



TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 16 February 2021

DEVELOPMENT: Demolition of existing shop and dwelling and construction of 10.No one-bedroom apartments with parking forecourt and ten domestic storage buildings to rear with associated bicycle parking and refuse storage.

SITE: Brangwyn Station Road Henfield West Sussex BN5 9UP

WARD: Henfield

APPLICATION: DC/20/2200

APPLICANT: **Name:** Mr and Mrs Seet and Patti Gurprashad **Address:** Brangwyn Station Road Henfield West Sussex BN5 9UP

REASON FOR INCLUSION ON THE AGENDA: (1) At the request of Cllr Josh Potts (Local Member for Henfield)

(2) At the request of Henfield Parish Council

RECOMMENDATION: To refuse planning permission, for the reasons set out in this report.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

BACKGROUND

1.1 The application has been submitted following the Council's refusal of a previous proposal for a similar scheme (DC/20/0885, refused August 2020 – hereafter referred to as 'the refused scheme'). The refused scheme proposed the demolition of the existing local shop with accommodation above, and the erection of a block of 10no. 1-bedroom flats, set over 3 floors. This scheme was refused for 6 reasons, as follows:

- 1 Insufficient information has been submitted to demonstrate that the existing retail shop is no longer needed or is viable for continued business or employment use, contrary to Policies 9 (part 2) and 13 of the Horsham District Planning Framework (2015).
- 2 The proposed housing mix fails to provide for a sufficient range of units to meet the identified need of the District as evidenced in the latest Strategic Housing Market Assessment (2019) and for the local community as identified in the Henfield Parish

Council Housing Needs Assessment (2017), contrary to Policy 16 (parts 1 and 2) of the Horsham District Planning Framework (2015).

- 3 The proposed building, by reason of its 3-storey form and materials palette; would create a development that would sit at odds with the prevailing form and character of its setting, contrary to Policy 33 (parts 3, 4, and 5) of the Horsham District Planning Framework (2015), the principles of Chapter 12 of the National Planning Policy Framework (2019), and Policy 12 (part c) of the draft Henfield Neighbourhood Plan.
- 4 The proposed development, by virtue of the combination of the number of flats, resultant shortfall of on-site car parking, and inappropriate access from the roadside to the proposed bin, cycle and storage units; results in an overdevelopment of the site, contrary to Policy 33 (part 8), Policy 40 (part 9), Policy 41 (part 2) of the Horsham District Planning Framework (2015), and Policy 4 (P4.4) of the draft Henfield Neighbourhood Plan.
- 5 Insufficient noise impact information has been submitted to demonstrate that the 6No. air source heat pumps are acceptable in the proposed rooftop location, contrary to Policy 33 (part 2) of the Horsham District Planning Framework (2015) and Policy 12 (a) of the draft Henfield Neighbourhood Plan.
- 6 Insufficient information (by way of a Stage 1 Road Safety Audit with Designer's response) has been submitted to demonstrate that access to the site for the number of parking bays proposed can operate safely and will not cause harm to the operation and use of the highway network, contrary to Policy 40 (part 9) of the Horsham District Planning Framework (2015).

DESCRIPTION OF THE APPLICATION

- 1.2 The current proposal seeks approval for a development which is substantially the same as the refused scheme. As before, the development proposes the demolition of the existing shop/residential building on site, and the redevelopment of the site to provide 10x 1-bed flats set over three floors. The site layout plans, elevation plans and floor plans submitted in support of the application are the same as the plans submitted for the refused scheme last year. As such, the description of the proposed development remains as described under DC/20/0885.
- 1.3 Additional plans and information that has been submitted to support the current proposal, include; a plan showing the elevations and layouts of the 10no proposed bin/cycle storage units; a plan showing site area comparisons with other existing development nearby; a Stage 1 Road Safety Audit; an Energy Statement; and a Financial Statement to justify the loss of the shop.

DESCRIPTION OF THE SITE

- 1.4 The site characteristics have not changed since the Officer assessment of the refused scheme was undertaken in August 2020. As such, the site description remains the same as DC/20/0885 – as summarised below.
- 1.5 The site is located within the built-up area boundary (BUAB) of Henfield, fronting Station Road. Land levels along Station Road fall north to south by about 10m over a 190m stretch. The site incorporates an existing (albeit, closed) retail unit (Station Stores) with integrated 3-bedroom residential accommodation. The site is set back from the road by about 9m, and has a small area of hardstanding for customer parking. The site neighbours Alexandra House to its north, and Homelee to its south. Opposite the site are the rear

gardens of 2-storey dwellings in 'Beechings'. The existing retail store/residential building on site is 2-storey in nature, but has two small roof dormer windows on the front and side elevations. The existing building comprises red brick, red roof tiles and white uPVC window frames and is consistent with the prevailing materials along Station Road.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF, 2019)

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 12 – Strategic Policy: Vitality and Viability of Existing Retail Centres

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 31 - Green Infrastructure and Biodiversity

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 38 - Strategic Policy: Flooding

Policy 41 - Parking

Policy 41 - Community Facilities, Leisure and Recreation

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:

Henfield Parish Design Statement (2008)

