



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 16<sup>th</sup> March 2021

**DEVELOPMENT:** Retrospective application for the change of use from an office to a beauty salon (sui generis use).

**SITE:** 1 Commercial Buildings High Street Henfield West Sussex BN5 9DE

**WARD:** Henfield

**APPLICATION:** DC/20/1864

**APPLICANT:** **Name:** Aerco Services Ltd **Address:** 16-17 Lawson Hunt Industrial Park Guildford Road Haywards Heath RH12 3JR West Sussex

**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.

**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 The application seeks retrospective change of use from an ancillary office for Stokes (the retail use fronting High Street) to a Beauty Salon.
- 1.2 The subject building is located to the rear of the retail unit fronting High Street, and is located immediately adjacent to the western boundary. The building is a former garage that would have been used by the retail business for storage purposes. The subject building has been converted to a treatment room with a toilet.
- 1.3 The Applicant has provided a Planning Statement outlining that the services offered would primarily comprise massage, with manicures, pedicures and eyebrows also offered. The business would be open two days per week (usually Thursday and Friday), with a total of 6 clients seen per day. One employee would operate the site, with the business open between the hours and 9am and 6pm. Clients are advised to park in the public car park or on the High Street, with time allowed between appointments to enable cleaning and set-up, avoiding overlap between customers.

- 1.4 No external works are proposed to the building, with the application relating only to the change of use.

#### DESCRIPTION OF THE SITE

- 1.5 The application site is located to the west of the High Street and to the south of Cagefoot Lane, within the built-up area boundary of Henfield. The site is located immediately adjacent to the defined Village Centre boundary and the designated Primary Retail Frontage.
- 1.6 The subject building is located within the rear amenity space to the frontage building, with access for vehicles provided directly to the north of the building. Access to the site is provided along Cagefoot Lane, which is a private road and public footpath.
- 1.7 The site is surrounded by residential dwellings to the north and west, with the mixed retail/business and residential development along the High Street located to the east.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

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 13 - Town Centre Uses  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Henfield Neighbourhood Plan 2017-2031  
Policy 1: A Spatial Plan  
Policy 3: Employment Sites and Village Centre  
Policy 4: Transport, Access and Car Parking  
Policy 12: Design Standards for New Development

## PLANNING HISTORY AND RELEVANT APPLICATIONS

HF/72/92	Demolition of existing garage & erection of replacement Site: 1 Commercial Buildings (Rear) High St Henfield	Application Permitted on 21.09.1992
DC/11/0520	Conversion of existing single vehicle garage for use as office and storage space associated with Stokes Newsagents	Application Permitted on 23.05.2011

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation:** No Objection. The site is within the Henfield Conservation Area. Applications should therefore seek to preserve or enhance the special character of the area. The building is also to the south of The Henfield Club which is a grade 2 listed building. The application sets that the layout and external appearance of the building would remain as existing. It is considered that provided this is the case no objection would be raised to the proposal.
- 3.3 **HDC Environmental Health:** No Objection to the proposal in principle. However, due to the proximity of residential properties, and in order to mitigate any adverse environmental impacts, suitable controls would be necessary.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection. Vehicular access to the site appears to be via Cagefoot Lane, a privately maintained road. The Local Highways Authority do not anticipate that this proposal would give rise to a significant material intensification of movements to or from the site.

The applicant proposes a nil car parking provision for this development. The Planning Statement states that clients will be advised to utilise nearby public car parks. The LHA considers this reasonable, with Cooper Street Public Car Park located approximately 240m north east of the site.

Vehicular parking can also be accommodated on-street. Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a severe highway safety concern, nor give rise to any parking capacity issues. The LHA advises the planning authority to consider the potential amenity implications that may arise from a small increase in on-street parking demand.

