



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 9<sup>th</sup> January 2018

**DEVELOPMENT:** Partial-change of use of Unit 10 to facilitate the creation of 3 new retail units (Use Class A1) and a gym (Use Class D2) as well as enlargement of existing toilet facilities and mall space (sui generis) at ground and first floor level. Creation of new floorspace at first floor level (Use Class A1 and D2) and associated external works including new skylights, service risers, staircase to roof and installation of windows

**SITE:** Unit 10 Swan Walk Horsham West Sussex RH12 1HQ

**WARD:** Denne

**APPLICATION:** DC/17/2379

**APPLICANT:** **Name:** Aviva Life and Pensions UK Limited **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** The Council has an interest in the land

**RECOMMENDATION:** Permit subject to conditions

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.2 The proposed scheme seeks to reconfigure the existing retail footprint of Unit 10 and the neighbouring toilet facilities and lift area at ground floor level and provide additional floor space at first floor as well as reconfiguring the orientation of the first floor children's play area.
- 1.3 The proposal would include splitting the existing Unit 10 into 3 x A1 retail units and 1 x D2 gym. Unit 10A is proposed as the largest retail unit and would span both ground floor and first floor level. To facilitate the creation of the units at first floor level, external alterations are required which would involve an infill extension of 361sq.m in an existing void between two rooflines at first floor level.
- 1.4 Shop display windows would be created at the first floor level by providing a glazed infill extension on the western side of the existing sloped atrium roof above Swan Square and replacing it with a flat roof. The shop front of the Unit 10A would be set back to maintain the line of the existing West Street Mall shopfronts and increasing the walkway mall space in front of this retail unit.

- 1.5 Unit 10B would be a smaller ground floor level only unit whilst Unit 10D is proposed adjacent as a retail kiosk. Unit 10C is proposed as a two storey 24 hour gym to the rear of the unit. Access to the gym would be via Swan Walk and a new external door formed on the northern side of the building which will provide out of hours access. Enhancement works to the external entrance would include a new canopy over part of the entrance recess, resurfacing of the existing brick walls to a light rendered finish, new external lighting and new floor finish and levelling of the current uneven walkway surface.
- 1.6 The proposal would also involve the enlargement and re-configuration of the WC facilities and changing areas, formation of a new entrance corridor to the WC facilities, and new back of house space.
- 1.7 The first floor children's soft play facility would be re-configured to allow for the new first floor floorspace to Unit 10C and be retained at the same size as the existing with the same access point.
- 1.8 Other associated external works include the installation of new skylights on the flat roof of the first floor roof infill extension, service risers and the formation of a new staircase providing roof access for the installation and maintenance of plant and fire escape.

#### DESCRIPTION OF THE SITE

- 1.9 Unit 10 is accessed off Swan Square which is an important space within Swan Walk with a café culture, seating and public art. Unit 10 comprises an existing vacant retail unit which was previously occupied by BHS and has been vacant for approximately a year. The former BHS store used the ground floor as retail sales area with the first floor used for associated storage and staff rooms. There is a side service loading dock with two bays and goods lift, located to the north under the Swan Walk car park. A children's soft play facility is also located on the first floor with offices comprising the Swan Walk Management Suite located on the second floor above.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### 2.2 **National Planning Policy Framework (NPPF 2012)**

NPPF 1 – Building a strong, competitive economy  
 NPPF 2 – Ensuring the vitality of town centres  
 NPPF 7 – Requiring good design  
 NPPF 8 – Promoting healthy communities  
 NPPF 14- Presumption in favour of sustainable development

#### 2.3 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
 Policy 3 - Strategic Policy: Development Hierarchy  
 Policy 5: Strategic Policy: Horsham Town  
 Policy 7 - Strategic Policy: Economic Growth  
 Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres  
 Policy 13 - Town Centre Uses

Policy 14 - Shop Fronts and Advertisements  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 37 - Sustainable Construction  
Policy 41 - Parking  
Policy 43 - Community Facilities, Leisure and Recreation

## NEIGHBOURHOOD PLAN

- 2.4 The Horsham Blueprint Business Forum is the designated body of the un-parished area of Horsham Town. The Forum comprises representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Horsham Blueprint Business Forum is in the early stages of producing a Neighbourhood Plan. As such, there is currently no Neighbourhood Plan in place in this area and no relevant draft Neighbourhood Plan Policies to consider in the determination of this application.

## PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5
- |            |   |                         |
|------------|---|-------------------------|
| DC/14/0297 | Change of use from childrens pre-school (D1) to childrens indoor play area with ancillary cafe (D2) | Permitted<br>16.04.2014 |
| DC/12/1818 | Change of use for the current business (B1 use) to children's pre-school (D1 use)                   | Permitted<br>04.01.2013 |

## 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](http://www.horsham.gov.uk)

## INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No Objection  
Conditions recommended in relation to approval of a noise assessment relating to the proposed gym and plant equipment, waste/asbestos removal, control of dust, no burning of materials and hours of construction.

**HDC Strategic Planning:** No Objection.

Proposal considered to be in accordance with policies 12 and 13 of the HDPF.

## OUTSIDE AGENCIES

**WSCC Highways:** No Objection

Condition recommended requiring a Construction Management Plan to be submitted and approved.

**Sussex Police:** No Objection

Subject to following recommendations:

- The out of hours access corridor should be illuminated with vandal resistant lighting and viewed by CCTV.
- No unauthorised access to the roof from the new staircase and Management Suite windows should also be capable of being locked, to prevent access via the roof from the car park levels.

- Roof sky lights should meet relevant security specifications with any automatic window venting systems designed so they do not pose a security risk.
- Each individual retail unit and the gymnasium should be independently fitted with remotely monitored intruder alarms with police response or linked to the centres security management system.

## PUBLIC CONSULTATIONS

3.3 **Denne Neighbourhood Council:** No Objection

3.4 No letters of representation have been received.

## 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 site is located within the primary centre of Horsham town as set out in the hierarchy of retail centres within policy 12 of the HDPF. Policy 12 supports positive measures to improve Horsham town centre as the primary centre of the district. In supporting this, Policy 13 recognises that there is a need for adjustment, diversification and innovation in the range of uses in town centres, as opposed to just a traditional retail use. Policy 13 requires proposals for main town centre uses to be of an appropriate scale, to complement the vitality and viability of the centre, be accessible, relate well to the defined primary shopping areas and frontages and improve the character, quality and function of the centre as a whole.

6.2 In addition, Policy 5 of the HDPF seeks to promote the prosperity of Horsham town and maintain and strengthen its role as the primary economic and cultural centre in the District. Development will normally be permitted within the built up area of Horsham where it retains the towns key position as the main settlement within the District whilst protecting the characteristics of the town; contributes to the provision of a range of services and facilities including those in leisure which make the town self-sustaining; and contributes to the economy of the town to support a vibrant high street and town centre that meets local and business demands.

6.3 Policy 13 promotes the retention of class A uses within the town centre, it is however also supportive of proposals which complement the vitality and viability of the centre as a whole. In terms of the proposed Gym which is a D2 use, the Horsham Town Retail and Leisure Study (2017) states that:

*“the health and fitness sector continues to perform strongly as the social trend involving the maintenance of personal health and fitness shows no sign of abating. The health and fitness market is currently being expanded through investment by value and budget operators such as Easy Gym, Gymbox and Pure Gym (none of which currently have a*

*facility within Horsham District). This new breed of venues aims to appeal to a wider market with flexible, low cost monthly or 'pay as you go' subscriptions. These facilities are usually located in high footfall, in or edge of centre locations, often as part of a wider leisure offer" (Horsham Town Retail and Leisure Study 2017).*

- 6.4 It is considered that the proposed D2 gym use would be acceptable in principle, given that it is located in a high footfall area and would strengthen the leisure offer available for the local community. Its central location may also provide a basis for linked trips and help to improve the length of stay within the town centre, which cumulatively would contribute to the vitality and viability of the town centre. The introduction of the gym would not compromise the retail offer within Swan Walk, with the three proposed retail units both retaining and enhancing the primary retail frontage of Swan Square. The proposed shop frontage has been sympathetically designed to retain the primary retail façade within Swan Square, whilst allowing for the reconfiguration of floor space to the rear and northernmost corner of Swan Walk for the gym and improved toilet facilities to serve Swan Walk.
- 6.5 The proposed children's play area at first floor level is another D2 use and is an almost like for like replacement of that which already exists and was granted planning permission by the Council in 2014, although the unit would be re-orientated at first floor level. The retention of this facility would continue to provide a children's indoor play area for use by the local community.
- 6.6 The proposal would include the enlargement of the existing WC facilities to provide a more spacious design. This represents a considerable improvement on the existing facilities which have a cramped layout. The proposal includes the installation of a new high specification Changing Places facility and parent room providing separate facilities for families. This is a positive measure which would significantly benefit people with additional needs, including the disabled or those with learning disabilities and help create a socially inclusive and adaptable environment in accordance with Policy 42. The proposed introduction of a new Means of Escape corridor and back of house activities is considered acceptable given the limited extent of this area and when considered in terms of the broader context of the proposed scheme.