- BD3 – Materials
- BD4 – Architectural Details
- BD5 – Innovative Design

2.3 RELEVANT NEIGHBOURHOOD PLAN

The Henfield Neighbourhood Plan 2017-2031 (Submission Draft) underwent independent examination in March 2020. The Examiner's final report was published on 11 May 2020, and concluded that the Plan meets the Basic Conditions subject to a series of modifications. All modifications have been accepted by Henfield Parish Council and Horsham District Council, and have been incorporated within the Plan. A Final Decision

Statement was published by Horsham District Council on 22 June 2020, which recommended that the Plan proceeds to Referendum. Due to the COVID-19 pandemic, all referendums have been suspended until May 2021. As such, whilst the Plan is not yet formally 'Made', it is considered that the Henfield Neighbourhood Plan 2017-2031 carries significant weight in the plan-making process. The main policies relevant to this application are:

- Policy 1 (A Spatial Plan for the Parish);
- Policy 3.2 (Development of New and Existing Employment Uses);
- Policy 4 (Transport, Access and Car Parking);
- Policy 12 (Design Standards for New Development)

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/0885	Demolition of existing shop and dwelling and construction of 10.No one-bedroom apartments with parking forecourt and ten domestic storage buildings to rear with associated bicycle parking and refuse storage	Application Refused on 12.08.2020
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3. OUTCOME OF CONSULTATIONS

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

3.1 INTERNAL CONSULTATIONS

HDC Environmental Health: No Objection (subject to conditions)

[Summary]: Recommends conditions: (1) contamination, (2) importation of soil, (3) contamination, (4) CEMP, (5) waste removal, (6) Hours of construction, (7) Acoustic Assessment, (8) external lighting.

HDC Economic Development: Objection

[Summary]: Concern raised regarding the loss of the commercial floorspace within this proposal and the lack of evidence to justify the loss. The Financial Statement gives no formal evidence to demonstrate a lack of demand for this shop, nor any indication that the shop has been marketed for sale or to let, to test the demand. There is mention of the impact of Covid-19 on the business, however, this does not mean that the site is no longer viable as a shop or for other commercial use and does not justify the move to residential without testing the demand.

Commercial floorspace remains essential for local business growth local employment. Priority 2 of the HDC Economic Strategy states the need to offer a range of commercial floorspace to ensure that local businesses can start-up, grow and remain. The new 'E Class' suggests that this premises could be used for a multitude of commercial uses - not just retail, which could appeal to a wider audience.

Moreover, the Henfield Neighbourhood Plan highlights that proposals resulting in a loss of employment floorspace will be resisted without evidence that the use is no longer appropriate or viable (Policy 3.2.2). Overall, Economic Development objects to this proposal as there is not enough evidence to justify the loss of the commercial unit.

HDC Drainage Engineer: More Information Required

[Summary]: No drainage information has been submitted to make any relevant comments or observations.

HDC Waste Collections: Comment

[Summary]: Request for clarifications on the bin area as communal or individual bin stores. Normally, flats have communal storage, therefore Euro Bins may be needed.

3.2 OUTSIDE AGENCIES

WSCC Highways: No Objection (subject to conditions)

[Summary]: WSCC consider this development to be acceptable in highway safety and capacity terms. The site will provide the correct number of car parking spaces for the flats, and a precedent for forecourt parking has already been set in the local vicinity. The 8 proposed spaces will provide EVC facilities as per WSCC parking in new developments policy (Sep 2020), and each dwelling will have a cycle store in the rear garden of the flats. A parking visibility plan and a stage 1 Road Safety Audit (RSA) has been submitted. Trips to and from the site have been verified by using the TRICA national trips rate database. Trip rates resulting from the development would be low, and would not create any capacity impacts.

Condition suggested for a construction management plan.

Southern Water: No Objection

[Summary]: No objection. Conditions and informatives suggested including: (1) connection to sewers, (2) SuDS maintenance, and (3) foul/surface water disposal.

WSCC Flood Risk Management: More Information Required

[Summary]: No FRA/Drainage Strategy has been included with this application. Further information is required to clarify the drainage arrangements. The peak runoff rate and volume should be as close to the Greenfield runoff rate/volume as possible, and if not possible, significant betterment (at least 50% reduction) should be achievable.

Henfield Parish Council: No Objection

[Summary]: No objection raised. Specific support given for 1-bedroom properties within the Parish. Although the emerging Neighbourhood Plan specifies 2/3/4 bedroom dwellings on a number of sites, this is to restrict developers from only building 5 bedroom properties, not to preclude the delivery of 1 bedroom units. The NP intention was to highlight the need for a mix of smaller type properties for first-time dwellings, rather than a focus upon larger homes. The PC would like to emphasise support for the provision of 1 bed as well as 2/3 bed homes. Confirmation given that the car parking arrangements are adequate, and that the scale and massing of the proposed development is in keeping with adjacent properties in Station Road.

3.3 PUBLIC CONSULTATIONS

12 letters of representation were received from 8 different households. 6 letters were in objection to the proposed development, and 2 were in support.