The LHA does acknowledge several written representations citing dangerous parking on the nearby road network. Illegal or dangerous parking, including parking on the footway, can be dealt with by Sussex Police. As mentioned above, parking/waiting restrictions are present on High Street and Cagefoot Lane. However, any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988 (Leaving vehicles in a dangerous position on the road including verge), and Section 137 Highways Act 1980 (Wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

## PUBLIC CONSULTATIONS

### 3.5 **Henfield Parish Council:** No Objection

3.6 13 letters of objection were received from 9 separate households, and these can be summarised as follows:

- Parking at the site, and particularly the impact on Cagefoot Lane
- Access to Cagefoot Lane
- Wider use of the site as a Tea Room
- Increased traffic and parking
- Noise and disturbance

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

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

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

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

## 6. **PLANNING ASSESSMENTS**

6.1 The application seeks retrospective full planning permission for the change of use of a former office to a Beauty Salon. No external alterations are proposed to the building.

### **Principle of Development**

6.2 Policies 7 and 9 of the Horsham District Planning Framework (HDPF) states that sustainable employment development will be achieved through, among other things, the formation and development of small, start-up and move-on business, as well as home working and home based businesses, by encouraging provision of small units through development proposals.

6.3 Policy 12 of the HDPF designates Henfield as a Secondary Centre, where the promotion and encouragement of activities in town and village centres will be encouraged. This includes maintaining a diverse range and choice of suitable uses. Policy 13 of the HDPF continues that proposals for main town centre uses will be allowed within the defined town and village centre boundary provided that proposals are of an appropriate scale to the centre; the proposal will complement the vitality and viability of the centre; the proposal is accessible, relates to, and is well connected to the defined Frontages and Primary Shopping Areas of the Centre; and the proposal would improve the character, quality and function of the centre as a whole.

6.3 Policy 1 of the Henfield Neighbourhood Plan states that development proposals located inside the built-up area of Henfield will be supported, provided it accords with the other provisions of the Henfield Neighbourhood Plan and the HDPF.

6.4 Policy 3.2 of the Henfield Neighbourhood Plan continues that development proposals for new development uses will be supported provided they are within the built-up area boundary of Henfield; it can be demonstrated that the traffic generated by the proposal will have acceptable access to the principal Henfield road network and the A281/A2037; the proposal

layout meets the relevant development plan car parking standards; and the design, materials colour, massing, position within the site and landscape scheme is able to minimise any visual impacts on the street scene, local amenity and on adjoining countryside.

- 6.5 The application site is located within the built-up area boundary, and immediately adjacent to the designated Village Centre and Primary Retail Frontage of Henfield High Street. While the subject building is located outside of these designations, the building is located within the curtilage of the retail/commercial building fronting the High Street.
- 6.6 The building was converted to an office and store in association with Stokes Newsagents following planning approval DC/11/0520. At the time of consideration, the store was proposed to be used as overflow storage during busy times of year, with 2no. employees using the building as office space. A commercial use of the building for up to 2no. employees has therefore been established on the site.
- 6.7 The Applicant outlines that the building has been unused following the departure of Henfield Shed two years ago, with the re-use of the building encouraged through the current proposal. As outlined within the Planning Statement, the building is used as a Beauty Salon, with the primary services on offer comprising massage, with manicures, pedicures, and eyebrow treatments also offered. One employee operates from the building, with no more than 6no. clients attending the site each day. The business would operate two days a week (usually Thursday and Friday) with the business open between 9am and 6pm.
- 6.8 While recognised that the application site is located outside of the defined Village Centre and designated Primary Retail Frontages, it sits immediately adjacent to the boundary. Therefore, the use of the building would contribute to the viability and diversity of the High Street, and would provide a contributory service.
- 6.9 The building is considered to be of a modest size and footprint, measuring to approximately 16.8sqm, and it is not therefore considered that the proposal would draw focus from the Village Centre, with the proximity of the building considered to support and contribute to the vibrancy and diversity on offer within the village. In addition, the proposal is considered to result in the provision of a small commercial unit that is supported within Policies 7 and 9 of the HDPF.
- 6.10 Therefore, while there would be some conflict with Policies 12 and 13 of the HDPF, the subject building is not considered to detract from the Village Centre, and given its proximity to the High Street, would likely contribute to the diversity and vibrancy of the Village Centre. The proposal is therefore considered to result in economic benefit that would outweigh the limited conflict with these policies.
- 6.11 The proposal is therefore considered acceptable in principle, subject to all other material considerations.

