PLANNING COMMITTEE REPORT

TO:	Planning Committee North
BY:	Head of Development and Building Control
DATE:	5th November 2024
DEVELOPMENT:	Demolition of conservatory/canopy. Erection of new entrance/shop front. Change of use from indoor skating arena to new leisure unit incorporating inter alia: tenpin bowling alley, games area, laser tag, karaoke rooms, escape rooms and change of hours of opening.
SITE:	Horsham Leisure Park, Bowling Alley, Albion Way Horsham West Sussex RH12 1AH
WARD:	Denne
APPLICATION:	DC/24/0553
APPLICANT:	**Name:** Tenpin Ltd **Address:** Aragon House University Way Cranfield Technology Park MK43 0EQ

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

Horsham District Council own the building

Horsham Denne Neighbourhood Council have requested to speak in objection at the committee

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 This application seeks to facilitate the refurbishment of the 'Rec Rink' and former 'Rec Rooms and Clubhouse Bar and Grill' at Horsham Leisure Park, to provide a new leisure facility that would consist of the following across two floors:

- Lower Ground Floor: 12 lane Tenpin bowling alley, Laser Tag, Bar area with seating area for 70, Karaoke room, range of escape rooms, customer toilets, cellar and store, yard and bin store

- Upper Ground Floor: 12 lane Tenpin bowling alley, Bar, seating area, reception, pool tables, karaoke room, games area (game machines and arcade games) kitchen, office, glasswash, customer toilets, outside terrace area with seating and partial roof covering.

1.2 The proposal includes the demolition of the existing conservatory/canopy and the erection of new entrance/shop front which would include the retention of the access ramp and stairs and new balustrades, windows and double door. The external kiosk is retained. The rear service staircase is also retained with one new fire exit to the lower ground floor western elevation.

1.3 The opening hours of the new facility are proposed to be in line with the granted Premises Licence, which allows the following: -

- Sunday to Wednesday 0800hrs until 0030hrs the following morning
- Thursday, Friday & Saturday 0800hrs until 0130hrs the following morning

1.4 The applicant is also seeking extended hours on all Bank Holidays and specific event dates such as Halloween, Christmas, Valentines Night and a one-off opening time of up to 04.00 on New Years Day to accommodate New Years Eve.

1.5 The submitted documents include reference to the proposed advertisements to the front of the building. These are covered by a separate application and are not considered as part of this application.

DESCRIPTION OF THE SITE

1.6 'Horsham Leisure Park' is situated within Horsham Town Centre, immediately adjacent to Horsham Park, the Human Nature Garden and the Jubilee Car Park.

1.7 The building is situated to the north east of the London Road Conservation area and a number of listed buildings on London Road. There are residential properties at both London Road & Madeira Avenue, as well as commercial buildings including Park Surgery immediately to the south. The site is connected to Horsham Town centre via an underground subway leading to Swan Walk and the Carfax. The building is to the south of the park surrounded by trees to the rear and sides and is orientated to be open to the front to the Jubilee Car Park.

1.8 The building consists of two-stories, at ground and lower ground floor with brick finish, large elements of glazing and a flat roof. There is an existing conservatory style entrance way and ramped and stair access to the front.

1.9 Planning permission was granted for the 'Park Recreation Centre' in 1973, where it was referred to as 'a sports and social centre, sports hall and associated facilities, restaurant, bar, club rooms and office. It was used for around 20 years for a variety of indoor sports and recreation. This became redundant in the mid 1990s and planning permission was subsequently granted for a change of use to a 'D2' use which was described as 'snooker, American pool, video games and dancing with bar and food servery to the lower ground floor, and 12 lanes of 10 pin bowling, computer games area, bar, fast food and refreshments to the upper ground floor'. The building as it stands has been there, substantially in its current design since the mid 1990s when this change of use was granted.

1.10 The site is currently occupied by the 'Rec Rink' to the upper ground floor, a roller skating rink with bar and grill and was last occupied by the 'Rec Rooms' at the lower ground floor which was a live music venue/ club and bar. The lawful use of the upper floor continues to be a bowling alley as the roller skating use is a temporary use at the site. Planning permission is required because there are some restrictions on the bowling alley use from the original

planning permission that would not allow for the mix of uses such as the karaoke rooms and escape rooms.