A summarised list of reasons for objection is below:

- Traffic impact, congestion
- Insufficient parking
- Poor design and materials
- Scale too large
- Overdevelopment
- Overlooking, loss of privacy
- Loss of shop
- Noise from heat pumps
- Sewage capacity issues

A summarised list of reasons for support is below:

- Shop has been closed since March 2020 with no amenity loss;
- New designs are an improvement;
- Need for new (smaller) housing;
- Area served by busses;
- Site can accommodate the scale of the proposal;
- Brownfield development is welcomed.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 Given the Council's previous refusal of a similar scheme on this site in August 2020 (DC/20/0885), the main consideration in the determination of this application is whether the current scheme now proposes additional supporting information or design revisions that have worked to overcome the Council's previous reasons for refusal.

Principle of Development

- 6.2 The site lies within the Built-Up Area Boundary (BUAB) of Henfield, which is included in the 'second tier' of settlements outlined in the hierarchy of Policy 3 of the Horsham District Planning Framework (HDPF). As a 'Large Village', Henfield is noted as being a settlement that acts as hubs for smaller villages to meet their daily needs, but that also has some reliance on larger settlements to meet some requirements. Policy 3 states that any proposal to redevelop or infill within a defined BUAB is required to demonstrate that it is of an appropriate nature and scale to the main characteristics and function of the settlement. In principle therefore, by virtue of its location and current developed nature of the site; the proposed residential re-development of this site is considered to be acceptable, and the additional residential units that the site would yield, is welcomed.
- 6.3 Policy 15 of the HDPF seeks to allocate a sufficient quantum of new housing across the Horsham District to meet the identified needs until 2031. In addition to the allocation of large-scale strategic development sites, Policy 15 anticipates 1,500 homes to come forward through Neighbourhood Plan allocations, and an additional 750 to come forward as 'windfall units'. As the site is located within the BUAB of Henfield, it is considered that housing development such as the proposed scheme would contribute to the windfall units required by Policy 15 (part 5), which contributes to the 'in principle' acceptability of this proposal.
- 6.4 The acceptability of the development in overall terms will however, depend on its appropriateness in terms of other development management principles as discussed below.

Loss of Shop

- 6.5 In order to retain a strong, diverse and resilient economy, both the NPPF (para 92) and the HDPF place great emphasis on the appropriate retention and expansion of existing community facilities, commercial premises and employment floorspace. This is re-emphasised at a local level in the forthcoming Henfield Neighbourhood Plan at Policy 3.2.2, where proposals that result in the loss of existing employment sites are resisted, unless justified by 'compelling evidence' that the employment use is no longer viable.
- 6.6 Whilst the location of the existing shop is not in an area that is afforded heightened protection (such as a unit on the high street or in a primary retail frontage), given the presence of the existing local convenience shop on the site, Policy 9 (Employment Development), Policy 12 (Vitality and Viability of Retail Centres), and Policy 13 (Town Centre Uses) of the HDPF are relevant to this application. Given the proposal seeks to remove the existing retail unit and to re-develop the site to a non-employment (residential) use; in accordance with Policy 9 (part 2) and the final paragraph of Policy 13, a proportionate level of information to demonstrate that the premises is no longer needed or viable for retail use, must be provided.
- 6.7 As with the refused scheme, the loss of the existing convenience shop (Station Stores) without re-provision is still proposed as part of the revised scheme. In support of the revised scheme, a Financial Statement has been submitted by the applicant which explains some context regarding the shop and the circumstances of its owners. The statement explains that the shop was first opened in 1985 and most custom is drawn from the immediate locality and some passing trade. The statement notes that over the past 3 years, commercial activity at the shop has lessened, and the owner now wishes to retire. The COVID pandemic has forced the shop to close since March 2020, although paper deliveries have continued. The statement states that there is '*extremely poor demand*' for commercial premises in Henfield, and there has been no interest from any prospective purchaser or tenant for the shop (albeit, it does not describe any formal marketing that has taken place).
- 6.8 The statement concludes by stating that it is '*not for the current owners to show why they cannot continue to make a living here*', rather, it is for the Council to provide '*compelling evidence to justify forcing commercial use to continue on the site*'. The HDPF policies referenced above are clear that the loss of employment and retail uses will only be accepted where there is evidenced justification to support that loss. The onus is always on the applicant to demonstrate why their proposals should be accepted against such policy.
- 6.9 The Council's Economic Development Team have reviewed the submitted Financial Statement, and in light of the lack of information to justify its loss, continue to object to the loss of the shop. As per the requirements of HDPF Policy 9 (part 2), HDPF Policy 13, and Policy 3.2.2 of the forthcoming Henfield Neighbourhood Plan, the Economic Development Team are of the view that in order for the Council to accept the loss of the shop, a proportionate amount of evidence needs to be submitted to demonstrate that the shop is no longer needed or viable. There is no indication that the shop has been marketed for sale or let, therefore it is unknown whether any demand exists for this unit as a retail or other employment use. It is also noted that the shop would now fall under Class F2(a) of the revised Use Classes Order as it is over 1km from a comparable shop and is therefore classed as a local community shop mostly selling essential goods, including food.
- 6.10 As such, whilst an additional Financial Statement has been received from the applicant to support the revised scheme, which outlines the position of the shop and desire of the owner to retire; this has not sought to provide the proportionate amount of evidence or justification that is required by HDPF Policy 9 (part 2), HDPF Policy 13, and Policy 3.2.2 of the forthcoming Henfield Neighbourhood Plan. It is therefore, considered by Officers that Reason for Refusal 1 placed on the refused scheme (DC/20/0885) has not been overcome, and remains a reason to refuse the revised application.