#### Visual Impact & Appearance

- 6.7 To facilitate the creation of Unit 10A at first floor level, external alterations and an infill extension of the existing void between two rooflines at first floor level are proposed. In the context of the existing townscape, the proposed infill extension and external alterations would have relatively limited impact on the visual amenity of the surrounding area. The adjacent car park is already higher than the proposed infill extension to the north and east. To the south and west the existing shopping centre would also be level or above the extension proposed. The proposed works would be within an enclosed setting and would not be considered to have a detrimental impact on the character of the building or harmful to the visual appearance of the area as a whole.
- 6.8 The proposal includes infilling a section of the existing sloping glazed atrium roof with a section of flat roof which would facilitate the introduction of first floor display windows above the entrance and to the southern side of Unit 10A. This will enable the modernisation and improvement of the existing shop façade and provision of a dual 2 storey shop front display for the larger retail unit. The submitted drawings show a contemporary design which incorporates decorative roofing panels to prevent the flat roof from becoming an incongruous feature within this setting. The integration of the flat roof and new display windows area appear to be of a high quality and seamless design. A condition is recommended to ensure the use of suitable materials, in order to achieve a suitably high quality appearance for both extensions.

#### Residential Amenity

- 6.9 The proposed uses would remain in keeping with the commercial nature of the town centre location and would be well distanced to residential properties. The retail uses and soft play unit would not result in unacceptable harm to the occupiers or users of nearby property or land.
- 6.10 The greatest potential impact would be from the new 24 hour gym unit which could create higher levels of noise and vibration nuisance from the use of free weights and playing of music or other amplified sound. In order to mitigate the impact of noise and vibration from the gym, sound insulation is proposed to the gym party walls. The Council's Environmental Health Officer considers that this acoustic wall insulation should be capable of controlling noise and vibration during all operating hours to mitigate impact onto the adjacent commercial units. A condition requiring the submission and approval of a noise impact assessment of the gym equipment and plant will be required within 3 months from the first opening of the gym. This will be necessary to confirm that the noise and vibration does not have any harmful impacts on the adjacent commercial units. Any additional steps required to mitigate noise will be expected to be detailed in the noise assessment and subsequently implemented.

#### Access and Safety

- 6.11 Day-time access to the 24 hour gym would be through the main shopping centre and night time access would be through a recessed set of double doors on the north-westerly side of the building. This raises some concerns in relation to security for gym users as it is adjacent to the loading bay area which is shielded from public view and does not provide opportunities for natural surveillance.
- 6.12 The Agent has undertaken early discussions with HDC and Sussex Police in this regard and in response has incorporated a series of proposed enhancement features detailed in the supporting Planning Statement. These will include the installation of a new canopy over the entrance area with associated new lighting arrangements to ensure the area is appropriately lit outside the shopping centre's standard opening hours. The loading bay area to the north west of the centre is covered by the existing centre's CCTV and it is intended that this CCTV coverage will be extended to cover the ground floor staircase to improve the safety and security of those using the access route out of hours. Sussex Police have confirmed acceptance of these features that would incorporate the Principles of 'Secured By Design'. In addition, the existing external brick wall adjacent to the out of hours gym entrance will be finished in a lighter render colour and the car park staircase and lift lobby will benefit from new finishes to enhance this entrance area environment. A condition is recommended to secure the retention of the CCTV, external lighting and canopy at the external gym entrance to ensure the safety of users of the gym and reduce any actual or perceived opportunities for crime or anti-social behaviour.
- 6.13 Subject to these measures the scheme is considered to meet the requirements of Policy 33 which states that where relevant proposals should incorporate measures to reduce any actual or perceived opportunities for crime or anti-social behaviour.