### **Design and Appearance**

- 6.12 The application relates only to the change of use of the building. No external alterations are proposed. The subject building has been established for some time, and is set back within the curtilage of the property, away from wider public views.
- 6.13 The proposal is not considered to result in any further impact to the townscape and landscape character of the site and surroundings, and is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Impact on designated Conservation Area**

- 6.14 The application relates only to the change of use of the building. No external alterations are proposed. The subject building has been established for some time, and is set back within the curtilage of the property, away from wider public views.
- 6.15 The building is established within the designated Conservation Area, with no external alterations proposed. The proposal is not therefore considered to result in any further harm to the special character or setting of the designated Conservation Area.

### **Amenity Impacts**

- 6.16 Policy 32 of the HDPF states that development will be expected to provide an attractive, function, accessible, safe and adaptable environment that contributes a sense of place both in the buildings and spaces themselves, and in the way they integrate with their surroundings. Policy 33 of the HDPF requires development to be designed to ensure that it avoids unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.17 The subject building is located to the south of Cagefoot Lane, along the western boundary of the wider site. The wider surroundings are characterised by residential development, with commercial development located to the east.
- 6.18 The premises would provide beauty treatments including back massage, as well as manicures, pedicures, and eyebrows, and would employ 1 member of staff. Approximately 6 clients would be seen a day, with the business operating 2 days a week. The opening hours would be 9am to 6pm, with no overlap of appointments intended. All waste would be non-clinical and would be directed to the waste bins used by Stokes.
- 6.19 It is recognised that a number of objections have been received with concerns regarding noise and disturbance resulting from the use.
- 6.20 The area is of mixed character, defined by both residential properties and commercial premises, with the High Street and main thoroughfare located approximately 40m to the east. A total of 6 clients would be seen over an average day, with the business operating two days a week. On this basis, the proposal is considered to be of a relatively modest scale, with the nature and intended occupation not considered to result in a level of activity, noise or general disturbance that would be out of character with the area. It is however considered reasonable and necessary to impose conditions relating to the nature/type of use and operating hours to reduce the impact on neighbouring properties.
- 6.21 Subject to these conditions, it is not considered that the proposal would result in harm to the amenities or sensitivities of neighbouring properties through noise, disturbance or loss of privacy. The proposal is therefore considered to accord with Policies 32 and 33 of the Horsham District Planning Framework (2015).

### **Highways Impacts**

- 6.22 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.23 Policy 4 of the Henfield Neighbourhood Plan states that development proposals should demonstrate that safe pedestrian routes from employment sites to community facilities can be achieved; protect the existing network of footpaths within the village and ensure the continuing safe provision of accessible pedestrian routes, suitable for all users; and provide adequate off-road car parking.
- 6.24 A number of objections have been received regarding potential parking concerns, particularly relating to the use of Cagefoot Lane by customers. Cagefoot Lane is a private lane and also comprises a public footpath.

