



**Horsham
District
Council**

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0748
25 East Street, Horsham, West Sussex, RH12 1HH

DESCRIPTION:

External alterations and repair works to front elevation of building and installation of a cooking extract flue to rear. (Full Application).

RELEVANT PLANNING HISTORY:

DC/26/0749	External alterations and repair works to front elevation of building, internal alterations and installation of a cooking extract flue to rear. (Listed Building Consent).	Pending Consideration
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RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (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 13 - Town Centre Uses
Policy 14 - Shop Fronts and Advertisements
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction

Horsham Blueprint Business Neighbourhood Plan (HBBNP) 2019 - 2036:

Policy HB3 - Character of Development
Policy HB4 - Design of Development
AIM2 - Conserving Heritage Assets

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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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

includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 1 year. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

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

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 1: Sustainable Development

Strategic Policy 2: Development Hierarchy

Strategic Policy 3: Settlement Expansion

Strategic Policy 4: Horsham Town

Strategic Policy 6: Climate Change

Strategic Policy 7: Appropriate Energy Use

Strategic Policy 8: Sustainable Design and Construction

Strategic Policy 13: The Natural Environment and Landscape Character

Strategic Policy 17: Green Infrastructure and Biodiversity

Strategic Policy 19: Development Quality

Strategic Policy 20: Development Principles

Policy 21: Heritage Assets and Managing Change within the Historic Environment

Policy 22: Shop Fronts and Advertisements

Strategic Policy 30: Enhancing Existing Employment

Policy 31: Rural Economic Development

Strategic Policy 35: Town Centre Hierarchy and Sequential Approach

Strategic Policy 36: Town Centre Uses

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

INTERNAL CONSULTATIONS

HDC

Conservation:

Satisfied the proposal is acceptable in principle. The increase in external flues and ducting will not be visible from sensitive areas and will ensure the business is able to meet current standards. These will not be fitted to historically significant parts of the building so will not affect historic fabric.

The redecoration of the principal elevation is agreeable.

Objection [Summary on 24/06/2026]

The design as presented does not include any active odour abatement treatment fittings, only highlighting passive point-of-source baffle-style grease filters which will offer minimal particulate control and will not remove odour molecules from the gaseous phase plume. To this end, this Service objects to the application due to the potential for cooking odours to cause a loss of amenity to neighbouring domestic property and the therefore additional design considerations will need to be made incorporating effective active odour abatement.

Comment [Summary on 13/07/2026]

The specification of Pre- and ESP particulate filtration, followed by ozone injection odour neutraliser, discharging with a non-impered vertical efflux should be satisfactory, as will the ongoing cleaning and maintenance regime.

PUBLIC CONSULTATIONS:Representations:

None received

Parish Comments: Support

Subject that any concerns from Environmental Health at HDC are considered and where possible mitigated

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

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.

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.

PLANNING ASSESSMENT

This application is for External alterations and repair works to front elevation of building and installation of a cooking extract flue to rear at 25 East Street, Horsham. 25 East Street currently occupied by 'Hong Kong', a Chinese / Cantonese and Peking cuisine take away business. The business is currently closed. The building is located within the Horsham Conservation area and is also a Grade II Listed Building. The building is of traditional architecture with large front window and single door both coloured in red to match the businesses colour scheme.

Principle of Development:

Policy 1 of the Horsham District Planning Framework (HDPF) states that the council will take a positive approach to development proposals, aligning with the National Planning Policy Framework's emphasis on sustainable development. It collaborates proactively with applicants to find solutions that enable

project approval and enhance economic, social, and environmental conditions. Planning applications that comply with the Local Plan and relevant neighbourhood plans will be approved promptly unless material considerations suggest otherwise. If policies are absent or outdated, the Council will grant permission unless significant adverse impacts outweigh the benefits, or specific policies in the Framework restrict development.

Policy 5 of the HDPF seeks to enhance Horsham's role as the district's principal economic and cultural centre by supporting development within the town's built-up area that preserves its historic character and high-quality environment. Development should strengthen the town's range of services, arts, heritage and leisure facilities, contribute to a diverse and resilient local economy, including a vibrant high street, employment opportunities, strong evening economy and support connections to the wider Gatwick Diamond and South East economy.

The proposal is for external alterations and repair works to front elevation of building and installation of a cooking extract flue to rear at 25 East Street, Horsham. It is considered that the installation of flue, together with external repair works will allow the business to continually operate and would allow for continual economic growth within Horsham. The proposal is considered to accord with the above.

Design and Appearance:

Policy 14 of the HDPF states that applications for replacement shop fronts, including fascias, will be supported where the proposal respects the architectural style, character and form of the buildings or location of which they form a part, including appropriate use of materials, colours and illuminations.

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

Policy HB3 and HB4 of the HBBNP cover the design and character of development within Horsham which is supported by the neighbourhood councils of Forest, Denne and Trafalgar. It advocates for high quality design and construction that integrates with its surroundings whilst minimising impact on natural environments. It should reflect the character and architectural forms of the area in order to protect against inappropriate design.

The proposal to the front elevation includes replacing the existing fenestration with new timber replacements and replacement of the existing fascia board. The work also includes repainting works to the front elevation. By replacing existing timber fenestration with new timber fenestration, it is considered that the proposal would respect the existing historic interest of the building.