#### Parking Provision

- 6.14 The site is located in a sustainable town location which is well served by means of sustainable transportation. The Swan Walk car park is open 24 hours a day and would provide customers using the gym with cycle storage facilities as well as motorcycle parking, charging plug-in or other low emission vehicles. There are no proposed changes to access from the highway or parking arrangements. The units would be served by the existing service road and loading bays to the north of the building which would provide adequate delivery facilities for the additional units proposed. West Sussex County Council Highways have confirmed that the proposal would not significantly alter vehicle movements on the local network.

### Conclusion

- 6.15 In conclusion it is considered that the proposed subdivision and extension of the existing retail unit to provide 3 x A1 retail units and 1 x D2 unit (the 24 hour gym), along with improved W.C facilities and the re-configuration of the soft play unit, would maintain an attractive and high quality retail offer and primary retail frontage within Horsham Town Centre. The proposed D2 gym use would strengthen the leisure offer available for the local community and provide a basis for linked trips to improve the length of stay within the town centre, which cumulatively would contribute to the vitality and viability of the town centre. The proposed enlargement of the existing WC facilities would provide considerable improvement to the existing facilities serving Swan Walk and the town centre, in particular with the addition of a full Changing Places disabled toilet facility. These proposals would help create a socially inclusive and adaptable environment, in particular with regard to families with young children and people with additional needs, including the disabled or those with learning disabilities. It is therefore considered that the proposed development would serve to enhance the facilities within Swan Walk to the benefit of the vitality and viability of Horsham Town as the primary retail centre of the District, without harm to the appearance of the area or amenities of nearby occupiers.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

**It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

| Use Description      | Proposed | Existing                | Net Gain |
|----------------------|----------|-------------------------|----------|
| District Wide Zone 1 | 353      | 4272                    | 0        |
|                      |          | <b>Total Gain</b>       | <b>0</b> |
|                      |          | <b>Total Demolition</b> | <b>0</b> |

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## **7. RECOMMENDATIONS**

- 7.1 To permit subject to the following conditions:

1. List of approved plans and documents.
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. **Pre-commencement Condition:** Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. working hours
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding, where appropriate
- vi. the provision of wheel washing facilities if necessary
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

*Reason: As this matter is fundamental in order to consider the potential impacts on the amenity during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

4. **Pre-commencement Condition: Approval of Materials**

No development shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, doors and roofs of the development hereby approved have been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

*Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

5. **Pre-occupation Condition: Refuse & Recycling (details required)**

No unit hereby permitted shall be first occupied until provision for the storage of refuse/recycling has been made for that unit in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for use at all times.

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

6. **Pre-occupation Condition: Entrance Canopy Lighting (details required)**

The use of the gym hereby permitted (Unit 10C) shall not be commenced until details of the proposed external entrance canopy and associated vandal resistant lighting have been submitted to and approved in writing by the Local Planning Authority. The approved canopy and lighting details shall be installed and made operational prior to first use of the gym, shall be maintained in accordance with the approved details at all times, and no additional external lighting or floodlighting shall be installed except without the written approval of the Local Planning Authority.

*Reason: To ensure that the external entrance to the gym is well-lit for customer safety and to reduce any actual or perceived opportunities for crime or anti-social behaviour in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

7. **Regulatory Condition: CCTV - external gym entrance**

The use of the gym hereby permitted (Unit 10C) shall not be commenced unless and until the external gym entrance is monitored by functioning CCTV equipment. The CCTV monitoring the external gym entrance shall be operational at all times in conjunction with the use of the gym hereby permitted.



*Reason: To ensure customer safety and reduce any actual or perceived opportunities for crime or anti-social behaviour in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

8. **Post Occupation Condition: Noise Assessment**

Within 3 months from the date of first use of the gym (Unit 10C), a noise assessment shall have been carried out and submitted to the Local Planning Authority for approval in writing. The noise assessment shall confirm that noise and vibration from its operation and associated plant does not have a detrimental impact on adjacent commercial units for both day and night time operation. Any additional measures required by the noise assessment to mitigate noise and vibration shall be detailed and implemented in accordance with an agreed timetable, as necessary, and shall be retained as such thereafter.

*Reason: As this matter is fundamental in ensuring an acceptable noise level for the occupants of neighbouring units and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

**Notes to Applicant**

1. The applicant is advised to consult with Environmental Health concerning the design and layout of the retail units and kiosk to help ensure compliance with relevant food safety legislation prior to any development taking place. Rooms containing toilets must not open directly into a room where food is handled and prepared. Arrangements must be made to install a lobby between the toilet and the food room.