- 6.25 The application site benefits from an access from Cagefoot Lane, which it is understood is used by the staff of Stokes Newsagents and the residents that live above the shop. There is a right of access over Cagefoot Lane to access this area. The Applicant has however stated that the employee and clients would be advised to park in the public car parks or the High Street.
- 6.26 WSCC Highways do not consider that the proposed use would give rise to a significant material intensification of movements to or from the site. While a nil car parking provision is proposed, this is considered reasonable given the proximity to public car parks. Vehicle parking can also be accommodated on-street, where comprehensive parking restrictions are in place to prohibit vehicles from parking in places that would be of detriment to highway safety. The Local Highways Authority does not therefore anticipate that the proposed nil parking provision would result in a severe highway safety concern, nor give rise to any parking capacity issues.
- 6.27 It is considered that there is sufficient public parking facilities nearby to accommodate the proposed use, with the likelihood that the service would be accessed as part of a shared trip to the Village Centre. It is therefore considered likely that customers would utilise the existing public car parks and walk to the site. Given this context, it is not therefore considered that a reason for refusal on the grounds of parking could be substantiated.
- 6.28 It is recognised that concerns have been raised about the potential for clients to park on Cagefoot Lane. A condition requiring vehicles to only park within the public car parks or on the High Street would not meet the six tests within the NPPF, and in particular, would not be enforceable. As such, it is not possible to impose such a condition on the approval. However, as advised by WSCC highways, any illegal parking could be dealt with as an offence under Section 22 of the Road Traffic Act 1988 (leaving vehicles in a dangerous position on the road including verge) and under Section 137 of the Highways Act 1980 (wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police. There would therefore be other legislative mechanisms in place to address any problem parking along Cagefoot Lane. Given the concerns raised, it is however considered reasonable to attach a Note to Applicant on the Decision Notice advising the Applicant to ensure that clients do not park on Cagefoot Lane.
- 6.23 While a nil parking provision is proposed at the site, it is recognised that there is sufficient public parking availability within the locality to accommodate the anticipated demand. In addition, the site is located within a sustainable location where a number of public transport options are available. On the balance of these considerations, the proposal is not considered to result in harm to the function and safety of the public highway network, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

### **Other Matters**

- 6.30 At present no signage is proposed. Certain advertisements benefit from deemed consent under the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 subject to, among other things, size, number and type. Should signage be proposed in the future, the Applicant would need to confirm whether Advertisement Consent is required.

### **Conclusion**

- 6.31 The proposed development would contribute to sustainable economic development, and while located outside of the Village Centre, would be immediately adjacent to it. The proposal is not considered to detract from the Village Centre, and given its proximity, would likely contribute to the diversity and vitality of the defined centre. The proposal is considered to be of a modest scale, which given the mixed character of the area, is not considered to result in a level of activity, noise or disturbance that would have an adverse impact on the amenities

and sensitivities of the neighbouring occupiers. In addition, while a nil parking provision is proposed, it is considered that there is sufficient public parking spaces available within the locality, with the site considered to be a sustainable location with a number of public transport options available. The proposal is not therefore considered to have an adverse impact on the function and safety of the highway network. For these reasons, the proposal is considered to accord with all relevant local and national planning policies.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

6.33 **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
All Other Development	18.6	18.6	0
	<b>Total Gain</b>		
	<b>Total Demolition</b>		

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

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

## 7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions.

### Conditions:

1 **Approved Plans**

2 **Regulatory Condition:** The premises hereby permitted shall be used as a beauty salon only, and for no other purpose.

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 proximity to residential properties and the limited access arrangements under Policies 32, 33 and 41 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 9:00 and 18:00 Thursday to Friday, and on no other days.

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

4 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order the building hereby approved shall not be extended or altered without express planning consent from the Local Planning Authority first being obtained.



Reason: In the interest of visual amenity and due to proximity of the building to the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

- 6 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

- 7 **Regulatory Condition:** Within 6 months of the date of this approval, details of secure [and covered] cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No building hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that building or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

#### NOTE TO APPLICANT

The Applicant is advised that clients should be required to park in the public car parks or along the High Street, and should at no times park on Cagefoot Lane.

#### NOTE TO APPLICANT

The Applicant is advised that should signage be proposed in the future, Advertisement Consent may be required. It is suggested that the Applicant contact the Local Planning Authority to confirm any requirements prior to commissioning any signage.

Background Papers: DC/20/1864  
DC/11/0520