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:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)
Policy 1 – Strategic Policy: Sustainable Development
Policy 2 – Strategic Policy: Strategic Development
Policy 3 – Strategic Policy: Development Hierarchy
Policy 7 – Strategic Policy: Economic Growth
Policy 9 – Employment Development
Policy 11 – Tourism and Cultural Facilities
Policy 13 – Town Centre Uses
Policy 32 – Strategic Policy: The Quality of New Development
Policy 33 – Development Principles
Policy 35 – Strategic Policy: Climate Change
Policy 36 – Strategic Policy: Appropriate Energy Use
Policy 37 – Sustainable Construction
Policy 39 – Strategic Policy: Infrastructure Provision
Policy 40 – Sustainable Transport
Policy 41 – Parking
Policy 42 – Strategic Policy: Inclusive Communities
Policy 43 – Community Facilities, Leisure and Recreation

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 19: Development Quality
Policy 20: Development Principles
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Policy 30: Enhancing Existing Employment
Policy 36: Town centre uses

Horsham Blueprint Business Neighbourhood Plan 2019-2036
HB1: Location of Development
HB3: Character of Development
HB4: Design of Development
HB5: Energy Efficiency and Design

HB7: A Welcoming Public Realm
HB8: Horsham as a Sustainable Visitor Destination
HB9: Protecting Existing and Encouraging New Commercial Premises and Land
HB13: Provision of Sport, Leisure and Recreational facilities
HB14: Community and Cultural Facilities

Supplementary Planning Guidance:
Horsham Town Centre Vision 2017 (SD1)

PLANNING HISTORY AND RELEVANT APPLICATIONS

Reference	Description	Decision
HU/30/73	Sports & social centre, sports hall, restaurant, bar, club rooms & office	Permit 19.03.1973
HU/196/97	Change of use from recreation centre to d2 use (assembly & leisure)	Permit 17.10.1997
HU/36/98	Erection of front extension and new concrete staircase flat roof extension enlarging bar cellar and external fire escape	Permit 10.03.1998
HU/37/98	Variation of conditions 8, 9 and 14 on hu/196/97 relating to times of opening and capacity	Permit 11.03.1998
HU/195/99	Variation of condition 8(a) (ii) on hu/196/97 to allow opening until 2.30am	Permit 19.11.1999
HU/402/00	Variation of condition 1 (a) of planning permission hu/195/99 to extend opening hours to 0230 hours on Thursdays	Permit 26.04.2001
HU/67/02	Vary conds 8&14 of hu/196/97,shut 0230 on bank hols thur-sat, increase ground floor capacity to 700 pre 0000 hrs & 500 from 0000hrs to 0230	Permit 28.06.2002
Dc/06/0503	Redecorate existing cladding, formation of staircase linking lower and upper levels and glazed canopy at entrance to nightclub	Permit 26.04.2006
DC/06/1255	Change of use of existing snooker/pool area to laser quest gaming area	Permit 18.12.2006
DC/06/1663 –	Extension to family entertainment centre and re-cladding of 2 sides of the existing building, increase in nightclub area (lower ground floor) capacity from 337 to 425 persons and increase in ground floor capacity from 284 to 425 persons	Refused 01.03.2007
DC/07/1141	Upgrade existing car park and increase from 34 to 40 spaces and landscaping	Permit 09.07.20227
DC/07/1157	Amendment to Condition 14 of planning permission HU/67/02 to extend the period of time to implement the temporary increase in members of the public on the ground floor to allow up to 500 persons within the nightclub area and up to 500 in total to remain in the building between 24.00 and 02.30 for a 12 month period	Permit 09.01.2008
DC/07/1569	Recladding and extensions to existing leisure building	Permit 30.04.2008
DC/09/1477	Proposed internal changes together with a dormer roof structure on the North east elevation containing 4 sets of sliding glass doors	Permit 04.01.2010

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 Parks and Countryside**: Comment: -

3.3 The applicant needs to ensure there is a good waste management plan in place. The existing provision does not work well, often gets full and spills onto the park. Require the applicant to have a waste management plan which demonstrates how waste will be managed effectively and use a sealed bin store which is not accessible to park users.