Housing Mix

- 6.11 An appropriate housing mix is important to ensure new housing contributes to addressing the identified needs of an area. The development proposed 10x 1-bedroom flats. Policy 16(1) of the HDPF states that *'development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment in order to create sustainable and balanced communities'*. The District Council's recently updated Strategic Housing Market Assessment (SHMA, November 2019) recommends that the mix of housing on new (market) developments should comprise 5% 1-bed, 30% 2-bed, 40% 3-bed and 25% 4-bed homes.
- 6.12 Whilst this broad mix has been identified by the SHMA across the District, it is acknowledged that it is not always appropriate for all sites to achieve this precise mix. Policy 16 (2) of the HDPF states that *'the appropriate mix of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme'*. The application site is located within the built-up area of Henfield and is an 'in-fill' site in an already developed area. As such, in order to achieve a viable development that accords with the local character, and which makes best use of the land available (NPPF 122-123); it is accepted that the recommended SHMA mix in this case will not be wholly appropriate. Notwithstanding this, it is still important that a suitable mix of units is provided to meet identified local needs.
- 6.13 Despite not being a 'made' neighbourhood plan yet, chapter 4 of the Henfield (Reg 16) Submission Plan requires the provision of *'more smaller housing units (2-3 bedrooms) appropriate for young families and the elderly downsizing'*. This is derived from evidence gathered in the Henfield Housing Needs Assessment (AECOM, October 2017) which noted that there was a strong indication that smaller dwellings of 1 and 2 bedrooms are needed to *'address the increase in the number of solo households, the growth in numbers of the elderly and the need to provide affordable homes for newly forming households'* (para 186).
- 6.14 As per the previously refused scheme, the development continues to propose a single mix of housing (10no. 1-bedroom flats). The second refusal reason cited in DC/20/0885 refused the proposal on the grounds that the housing mix failed to provide for a sufficient range of units to meet the identified need of the District, as evidenced in the Strategic Housing Market Assessment (SHMA, 2019) and in Henfield Parish Council's own Housing Needs Assessment (2017). This was considered to be contrary to Policy 16 (parts 1 and 2) of the HDPF.
- 6.15 During the consultation period for the current application, Henfield Parish Council confirmed that the proposal for all the accommodation to comprise 1-bed units, is welcomed. The Parish Council made clear in their representation that despite the forthcoming Neighbourhood Plan seeking development to provide primarily for 2 and 3-bed units within the Parish (Chapter 4), the intention of the Plan was not to preclude 1-bed developments, but rather to encourage the development of smaller occupancy units as opposed to larger 4 or 5 bedroom homes.
- 6.16 As with the assessment of the refused scheme, it is considered by Officers that it would be more appropriate to include both 1-bed and 2-bed units within a development in this location in order to provide a better choice for future occupiers and to better address the identified need. It is considered therefore, that the proposal, by virtue of its single-mix, does not appropriately address the housing needs of Henfield as evidenced in the latest Housing Needs Assessment, and fails to accord with the requirements of Policy 16 (parts 1 and 2) of the HDPF. Reason for Refusal 2 of the previous scheme, has not therefore been overcome, and remains a reason to refuse the current proposal.

Scale, Design and Appearance

- 6.17 Since the revision of the NPPF in February 2019, the Government has sought to raise the importance of good design, and the quality of new developments. Paragraph 127 of the NPPF states that developments should add to the overall quality of an area, be visually attractive, and should be sympathetic to local character and surrounding built environment, while not preventing or discouraging appropriate innovation. Following the revision to the NPPF in February 2019 a suite of design studies and reports have been published which collectively emphasise the importance and value that good design can bring to a place. In September 2019, MHCLG published the 'National Design Guide' which sets out how high quality developments can be achieved in practice. In January 2020 the 'Building Better Building Beautiful Commission' produced a report which encourages practitioners to '*Ask for Beauty; Refuse Ugliness; Promote Stewardship*'. In July 2020, Homes England published 'Building for a Healthy Lifestyle' which is an update to one of the most widely used design tools in England.
- 6.18 The aims of Policy 33 of the Horsham District Planning Framework (HDPF) are in general accordance with the principles of good design set out in the latest national planning policy and design guidance, and sets out the key development principles that all new developments should seek to achieve. In addition, the emerging Henfield Neighbourhood Plan (Policy 12) and associated Henfield Parish Design Statement (BD3, BD4 and BD5) contain design policies and principles which are considered to be relevant in the consideration of this site.
- 6.19 It should be noted that the revised scheme has not sought to change the appearance, scale or design of the proposed building from that which was previously assessed (and refused) under DC/20/0885. As such, the same layout plans, elevation plans and floor plans have been submitted in support of the current proposal.
- 6.20 As with the previous assessment, it is acknowledged that the application site is not in a conservation area, and is not located within an area with a particularly strong vernacular of architectural styles. Nevertheless, the prevailing character along the east side of Station Road comprises pairs of semi-detached 2-storey red-brick dwellings, setback from the roadside with parking at the frontage. Several of the existing dwellings along Station Road have features such as chimneys, projecting bay windows and soldier coursing and quoining details, and there is a mixture of gable-end and hipped roofs. Whilst the existing building has two small dormer windows in the roof providing second-storey habitable living space, the perception from the street is that the building is 2-storey, which is consistent with other buildings along Station Road. The height of the eaves of the existing building compliments the eaves of the dwelling to the south (Homelee), and the rooflines are of a similar style.
- 6.21 The proposed development (which has not changed since DC/20/0885) has sought to make full use of the available plot to create a block of flats containing 10x 1-bedroom flats set over three floors. In terms of scale, the overall width of the building (at 21.2m) increases the width of the existing building fairly significantly, and fills the 'gap' that currently exists in the street scene. It is considered that utilising the full width of the plot (save for walkways either side) makes efficient use of the available land without being incongruous with the built surrounds (in accordance with NPPF 123), and as such, the width of the building is not objectionable in design terms.
- 6.22 The overall height and stepped roof form of the proposed building responds appropriately to the sloping gradient of the street and the adjacent dwellings. However, by virtue of the repeating number and size of windows to the third/roof level, it is considered that the top floor creates a de-facto 3-storey building which fails to relate sympathetically to the prevailing 2-storey nature and character of the immediate surrounds. 'Buildings and Design' principle BD4 contained within the Henfield Parish Design Statement seeks for '*architectural detail to blend with local character*', and whilst innovative design is not