To the rear, two external flues are positioned on the rear flat roof section with accompanying hardware also positioned on the rear flat roof. The two flues are large vertical additions to the roofscape with the associated hardware also occupying a large amount of roof space which creates a bulky mass. However, it is considered this is contained to the rear where there would be limited public view and would serve a functional purpose. The flues are not visible from the front elevation which would be considered the principal elevation of interest for the building. Whilst the design of the rear elevation would be somewhat degraded by a large amount of equipment, it is considered the proposal would be functional. Therefore, it is considered the proposal is acceptable and accords with the policies above.

It should be noted that new signage (if installed) to the fascia can only be implemented by way of advertisement consent. The plans attached do not show any advertisement to the elevations, however if this is to be changed then advertisement consent would be required. An informative is attached.

Heritage and Archaeology:

Policy 34 of the HDPF seeks to conserve, sustain and protect the cultural and heritage assets that are within the district. It ensures that development within conservation areas is consistent with the special character of buildings and areas of which they are located within. Areas and buildings that fall under

conservation, Listed Building designations or are approximate to them will be protected from inappropriate development which will harm the character and setting of the area / building.

Policy 14 of the HDPF states that within Conservation Areas, proposals will be expected to retain an existing traditional shop front and/or features of architectural or historic interest, through retention or restoration. This will include the use of traditional materials, traditionally painted fascias and hanging signs with muted colours.

AIM2 of the HBBNP is to protect and conserve the historical interest and character of Horsham. Horsham has many buildings of historic interest and conservation areas which purpose is to protect buildings from being harmed by development that is not in character to the area.

It is considered that the remedial works to the front elevation will help retain the special character of the Listed Building. Whilst the rear elevation would now see the addition of modern equipment to facilitate the business on site, this is contained to the rear with limited public impact. Equipment would not be attached to the any historic fabric of the building which is thought to preserve the historic integrity of the building. Whilst the rear would see bulky development, the proposal would likely improve the public facing elevations of the Listed Building and would contribute to an improved street scape / conservation area. It is therefore considered that the proposal would abide by the policy above.

Residential Amenity:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

Environmental Health initially objected to the proposal due to the potential for cooking odours to cause a loss of amenity to neighbouring domestic properties, where it was considered that additional design considerations will need to be made incorporating effective active odour abatement. Officers received additional information which included specification of additional odour abatement. This changed the proposal to have a more rigorous ventilation and odour abatement system as well as maintenance schedule to ensure regular upkeep and a mitigated public impact. Environmental Health were reconsulted with new plans and supporting documentation and recommended conditions to ensure compliance.

It is considered that the siting and layout of the proposed work and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Water Neutrality:

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 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be

managed and maintained for 30 years, starting from the date the development is completed. Off-site gains (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

- The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The proposal is considered to accord with the above policies and is recommended for approval.

Recommendation: Application Permitted

Conditions:

- 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 relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:

Drawings to a scale not smaller than 1:5 fully describing:

- replacement windows.

These drawings must show:

- materials
- cross section of frame, transom, mullions, glazing bars, etc
- method of opening
- method of glazing

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 4 **Pre-Operation Condition:** No part of the a cooking extract equipment hereby permitted shall be operated until a Noise Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment, plant or building services) and minimising noise from vehicles, deliveries, collections and servicing. The Noise Management Plan shall be implemented and 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 Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The implementation of the extraction system shall be executed in full accordance with the submitted documentation and run in accordance with the approved Kitchen Ventilation Maintenance Schedule submitted 13 July 2026.

Reason: To ensure the successful and satisfactory protection of the neighbouring amenity, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** No new plumbing, pipes, soil stacks, flues, vents, ductwork or the like, shall be fixed to any external wall of the building.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** No new grilles, security alarms, lighting, cameras or other like items shall be fixed to any external face of the building other than as shown on the drawings hereby approved.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 8 **Regulatory Condition:** All building works, finishes, and making-good shall match the relevant existing work in respect of method, detail, and finished appearance unless otherwise approved in writing by the Local Planning Authority. Where new materials are to be used externally, the colour match shall make allowance for future weathering.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015)

NOTE TO APPLICANT

New signage (if installed) to the fascia can only be implemented by way of advertisement consent. The plans attached do not show any advertisement to the elevations, however if this is to be changed then advertisement consent would be required. This permission itself does not authorise the display of advertisements, for which separate consent is required under the provisions of the Town & Country Planning (Control of Advertisements) Regulations 2007.

NOTE TO APPLICANT

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);
2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;
3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining

whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

In addition, the Biodiversity Gain Plan Condition does not apply to applications for major development made before 12 February 2024, or non-major development made before 2 April 2024.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/26/0748

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	As Existing	ADC 1716/01	08.05.2026
Elevation & Floor plan	Proposal	ADC 1716/02A	14.07.2026
Location & Block plan	Site Plans	ADC 1716/LP	08.05.2026
Supporting Statement	JMv Aerofoil	NONE	13.07.2026
Supporting Statement	Kitchen Ventilation Specification	NONE	13.07.2026
Supporting Statement	Kitchen Extract ESP Range	NONE	13.07.2026
Supporting Statement	UV-O Range	NONE	13.07.2026
Plans	Proposed Kitchen Ventilation Internal Plan / Section A-A	M4302 01	13.07.2026
Plans	Proposed Kitchen Ventilation External High / Low Level Plan	M4302 02	13.07.2026

