers congregating in the pedestrianised areas could be expected to be greater than existing. However as a town centre location it is to be expected that such facilities could exist and that levels of noise and disturbance could and indeed would be expected to change over the lifetime of occupation of a property within the core commercial centre.
- 6.47 There should not be any other noise effects than those described and these are not considered unreasonable for any residential property in the town centre. No objections are raised therefore in this respect.

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- 6.48 In respect of the potential disturbance from odours emanating from the restaurants, proposed means of ventilation and odour extraction can be controlled by condition and would not therefore be expected to create any problems for those living in proximity to this site.
- 6.49 This scheme is therefore considered to be compliant with those policies seeking to protect resident's amenities.

Conclusion

- 6.50 This application seeks permission for the redevelopment of the site involving the demolition of the upper levels of the building and the remodelling/re-building to provide a 6 screen cinema including a cafe, 4 restaurants and a first floor retail unit.
- 6.51 The scheme proposes a contemporary appearance and would result in significant changes to the bulk and mass of the building on this corner site with a building that would have a much more contemporary appearance than the existing building. The bulk and mass proposed would sit comfortably within the scale of the wider town centre and this part of the town generally, which has a number of buildings of relatively significant scale. The scale of the proposed scheme would therefore sit comfortably within its surroundings.
- 6.52 The uses provided as part of the scheme would benefit the town with the expectation that the cinema in particular would draw more visitors to the town centre with all the consequent economic benefits to the existing town and businesses. The site lies adjacent to a town centre car park and it is anticipated that that one car park would be sufficient to address the parking needs generated by this scheme – the existing car park being busiest during the day whilst the anticipated peak demand for the cinema would be in the evening.
- 6.53 The design of the scheme is contemporary but has been designed to provide an interesting façade responding to the character of the more traditional parts of the town such as the adjacent conservation area, whilst resulting in a scheme that would contribute to a sense of place in this part of Horsham.
- 6.54 Overall it is considered that this scheme would deliver significant economic and cultural benefits to the town centre, in accordance with policies of the HDPF, and that permission should be granted subject to a number of relevant conditions.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be granted subject to appropriate conditions:
1. Approved plans condition
 2. The development hereby permitted shall be begun 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. The uses hereby permitted shall not be commenced unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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4. 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).

5. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with the provisions of Policies 33 and 40 of the Horsham District Planning Framework (2015).

6. The use hereby permitted shall not be commenced until the means of ventilation for the extraction and disposal of cooking odours has been provided in accordance with details first submitted to and approved by the Local Planning Authority in writing. These details shall include times of operation of the ventilation system and the proposed maintenance programme. Thereafter, the ventilation system shall be installed, operated and 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).

7. Deliveries shall not be made to the scheme hereby approved outside the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm Saturdays and there shall be no deliveries on Sundays or Bank Holidays.

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

8. Prior to the occupation of any part of the development hereby approved full details of all soft landscaping works in conjunction with any works to the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the site strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced with others of similar size and species.

Reason: To ensure a satisfactory development and in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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9. Notwithstanding the previously submitted drawings, prior to installation, the detailed design, including materials and finishes, of the following items shall be submitted to and approved in writing by the Local Planning Authority:
- a. All new glazing
 - b. Shopfronts (including canopies, fascias etc)
 - c. Lighting
- The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:20 with full size moulding cross sections, where mouldings are used. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory appearance upon completion in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

10. Prior to the development of the external seating areas, details shall be submitted to, and approved, in writing, by the Local Planning Authority of the proposed scheme including, but not limited to, the following details:
- a. any changes to land levels
 - b. any means of screening of the seating areas
 - c. the manner in which the boundary with the public highway will be addressed

Reason: To ensure a satisfactory appearance and relationship with the public highway upon completion in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11. No work for the implementation of the development hereby permitted shall be undertaken except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank or Public Holidays.

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

12. No development shall commence until full details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water as appropriate. The submitted details shall prevent surface water from discharging onto the public highway and should incorporate the use of Sustainable Drainage Systems where possible. The approved details shall be fully implemented prior to occupation of the development hereby permitted and shall thereafter be permanently retained and maintained solely for their intended purpose.

Reason: To ensure that the site is adequate drained, to reduce the risk of flooding and in the interests of highway safety, in accordance with the advice of the NPPF and Policy 38 of the Horsham District Planning Framework (2015).