discouraged, principle BD5 seeks that new developments *'should have regard to their surroundings'*. As such, the proposal is still considered to be contrary to Policy 33 (parts 3 and 4) of the HDPF, and Policy 12(c) of the draft Henfield Neighbourhood Plan, as well as the key design principles within the Henfield Parish Design Statement.

- 6.23 In addition, given no changes have been made to the design or external appearance of the building, Officers still find issue with regard to the proposed materials palette (comprising slate roofing, light coloured render to first and second floors, and light coloured brick to ground floor) which is not considered to satisfactorily relate to the surrounding built environment which is predominantly red brick. In particular the upper floors are dominated by the use of render which is not a material characteristic of the area to the same degree as is being proposed on the building. This in combination with the slate tile roof, would not be sympathetic to the local character contrary to Policy 33 (part 5) of the HDPF, and Policy 12(c) of the draft Henfield Neighbourhood Plan. 'Buildings and Design' principle BD3 contained within the Henfield Parish Design Statement requires materials to *'respect materials of adjacent or nearby buildings'* and to *'reflect the predominant character of the area [including] plain clay roofing tiles and tile-hanging, and red-brown brickwork'*. As such, the incongruous material palette proposed, coupled with the concerns identified regarding the 3-storey nature of the proposed building; creates a structure that jars with the surrounding character and built form along Station Road, and fails to sit comfortably within its setting.
- 6.24 It is acknowledged that balconies on the front elevation are not a feature seen on other buildings in the vicinity, however, the principle of including balconies on the first floor is not objectionable in principle, particularly given the amenity space that they would provide future occupants. In addition, given the distance between the proposed building's frontage and existing dwellings opposite (in Beechings), it is not thought that significantly harmful overlooking would occur.
- 6.25 Paragraph 130 of the National Planning Policy Framework states that *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'*. Refusal reason 3 of application DC/20/0885 refused the scheme on the basis that the proposed building (by reason of its 3-storey form and materials palette) would create a development that would sit at odds with the prevailing form and character of its setting. The design was considered by Officers to be contrary to Policy 33 (parts 3, 4, and 5) of the HDPF, principles of Chapter 12 of the National Planning Policy Framework (2019), Policy 12 (part c) of the draft Henfield Neighbourhood Plan, as well as principles BD3, BD4 and BD5 of the Henfield Parish Design Statement. Given no changes have been made to the design of the building, the Council must be consistent in its decision-making, and it is not therefore considered that Reason for Refusal 3 of the previously refused application has been overcome.

Amenity Impacts

- 6.26 As with many changes that occur in urban built-up areas such as this, it is accepted that a level of amenity impact will occur as a result of development on this site. The planning consideration therefore, is how severe this amenity impact is, and whether it is acceptable or not. Policy 33 (part 2) of the HDPF and Policy 12 (part a) of the draft Henfield Neighbourhood Plan both seek for all new development proposals to be designed to *'avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise'*. As with the previous proposal, it is acknowledged that both neighbours adjacent to the application site have continued expressed concerns regarding the proposal, and have again cited several reasons for objection, which include: overlooking, loss of light and privacy, smells/noise from bin stores, and noise from roof-top heat pumps. These concerns are discussed below:

Overlooking/Privacy

- 6.27 No changes have been made to the design or layout of the proposal since the previous refusal, so the previously shown 5No. window openings (all bathrooms) on each of the flank elevations, remain. On-site observations show that there are already window and door openings on both flank elevations of the existing building. The northern flank (which currently sits much further from the boundary with Alexandra House than the proposed building would be) has existing windows on the ground and first floors. The existing southern flank is much closer to neighbouring 'Homelee' and includes windows as ground and first floors, plus a small dormer window facing south at the second floor. The proposed windows on the southern elevation (facing Homelee) are not considered therefore to result in any significant additional overlooking, and a condition to ensure these bathroom windows are fitted with obscured glazing can be imposed to further lessen the impact. Whilst the northern elevation of the proposed building would move much closer to the boundary with Alexandra House, it is noted that there are no existing openings on the southern flank elevation of this neighbouring dwelling, therefore the inclusion of window openings on the northern elevation of the proposed building would have little direct impact. Notwithstanding this, it is also considered reasonable for an obscured glazing condition to be imposed for the 5No. bathroom windows on this elevation to reduce perceived overlooking.
- 6.28 Concerns regarding undesirable overlooking towards rear garden spaces have also been raised again by neighbours, owing to the proposed balconies and additional first floor windows at the rear. Whilst the projecting 2-storey bay window elements to the rear help to obscure oblique views to and from the proposed first floor balconies to some degree; it is acknowledged that the perception of overlooking from a balcony is often greater than from a window. Officers acknowledge neighbour concerns, but as per the previous assessment, are of the view that the central positioning of the balconies offers a good separation distance and focuses sight-lines within the site itself, and as such, helps to reduce overlooking opportunities towards neighbouring properties to the north and south. In addition, the balconies are not likely to allow for direct overlooking to the rear elevation of neighbouring dwellings (where privacy is more important); rather they look more towards the rear of the gardens. It is acknowledged that the flank window panes of the projecting bay windows (at first floor) face towards neighbouring dwellings, and whilst it is considered that this could be designed better, the bay windows do not directly overlook the rear garden spaces of the neighbouring dwellings, but rather, onto the side elevations of the properties themselves. As such, overlooking/impact on privacy is not considered severe enough in this case to warrant a reason for refusal.

Noise

- 6.29 The plans submitted in support of the current proposal show the retention of the 6no. Air Source Heat Pumps positioned on the flat roof of the building – the same as previously proposed. No noise impact assessment has been submitted, nor any screening shown around the units. Conversely, the submitted Energy Statement states that 'Ground Source Heat Pumps' are proposed, and notes that this is in response to the Council's previous concerns about noise from the Air Source pumps. Five 20m long trenches for these Ground Source Heat Pumps are shown on submitted plan reference 438pp17. Given the submitted plans still show Air Source Heat Pumps (without screening) on the rooftop as before, it is unclear whether the proposal is actually for Ground Source or Air Source units, or both.
- 6.30 Under the refused scheme, amenity concerns were identified with regard to the elevated location and exposed nature of proposed 6no. roof-top Air Source Heat Pumps. The Council's Environmental Health Officer advised that the proposed rooftop location (without screening) would require the submission of a Noise Impact Assessment so the noise impact can properly be assessed. The EHO was of the view that due to the number of units proposed, it was likely that additional acoustic screening will be required which is likely to alter the appearance of the rear elevation. The EHO advised that the applicant may wish to

consider relocating the air source heat pumps to a ground level location where they can be more easily screened and maintained. The absence of a noise impact assessment or any screening around the proposed heat pumps, led to the conclusion that the proposal was contrary to Policy 33 (part 2) of the HDPF and Policy 12 (a) of the draft Henfield NP; and therefore formed refusal reason 5 of DC/20/0885.

- 6.31 It is unclear from the submission whether the revised scheme proposes Air or Ground Source Heat Pumps (or both), but notwithstanding which type is proposed, the Council are of the view that this type of sustainable energy source is welcomed in principle (and supported by the Council's sustainable development and climate change policies). However, given the plans still show the heating units on the roof top of the building, and the fact that the applicant has not provided any means to demonstrate that the noise impact of these units would be acceptable in amenity terms (either through the submission of a noise impact assessment or any acoustic screening), it is not considered that Reason for Refusal 5 of the previous scheme has yet been overcome, and the proposal remains contrary to Policy 33 (part 2) of the HDPF and Policy 12 (a) of the draft Henfield NP.

Bin Storage

- 6.32 As per the previous proposal, the scheme includes the provision of 10 individual bin/cycle storage units located at the rear of the main building (one for each of the 10no units). The location of these stores has not changed, but an additional plan showing the internal layouts and elevations has been submitted. During the previous consultation, neighbours raised concern about associated noise and smells emanating from the bin stores which are positioned close to neighbouring rear gardens. Given the plans show the bins to be fully enclosed with pitched roofs (overall height 3m), and access doors facing into the application site; the likely impact on neighbouring amenity in terms of unacceptable odours and noise is not considered to be significantly harmful.
- 6.33 The overall layout of the proposed site has not changed from the previous proposal (including the position of the 8no parking bays which utilise the full width of the plot); therefore it continues to be unclear whether there would be sufficient enough space for bicycle access from the main street to these stores, or for bins to be wheeled out the street for kerb side collection if all 8no parking spaces are in use (note, a tree blocks the middle pathway between bays 4 and 5). Whilst the new plan shows that the bin/cycle stores themselves appear to be large enough to contain the required bins and bicycles, access to the stores from the roadside is not practical, and is poorly considered. This raised doubt about the accessibility of the stores; thereby resulting in a development that fails to provide guaranteed and practical storage for bins and bicycles, contrary to Policy 33 (part 8), Policy 40 (part 9), Policy 41 (part 2) of the Horsham District Planning Framework (2015). This point formed part of Reason for Refusal 4 of DC/20/0885, and as the overall layout of the site has not changed, it is not considered that this concern has been addressed.