3.4 The hours are, more regularly, longer than the existing opening hours and give rise to concern regarding litter, noise and anti-social behaviour within the park. This is of particular concern within areas adjacent to the venue such as the Human Nature Garden, which suffered these issues when the venue was a nightclub, prior to its current use. There are also residential properties within 60m of the venue who have already complained to the Council regarding noise from the venue, so this needs to be carefully addressed.

3.5 **HDC Environmental Health**: Comment: -

3.5 The Environmental Health Team has historically received complaints regarding noise and anti-social behaviour particularly late night and early morning.

3.6 This business has recently been issued with a Premises Licence with operational hours of:

- 0800hrs until 0030hrs on Sunday to Wednesday
- 0800hrs until 0130hrs on Thursday, Friday & Saturday
- 08:00 on New Years Eve until 04:00 New Years Day.

3.7 The Premises Licence includes conditions relating to CCTV, Door Supervisors and controls to prevent nuisance.

3.8 There are residential properties adjacent to the park. To mitigate any adverse environmental impacts, the applicant will need to exercise suitable controls in the following areas and conditions are recommended in this regard.

3.9 **HDC Economic Development**: Support: -

3.10 This initiative is expected to enhance the area's vitality and viability, positively impacting town centre footfall and dwell time3.10 The Council's Economic Strategy (Priority 2) states that local businesses should be supported in becoming more productive and resilient to foster long-term economic growth. Endorsing these changes, which facilitate the introduction of new activities, will aid this and other local businesses, thereby benefiting the local economy.

3.11 The proposal will expand our range of leisure facilities, increasing visitor spending in our area. This will positively contribute to the visitor economy and support the creation of local employment opportunities.

OUTSIDE AGENCIES

3.12 **WSCC Highways**: No Objection: -

3.13 The site will continue to be accessed from Albion Way and the existing access arrangements will continue. There are parking restrictions in the form of double yellow lines along

neighbouring roads. WSCC's accident data has been checked for the last 5 years which reveals there has been no reported accident near to the site access. Therefore, the site access has been operating in a safe manner in its current form.

3.14 The change of use of the site is not anticipated to give rise to a material intensification of movements to or from the site, given the former and proposed uses both belong to the same land use classification (Class E). Therefore, it is not anticipated that the proposed uses will give rise to an adverse impact on the operation of the local highway network.

3.15 The Local Highway Authority (LHA) do 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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

3.16 **Sussex Police**: Final Comments. The proposal has been done in conjunction with Sussex police licensing who are in agreement with these conditions, therefore withdraw earlier concerns.

3.17 **Natural England**: Standing Advice: -

3.18 It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

3.19 To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

3.20 **Horsham Denne Neighbourhood Council**: Object: -

- Note the comments of HDC Parks Dept. regarding waste collection and agree that there needs to be more detailed information.

- HDNC agrees with the concerns raised by residents of Madeira Avenue and the Police relating to the potential for problems arising from inconsiderate parking, light pollution from the illuminated signs, late opening hours, noise disturbance and anti-social behaviour.

- HDNC considers the Noise Management Plan inadequate as there is no reference to the mitigation of noise emitting from the building and how it is to be controlled on the terrace.

- On the Additional plans – Ramp and Entrance documents only one ramped entrance is shown so HDNC queries how people using wheelchairs will be able to evacuate the building in the event of a fire. HDNC asks if there should be a Fire Risk Assessment.

- HDNC notes the concerns of residents of Madeira Avenue relating to parking in view of there being no parking restrictions in this road at night and on Sundays.

- HDNC notes from the Proposed Opening Hours Supporting Statement that a Premises Licence has been issued as agreed with West Sussex Police and HDC Environmental Health Officers. Query the following sentence as it does not make sense: 'The terminal hour for all licensable activities shall be 0100hrs the following day, with opening hours close 0130hrs on the following notable days'. Seek clarification on this point.

  In any case HDNC considers the opening hours are excessive in a residential area and would increase the potential for anti-social behaviour. We see no need for an 8.00 a.m. start and consider that 9.00 a.m. is more reasonable. Closing at 1.30 a.m. may be acceptable if it is in line with other night-time entertainment businesses in the Town any does not cause disturbance.

