PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	03 December 2024
DEVELOPMENT:	Installation of an Air Handling Unit to replace existing. Amended entrance doors.
SITE:	Sierra Place Springfield Road Horsham West Sussex RH12 2RG
WARD:	Denne
APPLICATION:	DC/24/1611
APPLICANT:	**Name:** Charlotte Arundell **Address:** Horsham District Council Parkside Chart Way Horsham RH12 1RL

REASON FOR INCLUSION ON THE AGENDA: The application has been submitted on behalf of the Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the installation of an air handling unit to the roof of the building, along with the replacement of the revolving door with double entrance doors and side lights.

1.3 It is proposed to replace the existing air handling unit which is no longer serviceable. This would be located in the same position as the existing on the south-western part of the roof.

1.4 The existing ground floor revolving door to the entrance on the north-west corner elevation would be replaced with double doors and side lights.

DESCRIPTION OF THE SITE

1.5 The application site is located to the south of Springfield Road and the north of West Street, situated on a corner plot facing north-west. The site is located within the built-up area of Horsham and within the Primary Shopping Area of Horsham Town.

1.6 The site comprises a three-storey office building forming part of the wider Swan Walk complex, where the building is located within an area characterised by a mix of retail, commercial, and residential uses.

1.7 The application initially included the repainting of the windows. However, exterior painting represents permitted development under Class C of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. As such, planning permission is not required for this.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

2.4 **Horsham District Planning Framework (HDPF 2015)**
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 14 - Shop Fronts and Advertisements
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 42 - Inclusive Communities

2.5 **Horsham District Local Plan (2023-40) (Regulation 19)**
Policy 1: Sustainable Development
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 11: Environmental Protection
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles

2.6 Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of

housing, whether the Council can demonstrate a five-year supply of deliverable housing sites (NPPF footnote 8).

2.7 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the district (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

2.8 All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

2.9 **Horsham Blueprint Business Neighbourhood Plan 2019 – 2036**
Policy HB1 – Location of Development
Policy HB3 – Character of Development
Policy HB4 – Design of Development
Policy HB5 – Energy Efficiency and Design
Policy HB6 – Retaining and Enhancing the Vitality and Viability of Horsham Town Centre
Policy HB9 – Protecting Existing and Encouraging New Commercial Premises and Land

2.10 **Planning Advice Notes**
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.11

HU/250/94	Alterations to form a retail store on levels 1 & 2 and a restaurant on level 2 Site: Store And Restaurant Springfield Court Horsham	Application Permitted on 16.12.1994
DC/16/1371	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 and entrance; provision of an outdoor seating area onto Springfield Road; and other associated works	Application Permitted on 22.02.2017

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 Health**: Comment

There is a lack of detail on the proposed air handling unit and its noise output. Further information should be provided regarding the specification of the air handling unit and its noise output. In the alternate, a condition is recommended that the rated sound level from any plant, together with any associated ducting, shall not exceed the background sound level at the nearest noise sensitive premises.

Following the submission of additional information in respect of the air handling unit and associated silencer, the proposed plant should have no adverse noise impact. Condition recommended.

OUTSIDE AGENCIES

3.3 **WSCC Highways**: Comment

Upon review of the submitted plans, no highway safety or capacity concerns would be raised. In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

3.4 **Southern Water**: No Objections

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

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

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

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 application seeks full planning permission for the installation of a replacement air handling unit, installation of 2no. flag poles, replacement front entrance doors, and the re-painting of the windows.

Principle of Development

6.2 Policy 12 of the Horsham District Planning Framework (HDPF) recognises Horsham Town as the Primary Centre and seeks to support and enhance the retail centre through positive measures. The policy seeks to promote and encourage activities in the town centre by maintaining a diverse range and choice of suitable uses; providing a well-designed and maintained attractive public realm; and respecting the historic character and supporting good urban design principles.

6.3 Policy HB6 of the Horsham Blueprint Business Neighbourhood Plan states that there is a need to maintain the economic health, vitality and viability of the Town Centre in balance with residential development and infrastructure.

6.4 The proposed development seeks improvements to the building in order to support its continued use. The proposal would promote accessibility and efficiency and would therefore be acceptable in principle.