Trees, Landscaping and Ecology

- 6.34 Aside from some garden shrubs and a grassed lawn to the rear, the existing site does not have any significant soft landscape features. A line of tall conifer trees is located beyond the rear site boundary and are very visible from the site, but would not be affected by the proposed development.
- 6.35 The proposed layout of the site has not changed since the previous scheme was assessed, and includes the division of the rear of the site into 3 separate spaces, comprising two private gardens for two of the ground floor flats, and a shared amenity space for use by all occupants of the building. As before, 5no new trees are proposed at the rear, and 1no new tree to the front of the site (located between parking bays 4 and 5). The species of these proposed trees is unknown but it is considered that this information could be secured by condition. It is appreciated that the nature of this development (as an infill site) does not

afford significant opportunity for soft landscaping, and as such, any additional planting is welcomed. No specific details or calculations regarding biodiversity net gain have been provided (as required by paragraph 170(d) of the NPPF), but this can be secured by condition.

- 6.36 It is not clear how the rear garden spaces would be divided (fencing/hedging etc.), and there are no details of hard landscaping more generally (surfacing, boundary treatments etc.) Whilst it is reasonable to secure these details by condition, it is not considered that the proposed division of space to the rear represents best use of this area, and the Council questions how often the shared space to the rear would be used by future occupants (particularly given the provision of balconies and other private spaces). Notwithstanding these concerns, it is considered appropriate that this matter can be managed by way of condition in the event permission is granted. Whilst the proposed tree to the front of the site is welcomed from an amenity point of view, it is not clear how this will enable people to access the building, or the bin/cycle stores to the rear as it appears the tree blocks the central path.

Highways and Parking Impact

Capacity and Visibility

- 6.37 As per the previous (refused) scheme, West Sussex County Council (WSSCC) as the Local Highways Authority have assessed the revised application, and have re-confirmed that the principle of the application is acceptable in highways capacity and safety terms.
- 6.38 It was noted during the previous assessment of the refused scheme that a Stage 1 Road Safety Audit (RSA) was absent, thereby failing to demonstrate that access to the site for the 8no parking bays proposed can operate safely.
- 6.39 In support of the current proposal, a Stage 1 Road Safety Audit with Designer's Response has been submitted, and has been assessed by the Local Highways Authority. The RSA identifies that some vegetation which overhangs the footway opposite the property to the south 'Homelee' is required to be cut-back, but given this overhangs onto public highway, the Designer's Response notes that this can be cleared to achieve sufficient visibility. The Local Highways Authority have accepted this conclusion, and now raise no objection to the proposed development. As such, it is now considered that Reason for Refusal 6 has been satisfactorily overcome.

Car Parking

- 6.40 HDPF Policy 41 states that '*adequate parking and facilities must be provided within developments to meet the needs of anticipated users*'. This is followed by Policy 4 (P4.4) of the forthcoming Henfield Neighbourhood Plan which states that '*adequate off-road car parking must be provided for all developments in accordance with West Sussex Parking Standards*'. As with all planning applications, in the first instance, the total number of car parking space that will be required should be calculated in accordance with the West Sussex County Council Parking Guidance (2019) and should also include appropriate provision for disabled users and electric (EV) charging points. The provision of EV charging points is especially important, and in 2021 the WSSCC guidance requires that 33% of the total number of parking spaces are fitted with EV charging facilities (this rises to 37% in 2022). It is proposed that all 8 bays are fitted with EV Charging points, so the minimum requirements for this have been surpassed.
- 6.41 WSSCC Highways have reviewed the parking proposals (which remain unchanged since the previous assessment) and have noted that whilst there is no on-site turning, the proposed parking style (bays along the site frontage) is common in this area, and there is no evidence of a highway safety concern. The WSSCC Car Parking Demand Calculator shows

a demand for 14x spaces, therefore the proposed 8no parking bays results in a shortfall of 6x spaces. Whilst this shortfall is acknowledge, WSCC does not consider that any overspill parking onto the local streets would not result in a highway safety concern. Whilst WSCC have not raised an objection to the shortfall in on-site parking, Officers are aware of the existing parking pressures in this area, particularly at weekends where the local streets are used for parking by visitors to the nearby Downs Link. Given Station Road and surrounding streets are not subject to any parking restrictions (and as such, any driver has a right to park); the shortfall in on-site parking associated with the proposed development is likely to put some addition pressure on parking capacity in the area during popular leisure times (such as weekends).

- 6.42 The shortfall in on-site parking at this development reduces the parking to a less than 1:1 ratio (8 spaces for 10 flats). Whilst some flexibility of the WSCC calculator can be applied if the site is located in a very sustainable location (close to a variety of services and alternative transport links), this site is not located within central Henfield, and it is considered by Officers that at least a 1:1 ratio of parking to units should be shown as it would be anticipated that at least one of the occupants to each of the 10 flats in this location is likely to be a car owner. As such, despite there being no identified highways safety concern relating to overspill parking onto local roads; Officers are of the view that 10 units providing for only 8 parking spaces for occupants indicates an overdevelopment of the site. This point formed part of Reason for Refusal 4 of DC/20/0885, and as the overall quantum of development and on-site parking provision has not changed, it is not considered that this concern has been addressed and remains a reason to refuse the current proposal.