- CCTV is referred to in the Noise Management Plan, but there is no information as to where the cameras will be situated and how it will be monitored by Security. HDNC considers there should be more information provided.

- Number of People: The Planning Statement refers to Condition 3 of DC/06/1255, relating to the number of people allowed in the building at any one time, as being unsatisfactory to the new client. The applicant seeks to have no restrictions on the numbers of people that are allowed on the premises at any one time; instead stating that such matters would be controlled under the licensing Act.

  Particularly in view of fire risk and lack of information on fire exits, HDNC objects to the removal of this condition, until a safe maximum number of occupants is established. Also concerned for safety reasons about the number of people who would be allowed on the terrace at any one time.

  The applicant should submit detailed plans on how numbers will be controlled on each floor and how the risk of behaviour detrimental to the community should be managed; this has been a standard requirement imposed on similar businesses within the Town.

- The existing ground floor plan shows changing rooms that are accessed from an outside staircase by the car park leading to an external corridor. As far as we are aware, although in poor condition, these changing rooms were maintained for public use by HDC. The proposed ground floor plan shows a solid wall with a single entrance from the corridor incorporating the former changing rooms into the building, and to be accessed internally. If this is the case, consider that the staircase access should be securely closed to the public from the car park level.

- The application description refers to a 'new entrance/shop front', but there is nothing in the documents on the website showing a design. The existing entrance is raised considerably above the level of the car park but there is no plan showing how access, including for anyone with mobility problems, will be achieved. The semi-circular section shown on the block plan is currently landscaped, but there is no mention of any landscaping in this application. Will it be retained or preferably enhanced.

3.21 22 representations have been received, including from the Horsham Society, objecting to the proposal for the following reasons:-

- Impact on parking in Madeira Avenue
- Anti-social behaviour
- Increased noise levels and impact on residential amenity
- Dispersal issues
- Increased litter
- Noise from balcony
- No noise management plan

- Late opening hours
- Safety concerns with location adjacent to Horsham Park and the Nature Garden
- Must be sound proofed
- Illuminated signs are a nuisance
- This is a residential area

3.22 1 representation has been received in support of the proposal, stating that modernisation is much needed.

3.23 1 representation was received with a neutral position on the application.

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

Background

6.1 The application site features an extensive planning history which has led to the current configuration of uses within the existing building. The most relevant history in relation to these existing uses and the current proposal is set out below.

6.2 Planning permission was granted in 1997 for a change of use of the building from a recreation centre to a Class D2 use, for 'assembly and leisure' (ref: HU/196/97). This permission was subject to a number of conditions to control the nature of the approved use, including: -

- *Condition 8*: The premises shall not be open to the public during the first three years :
  (i) Other than between 10.00 hours and 24.00 hours on Sundays and Thursdays and bank and public holidays
  (ii) Other than between 10.00 hours on Friday and Saturday and 02.00 the following day.

- *Condition 9*: Subject to condition 8, the premises shall not be used:
  (i) Between 10.00 hours and 24.00 hours other than for uses falling within class D2 off the schedule to the town and country planning use classes order 1987.

(ii) At any other time other than for snooker American pool, video games, dance, 10 pin bowling, computer games, and ancillary refreshment facilities in the area designated on plan number 121.9614 revision C.

6.3 The effect of the above conditions was to create a temporary planning permission (for a 3-year period) of later opening hours on Fridays and Saturdays, as specified in condition 8(ii).

6.4 A subsequent planning permission was granted in 2002 under application ref: HU/67/02. This permission allowed for a temporary 12-month increase in opening hours until 02:30 Thursday to Saturday (and Bank Holidays). As part of these increased opening hours a further condition was imposed restricting the capacity of various parts of the premises: -

- For a 12-month period, up to 700 persons at ground floor level, of which 500 could be within the nightclub, and 284 at upper ground floor level were permitted in the premises until midnight. After midnight and until 02.30, up to 500 people were permitted at ground floor level.

- After this period, up to 500 persons at ground floor level, of which no more than 337 could be within the nightclub, and 284 at upper ground floor were permitted in the premises until midnight. After midnight and until 02.30, up to 337 people were permitted at ground floor level.