Design and Character

6.5 Policies 25, 32, and 33 of the HDPF promotes development that protects, conserves and enhances the landscape character from inappropriate development. Proposals should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard of design and layout that relates sympathetically to the landscape and built surroundings.

6.6 Policy 14 of the HDPF states that advertisements should be sensitively designed, of an appropriate size, and appropriately located. Advertisements should not be detrimental to the visual amenity of the buildings or area by reason of its scale, detail, character, design or illumination; impair on pedestrian or highway safety; or result in, or compound, the perception of clutter on the street scene.

6.7 Policy HB3 of the Horsham Blueprint Business Neighbourhood Plan states that development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials in order to avoid building design that is inappropriate to the Plan area. Policy HB4 continues that development is expected to demonstrate a high quality of design which responds and integrates well will its surroundings.

6.8 Policy HB7 of the Horsham Blueprint Business Neighbourhood Plan continues that development proposal should seek to reinforce the concept of legible “character areas” / ”quarters” with distinct identities and provide for pedestrian movement as a priority, including making provision for those with mobility requirements.

6.9 The proposal seeks to replace the existing air handling unit on the south-western portion of the roof, along with the associated provision of 4no. vents on the elevation fronting West Street. The air handling unit would sit alongside existing building infrastructure and given this context, it is not considered that the proposal would appear overly prominent or dominant. Due to the height of the building and the siting of the unit, it is not anticipated that the Air Handling Unit would be visible from wider views along West Street and Albion Way. The associated vents are considered to be of a size, number, and layout that would sit comfortably within the context of the elevation, and would not result in harm to the visual amenity of the street scene.

6.10 The replacement of the revolving door with double entrance door and side lights would reflect the overall external appearance of the building and would sit comfortably within the elevation.

6.11 For these reasons, the proposed development is considered to be of a scale, form and appearance that would not result in harm to the visual amenity and character of the wider surroundings, in accordance with the above policies.

Amenity Impacts

6.12 Policy 33(2) of the HDPF states that development shall be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land whilst having regard to the sensitivities of surrounding development.

6.13 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 191 continues that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

6.14 The proposed air handling unit would be located on the south-western area of the roof, adjacent to existing infrastructure. The proposed air handling unit would be in direct line of site of the residential units contained within The Paperyard to the south-east of the building, with the nearest residential property located approximately 37 metres from the unit.

6.15 Following consultation with the Council's Environmental Health Officer, it is recognised that the proposed air handling unit has the potential to impact on the amenities of the nearby residential properties of The Paperyard to the south. Further information has been submitted to include the installation of a silencer, with the noise level at the façade of the Paperyard apartments predicted to be 40dB. This noise level would be below the level of daytime background, and the Environmental Health Officer has concluded that no adverse noise impact would arise. It is therefore recommended that a condition be imposed to limit the sound level from any plant and associated ducting to less than the background noise level from the residential receptors. Subject to a such condition, it is not anticipated that the proposal would result in harm to the amenities and sensitivities of nearby residential properties.

6.16 For these reasons, the proposed development is considered to accord with the above policies.

Water Neutrality

6.17 There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with Policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG)

6.18 Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

6.19 The proposed development would impact less than 25 square metres of habitat and would therefore represent a 'de minimis' exemption.

Conclusion

6.20 The proposed development is considered acceptable in principle and would not result in harm to the visual amenity and townscape character of the site and surroundings, nor harm to the amenities of neighbouring residential properties and users of land. The development would not result in a greater water consumption. For these reasons, the proposed

development is considered acceptable, in accordance with relevant local and national planning policies.

7. RECOMMENDATIONS

7.1 To approve the development subject to the following conditions:

Conditions:

1 **Approved Plans**

2 **Regulatory Condition**: The Rated sound level from any plant, together with any associated ducting shall at all times not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises, and the plant Specific sound level shall be 5 dB(A) or more below the background sound level in this location at all times. The Background, Rating and Specific sound levels shall be calculated in full accordance with the methodology of BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

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

3 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

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

Background Papers: DC/24/1611