Cycle Parking/Storage

- 6.43 As before, the application proposes cycle storage for 10no bicycles which exceeds the WSCC guidance, and is welcomed. As mentioned previously, the restricted access to the storage units from the roadside would prevent/discourage travel by bicycle, which (as before) also leads Officers to conclude that the site is overdeveloped. The poor access arrangements to the storage units is contrary to Policy 33 (part 8), Policy 40 (part 9), and Policy 41 (part 2) of the Horsham District Planning Framework (2015).

Drainage

- 6.44 The Environment Agency's (EA) online flood maps show that the site is located wholly within Flood Zone 1, meaning that the land is in a 'low probability' flood zone. No water courses run through the site, as confirmed by WSCC Flood Risk Management.
- 6.45 As per the previous proposal, the applicant has not included any detail or design relating to the method of drainage of surface and foul water from the site, or methods of sustainable drainage systems. In this instance, given the natural constraints of the site forming a small plot in an urban area, it is considered that conditions can suitably provide for a drainage strategy that does not increase the risk of flooding at the site or elsewhere.

Climate Change

- 6.46 Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.47 The applicant has submitted an Energy Statement (as required by Policy 36), explaining the methods that are proposed as part of the development to reduce pressure on natural resources and to power the new homes sustainably. In summary, the proposed

development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Dedicated refuse and recycling storage;
- Opportunities for biodiversity gain;
- Cycle parking facilities;
- 8no electric vehicle charging points;
- 6no Air/Ground-source Heat Pumps;

6.48 In the event that Members are minded to approve this application, it is considered that the above measures would contribute to reducing the impact of the development on climate change in accordance with local and national policy.

Conclusion

6.49 The main consideration in the determination of this application is whether the scheme as proposed has addressed the Council's 6no reasons for refusal of the previous scheme (DC/20/0888) which was refused August 2020. The provision of a Stage 1 Road Safety Audit which confirms required visibility splays can be achieved is accepted, leading to the conclusion that previous Refusal Reason 6 (highway safety) has now been satisfactorily addressed.

6.50 However, whilst a Financial Statement has been submitted regarding the circumstances of the existing shop and its owners, no formal marketing has taken place to test the demand for this unit, and as such, it is not considered by Officers that Refusal Reason 1 (loss of shop) has been overcome.

6.51 Given there has been no revisions to the proposed quantum or mix of units, or to the previously submitted layout plans, elevation plans or floor plans; it is not considered by Officers that previous Refusal Reasons 2 (mix), 3 (design) or 4 (overdevelopment) have been overcome.

6.52 Finally, it is noted in the submitted Energy Statement that Ground Source Heat Pumps are proposed (with trenches for the Ground Source units shown on the submitted layout plan). However, the submitted plans still show the inclusion of Air Source units on the building's rooftop. As such, it is unclear which type of units is being proposed, and notwithstanding this, no Noise Impact Assessment has been submitted to demonstrate that the noise output is acceptable, or that any acoustic mitigation (particularly for the rooftop units) is required. As such, Officers are not of the view that Refusal Reason 5 (noise impact) of DC/20/0885 has been overcome.

6.53 In order to maintain the integrity of the planning system and adopted planning policies, the decision maker is expected to ensure that decisions are issued with an appropriate level of consistency. Unless an alternative decision can be justified through a change in planning policy or the submission of revised plans or supporting information; the decision maker's past decision is a material consideration of significant weight, and should not unjustifiably be changed. In this case, it has been demonstrated that five of the six previous reasons for refusal have not been overcome, and as such, it is recommended to Members of the Committee that the application is refused, for the reasons set out below.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st 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
			Total Gain
			Total Demolition

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 It is recommended by Officers that the application is refused, for the reasons explained in this report, and as set out below:

Reasons for Refusal

- 1 Insufficient information has been submitted to demonstrate that the existing retail shop is no longer needed or is viable for continued business or employment use, contrary to Policies 9 (part 2) and 13 of the Horsham District Planning Framework (2015).
- 2 The proposed housing mix fails to provide for a sufficient range of units to meet the identified need of the District as evidenced in the latest Strategic Housing Market Assessment (2019) and for the local community as identified in the Henfield Parish Council Housing Needs Assessment (2017), contrary to Policy 16 (parts 1 and 2) of the Horsham District Planning Framework (2015).
- 3 The proposed building, by reason of its 3-storey form and materials palette; would create a development that would sit at odds with the prevailing form and character of its setting, contrary to Policy 33 (parts 3, 4, and 5) of the Horsham District Planning Framework (2015), the principles of Chapter 12 of the National Planning Policy Framework (2019), and Policy 12 (part c) of the draft Henfield Neighbourhood Plan.
- 4 The proposed development, by virtue of the combination of the number of flats, resultant shortfall of on-site car parking, and inappropriate access from the roadside to the proposed bin, cycle and storage units; results in an overdevelopment of the site, contrary to Policy 33 (part 8), Policy 40 (part 9), Policy 41 (part 2) of the Horsham District Planning Framework (2015), and Policy 4 (P4.4) of the draft Henfield Neighbourhood Plan.
- 5 Insufficient noise impact information has been submitted to demonstrate that the 6No. air source heat pumps are acceptable in the proposed rooftop location,

contrary to Policy 33 (part 2) of the Horsham District Planning Framework (2015) and Policy 12 (a) of the draft Henfield Neighbourhood Plan.

Background Papers:

- DC/20/0885
- DC/20/0200