6.5 A final application was approved in 2008, under ref: DC/07/1157, for an amendment to the restriction set out in paragraph 6.4 (above). This permission allowed for a temporary 12-month increase of 500 persons in the nightclub between midnight and 02.30: after this 12-month period the capacity of the nightclub reverted back to 337. This permission also made permanent the ground floor opening of the ground floor between midnight and 02:30

6.6 The site is currently occupied by the 'Rec Rink' to the upper ground floor, a roller skating rink with bar and grill and was last occupied by the 'Rec Rooms' at the lower ground floor which was a live music venue / club and bar. Prior to this the lower ground floor comprised 'Shelley's' nightclub. This mix of uses reflected the use restriction on previous planning permissions (as set out above).

6.7 The current proposal seeks to introduce additional uses, primarily karaoke rooms and escape rooms, which go beyond those permitted by existing planning permissions on the site. For this reason, and although elements of the proposed scheme such as the bowling alley could take place with no further consent, planning permission is required for the proposed configuration of new uses being introduced within the premises.

Principle of Development

6.8 Policy 43 of the Horsham District Planning Framework (HDPF) states that the provision of new or improved community facilities will be supported, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study and other relevant studies, or contribute to the provision of Green Infrastructure.

6.9 In addition, Policy 11 of the HDPF states that measures which promote tourism and enhance local cultural facilities will be encouraged. Any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District. Support will particularly be given to proposals which, among others, reinforce the local distinctiveness and improve existing facilities; focus major tourism and cultural facilities in Horsham Town Centre; and seek to ensure that facilities are available within the towns and villages in the District and are in keeping with their relationship with the urban area and countryside.

6.10 Policy 42 of the HDPF outlines that positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs will be encouraged and supported.

6.11 Policy HB8 of the Horsham Blueprint Business Neighbourhood Plan states that development and expansion of tourism attractions and activities connected with day and staying visitors will be supported where: there are demonstrable economic and social benefits of the proposals; it provides links to sustainable forms of transport and is accessible by foot, bicycle, and mobility transport; and the siting, scale and design has strong regard to the local character, historic and natural assets of the surrounding area and the design and materials are in keeping with the local style and reinforce local distinctiveness and provide a strong sense of place.

6.12 Policy HB14 of the Horsham Blueprint Business Neighbourhood Plan states that proposals for new/ improved community facilities will be encouraged where they would not have significant harmful impacts on local amenities or the road network and sufficient storage space and parking space is provided.

6.13 The proposal would update the existing leisure facility and provide additional leisure facilities in an established town centre location. The site is recognised as an important community and leisure facility that attracts people to the town centre and this application would expand the offer to provide additional and improved facilities in a sustainable location.

6.14 The re-developed facility as proposed would improve the range and quality of attractions within Horsham and are supported by the Horsham Blueprint Business Neighbourhood Plan. The proposed development is therefore considered acceptable in principle, subject to all other materials considerations.

Design and Appearance

6.15 Policies 32 and 33 of the HDPF promote development that is of a high quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the District. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit. Development should ensure that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.

6.16 Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan states that development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings and minimises the impact on the natural environment.

6.17 The amendments to the external appearance include demolition of the existing conservatory/canopy and the erection of new entrance/shop front which would include the retention of the access ramp and stairs and new balustrades, windows and double door. The external kiosk is retained. The rear service staircase is also retained with one new fire exit to the lower ground floor western elevation.

6.18 The site is situated adjacent to a number of heritage assets including listed buildings on London Road and the London Road Conservation Area. As much of the works will involve refurbishing the existing building by making good brickwork, new windows/ doors/ balustrades and the filling in of some door openings/ introduction of additional fire escapes, the impact on these is considered to be minimal. This is particularly as there is a mature tree line that separates the park from these heritage assets.

6.19 The proposal includes the introduction of a new 'steel goal posts' structure to the existing balcony / terrace to the north elevation. The submitted plan describes this as 'partially covered'. No details of the roof covering have been provided and a condition is recommended to secure further details prior to its construction.

6.20 The proposed signage is subject of separate application for advertisement consent, ref: DC/24/0554 and it does not fall to be considered as part of this planning application.

6.21 The external amendments to the building are considered modest and would improve the appearance of the building where it is in need of repair. It is therefore considered to comply with the relevant HDPF and Neighbourhood Plan policies.

Amenity Impacts

6.22 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

6.23 Policy HB14 of the Horsham Blueprint Business Neighbourhood Plan states that proposals for new/improved community facilities, will be encouraged provided that the proposal would not have significant harmful impacts on the amenities of surroundings residents and the local environment.

6.24 The existing lawful use of the site is restricted to snooker, American pool, video games, dance, 10-pin bowling, computer games, laser quest and ancillary refreshment facilities. There is no restriction on the balance of these uses or the amount of floorspace each can occupy. This means that many of the proposed uses in this application are already permitted, with the exception of karaoke rooms and escape rooms which are not, and which mean that planning permission is required. The presence of karaoke rooms and escape rooms within the existing building, and a reconfiguration of other already permitted uses, would not as a matter of course be expected to result in unacceptable harm to amenity.

6.25 The existing lawful use and permitted opening hours on the site are as outlined in the 'background' section of this report, with the existing approved opening hours: -

- 10:00 - 00:00 Sunday to Wednesday; and
- 10:00 - 02:30 Thursday to Saturday.

6.26 The proposed opening hours are: -

- 08:00 - 00:30 Sunday to Wednesday.
- 08:00 - 01:30 Thursday Friday and Saturday and all bank holidays, as well as 'notable days'. Notable days are defined by the applicant as being Valentines Night, Bonfire Night, St Georges day, St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Halloween, Christmas Eve, Christmas Day, 27 28 29 December, New Years Day, and New Years Eve.
- 08:00 - 04:00 New Years Eve- New Years Day.

6.27 A number of representations have been received as part of the application process, objecting to the proposal for reasons which include the potential for noise impacts from the use and the extended opening hours and potential for resulting anti-social behaviour.

6.28 The above hours would represent a reduction on Thursday to Sunday opening with a modest 30 minute increase (until 00:30) on Monday to Wednesday. These hours are considered

acceptable in this location, reflecting other establishments within the town centre, and would not, given the existing arrangement at the site, be expected to result in significant potential for unacceptable harm to neighbouring amenity.

6.29 The request for extended opening hours on 'notable days' (as listed above) is not though considered to be appropriate in this location. These days would often fall during the working week and the hours sought would extend significantly beyond those currently permitted at the site, creating potential amenity impacts on local residents. A single extended opening on New Years Eve (until 04:00) is however considered acceptable.

6.30 As such, the proposed hours of use to be secured by condition under this permission, are recommended as follows:

- 08:00- 00.30 Sunday to Wednesday (and Bank Holidays)
- 08:00- 01.30 Thursday to Saturday
- 08.00-04.00 New Years Eve only

6.31 A further condition is recommended to restrict delivery times to between the hours of 08.00 – 19.00 Monday to Friday, 09.00 – 18.00 Saturdays with none on Sundays or Bank Holidays.

6.32 The premises includes an outdoor terrace area which provides direct access to Horsham Park via an external staircase. The terrace area would potentially provide seating for around 24 persons, and includes a new covered area. The terrace area was not explicitly referred to as part of previous planning permissions on the site but it appears to have historically been used as staff / informal storage area with no evidence of public usage. There is no objection in principle to the public use of this area, with conditions recommended to prevent its use outside the hours of 09.00 and 21.00, to prevent any outdoor speakers / music, and for the doors to be kept shut. It is considered that this approach would minimise the potential for unacceptable levels of outdoor noise or disturbance.

6.33 Representations have also raised concerns as to the Premises Licence granted on 14 March 2024. This licence was approved in consultation with Sussex Police, who withdrew an earlier objection to this application in light of the pre-existing licence agreement. The premise licence includes the following measures/ requirements:

- The opening hours of the premises: -
  - Sunday to Wednesday 0800hrs until 0030hrs the following morning
  - Thursday, Friday & Saturday 0800hrs until 0130hrs the following morning
  - Non Standard additional days 0800hrs until 0130hrs the following morning

- Installation of digital CCTV and appropriate recording equipment- to cover public areas, including the entrance.

- Door staff required on Thursday Friday and Saturday from 21.00 until closing time (and any other 'higher risk events such as Bank Holiday and for Town Centre events).

- Signage to be displayed at the exit to the premises to request that guests respect our local residents and leave the area quietly.

- When regulated entertainment in the form of recorded music is provided beyond 11pm this will be monitored, and external doors and windows shall be closed where appropriate (except for access & egress) to prevent noise nuisance.

- No persons under the age of 16 shall be allowed to remain or come into the premises after 2100 hours, unless accompanied by an adult.

6.34 A Noise Management Plan has been submitted in support of this application, which reflects elements of the above licence requirements. The Statement is not though considered sufficient thorough or robust to mitigate all potential noise concerns and operating methods, with a condition recommended to secure a more detailed Noise Management Plan prior to the commencement of use.

6.35 Denne Neighbourhood Council have raised the matter of occupancy restriction on the proposed development, noting that this was a restriction on a previous planning permission on the site. Whilst this may have been the case, an occupancy condition is not considered necessary given this will be governed by other legislation, in particular fire safety under Building Regulations. Furthermore, such a condition would be difficult to monitor and enforce in planning and is therefore not considered to meet the tests as set out in Para 55 of the NPPF.

6.36 It is considered that this application represents a more holistic approach to the development / use of the building than currently exists, giving the Local Planning Authority the opportunity to better control the noise emissions at the site. The site is already in a permitted leisure use, in a town centre location, with the nature of the proposed additional uses and the related operating hours such that, subject to conditions, no unacceptable harm to neighbouring amenity would result., in accordance with the above policy.

Highways Impact

6.37 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. Access to the site will not change as a result of this application, with vehicle access continuing to be from the roundabout at Albion Way.

6.38 The site is situated adjacent to the 'Jubilee Car Park', a HDC owned surface pay and display public car park. The site is also situated a short walk away from other town centre car parks including Swan Walk, Piries Place, North Parade and North Street.

6.39 The site is located in a highly sustainable location in Horsham Town Centre within safe walking distance from many local residents. The site can be accessed on foot, bike or by good public transport links (walking distance from the Train Station).

6.40 Concerns have been raised from residents of Madeira Avenue in relation to parking being displaced to Madeira Avenue and the lack of parking available. However, the site is not growing in size, and although the footfall may increase compared to the existing facility, a town centre location such as this has many options for paid off-street parking, as well as many residents being able to walk or cycle to the venue from nearby wards, and public transport. Madeira Avenue does have on-street parking restrictions and there are no proposed changes to this in relation to this proposal.

Water Neutrality

6.41 The proposed development falls within the Sussex North Water Supply Zone, as subject of the Natural England 'Position Statement' of September 2021. Development within the Supply Zone must demonstrate 'water neutrality' in order to avoid contribution to the possible adverse effect associated with public mains water abstraction underlying the Arun Valley SAC, SPA and Ramsar designations.

6.42 An advice note from Natural England (September 2021) advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.43 The proposal would not increase the amount of floorspace within the premises in a leisure use, instead comprising a reconfiguration of individual components of this overall use. It is the karaoke and escape rooms which generate the need for planning permission, as these elements go beyond existing conditions in force on the site. There is no evidence to suggest that the provision of these specific uses within an existing premises with a lawful use for other leisure purposes would, as a matter of course, lead to increased trips to or from the site, particularly as they are being provided through a reduction in the extent of other types of leisure activities provided at the site.

6.44 The additional opening hours are between 08.00 and 10.00 where licence restrictions prevent certain activities taking place, such as operation of the bar. With no material change of use taking place and with the potential for efficiencies to be made to fixtures and fittings throughout the premises it is considered that the proposal would not result in increased water consumption, with a condition recommended to secure further details in this regard.

6.45 As such, 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.

Waste management

6.46 Representations have raised concern in relation to the current location of the bins for the existing facility at the site. As an outcome of this proposal amended plans were received that show the bins will be stored within the site rather than in the existing location adjacent to the footpath. The applicant has stated that with proper management there will be no overspill. A Waste Management Plan condition is recommended to secure further details, with the proposed arrangement considered an improvement over the existing.

Conclusions

6.47 The proposal would update an existing leisure facility and provide additional leisure facilities in an established town centre location. The site is recognised as an important community and leisure use that attracts people to the town centre. This application would expand the offer to provide additional and improved facilities in a sustainable location in line with policies 11,42 and 43 of the HDPF.

6.48 The re-developed facility as proposed would improve the range and quality of attractions within Horsham and is supported by the Horsham Blueprint Business Neighbourhood Plan policy HB8. The proposed development is therefore considered acceptable in principle. The proposal will have a neutral to positive impact on the appearance and setting of the building, with refurbishment works to tidy up the appearance and the re-location of the bin store to within the site.

6.49 Although the proposal may result in an increased footfall to the site, it is considered that in light of the existing permitted uses at the site, the additional amenity impact would be minimal and no unacceptable harm would arise. Detailed conditions and restrictions on opening hours and use of the outside seating are recommended to ensure the amenity levels of nearby residents are park users are protected.

6.50 For these reasons, the development is recommended for approval subject to the conditions listed below.

7. RECOMMENDATIONS

7.1 To approve full planning permission, subject to the conditions set out below:

1 **A List of the Approved Plans**

2 **Standard Time Condition**: The development hereby permitted shall begin 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:** No development shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing. This shall include the materials and design details of the proposed balcony and balcony roof covering. 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).

4 **Pre-Commencement Condition**: No development shall commence until full details of water efficiency measures to be incorporated in the development, including details of replacement fixtures and fittings, have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in strict accordance with the agreed details and shall be maintained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

5 **Pre-Occupation Condition:** Notwithstanding the submitted Noise Management Plan, the development hereby permitted shall not be brought into use until a revised Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to:

(i) Management responsibilities during all operating hours
(ii) Full details on how the applicant will control outbreak of noise from any amplified/acoustic music or sound at the site. Noise from these sources should not be audible to noise sensitive premises. Sufficient acoustic controls must be applied to ensure no noise breakout.
(iii) Ensure that customers are requested to keep noise levels to a minimum to prevent causing a nuisance to residents and other customers. There should be a dispersal policy to control customers leaving the premises quickly and quietly, taxis to turn off their engines when waiting for passengers, staff to ensure that all customers are not causing a nuisance and move away from the vicinity of the premises.

(iv) Display signage respectfully asking customers to respect neighbours by being quiet and orderly. This request applies to customers standing outside the premises and/or when customers are leaving the premises.

(v) Ensure that management are trained how to deal with incidents of anti-social behaviour and how to recognise potential incidents. The management will keep a written log to record any such incidents. The log will be made available to the Police and Environmental Health upon request.

The Noise Management Plan shall be implemented in accordance with the agreed details and shall be complied with thereafter for the duration of the use/development.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition:** The development hereby permitted shall be not be brought into use until details of the means of ventilation for the extraction and disposal of cooking odours have been submitted to and approved by the Local Planning Authority in writing. These details shall include times of operation of the ventilation system, means to control noise, vibration and odour, 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 nearby residents and users and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

8 **Regulatory Condition:** The external balcony area shall only be used between the hours of 09:00 and 21:00 daily.

Reason: In order to minimise the acoustic and/or lighting impact of the approved development and to ensure development does not result in unacceptable harm to the amenities of nearby occupiers/users of land in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition**: No amplified, live-music or personal address equipment shall be installed or played on the balcony.

Reason: In order to minimise the acoustic impact of the proposed development, and to ensure the approved development does not result in unacceptable harm to the

amenities of nearby occupiers/users of land in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: No Deliveries and Commercial Waste collections shall take place except for between the hours of:

- 08.00 – 19.00 Monday to Friday,
- 09.00 – 18.00 Saturdays
- And at no times on Sundays or Bank Holidays.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of:

- 08:00 - 00.30 Sunday to Wednesday (and Bank Holidays),
- 08:00 - 01.30 Thursday to Saturday, and
- 08.00 - 04.00 New Years Eve only.

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

12 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises shall be used solely for purposes falling within Class E(d) and shall not be used for any other purpose(s) whatsoever without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the constraints of the site and relationship with surrounding development, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: