Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1016
57 West Street, Horsham, West Sussex, RH12 1PL

DESCRIPTION:

Installation of external flue and extraction equipment to rear of premises along with rationalisation/replacement of air conditioning units, new rooflights and replacement shop front.

RELEVANT PLANNING HISTORY:

DC/16/0346	Erection of first floor rear extension to retail unit and minor alterations to the existing shop front. The relocation and replacement of existing external air conditioning units on first floor roof area.	Application Permitted on 31.03.2016.

SITE AND SURROUNDS

57 West Street is currently used as a shop, Class E, located within the main Horsham high street. The site lies on the northern side of West Street. The site falls within Horsham Town Conservation Area. It is occupied by a three storey, double fronted commerical building that has been occupied by an optician (Specsavers). To the rear of the site is a service yard and turning area accessed via the Carfax.

DETAILED DESCRIPTION

The application seeks the installation of external flue and extraction equipment to the rear of the premises along with rationalisation/replacement of air conditioning units, with new rooflights and replacement shop front. The current use of the unit is Class E, and the proposed would remain within Class E, so the application is not for a change of use. Permission is sought for the short section of flue that will be external to the building at roof level, as well as the new air conditioning units to the rear of the building and slight enlargement of an existing rooflight and an additional rooflight. The double door in the shop front would be changed to single.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 9 - Employment Development
Policy 13 - Town Centre Uses
Policy 14 - Shop Fronts and Advertisements
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

Horsham Blueprint Business Neighbourhood Plan (2019-2036):
Policy HB4: Design of development
Policy HB5: Energy efficiency and design

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: Advice: -

57 West Street is located within the Horsham Town Centre Conservation Area, with its attractive frontage facing onto the pedestrianised shopping area. To the rear the property backs onto the service yard that adjoins Swan Walk. It would be considered that the proposed changes to the shopfront subject to conditions would preserve the character of the conservation area.

The building has existing air conditioning units to the rear, and these would be relocated and reduced in number as part of this application. From a heritage perspective this would result in an improvement to the existing. There would be no objection to the rooflights.

In terms of the rear flue and extraction equipment due to the properties position adjoining the service yard it would be suggested that the works would result in minimal harm to the conservation area which could be balanced against the productive use of the building.

HDC Environmental Health: No Objection (received 09.08.2024)

With regard to the kitchen extract ventilation, it is pleasing to note that activated carbon filters are now planned to be included in the design to control gaseous odour molecules, in addition to the particulate ESP previously proposed, although this Service asks that the relevant drawings/plans are updated to include the addition of the carbon cell, to ensure that it is appropriately positioned in the duct run to prevent excessive heat from reducing the efficiency of the filters at airflow temperatures of above 40°C.

The coffee roaster extraction is now also to be served by ESP for particulate control, as well as the Agent offering an updated spin-top efflux design to benefit natural dispersion, which this Service would recommend be included. This Service accepts that the level of filtration now proposed was permitted by colleagues in Chichester DC and Worthing BC, having previously discussed their premises' extraction installs with them and therefore will have no objection to the design.

However, it should be noted by the Applicant that the design and supporting 'Report Air Sampling' document continues to relate only to particulate matter (not gaseous odour molecules, e.g., NOx, VOCs) and this Service will take reactive enforcement action to abate all odour disturbances determined to be Statutory Nuisances if complaints are received regarding this premises.

With confirmation of the positioning of the carbon cell in the duct run, this Service has No Objections to the application.

HDC Environmental Health: Objection – summarised (received 19.07.2024)

- Proposed design does not meet standard and lacks any active odour abatement techniques.
- Objects to the application and main kitchen extract-ventilation system should be redesigned to offer appropriate odour control performance.
- The current plans indicate a high-level discharge from the coffee roaster, this Service objects to the application on the grounds that insufficient consideration has been made for the control of odours emitted during the roasting process.

- There are domestic properties located close to the site, this Service recommends conditions to minimise disturbances during the undertaking of works at the premises.

HDC Environmental Health (Subsequent Response): No Objection

With regard to the kitchen extract ventilation, it is pleasing to note that activated carbon filters are now planned to be included in the design to control gaseous odour molecules, in addition to the particulate ESP previously proposed, although this Service asks that the relevant drawings/plans are updated to include the addition of the carbon cell, to ensure that it is appropriately positioned in the duct run to prevent excessive heat from reducing the efficiency of the filters at airflow temperatures of above 40oC.

The coffee roaster extraction is now also to be served by ESP for particulate control, as well as the Agent offering an updated spin-top efflux design to benefit natural dispersion, which this Service would recommend be included.

However, it should be noted by the Applicant that the design and supporting 'Report Air Sampling' document continues to relate only to particulate matter (not gaseous odour molecules, e.g. NOx, VOCs) and this Service will take reactive enforcement action to abate all odour disturbances determined to be Statutory Nuisances if complaints are received regarding this premises.

HDC Property: Comment

There may be issues as this would be a loading area for other retail business units. Raised queries regarding construction time frame and impact on other businesses.

Parish Comments:

Objects until all the concerns raised by the HDC Environmental Health and Property Departments have been resolved.

Representations:

None received.

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

Design and Appearance:

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.

The application seeks the installation of external flue and extraction equipment, along with the rationalisation and replacement of air conditioning units and new rooflights. The proposed additions are to be installed at the rear of the building to ensure limited visual impact. There are a number of existing air conditioning units already positioned on the roof, the application seeks to rationalise the number of units and relocate these to a more sympathetic location against the rear elevation of the building. It is considered the positioning of the units would limit their visibility from the rear. The proposed roof lanterns would be barely visible and would be acceptable.

The proposed flue serving the kitchen extraction system would be positioned at the rear and would largely be screened by the existing adjacent building. The upper section of the flue will be visible from the rear, however, there is similar equipment on the rear of other buildings within the service yard, so the flue will sit comfortably within the surrounding area. The proposed flue serving the coffee roaster is positioned close to the junction of the roof to limit visual impact, again this will be visible from the rear of the site but would sit comfortably within the context of the surrounding built environment. It is considered that the proposed equipment has been positioned carefully on the rear elevation to ensure limited impact and to ensure that the character and appearance of the building remains in keeping with the street scene to the front.

The changes to the front street-facing elevation are considered to be in keeping with the surrounding shop fronts. The proposed shopfront, would utilise existing openings, making a minor alteration to the door arrangement with a single door instead of the existing double doors. The shopfront would also retain the recessed lobby and muted colour scheme as existing. It is considered that the proposed changes to the shopfront would preserve the existing character and appearance of the surrounding area, with minimal changes proposed. It is also advised that changes to the signage would require separate advertisement consent.

Heritage Impacts:

Policy 34 of the Horsham Development Framework aims to sustain and enhance the historic environment through positive management of development affecting heritage assets. By reassuring development preserve and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric, and materials.

57 West Street is located within Horsham Conservation Area, with a frontage facing onto the pedestrianised shopping area. The HDC Conservation Officer is content that the proposed changes to the shopfront subject to conditions, would preserve the character of the conservation area. The relocation of the air conditioning units would result in an improvement to the existing and there would also be no objection to the proposed rooflights. Due to the flue and extraction equipment being positioned on the rear, there would be minimal harm to the conservation area and frontage of the building. It is considered that the proposal would accord with the above policy.

Amenity Impacts:

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.

The purpose of the flue is to ensure that emissions are dissipated without impact on neighbouring properties. Furthermore, any noise from the coffee roaster would be contained within the building and a noise assessment provided with the application concluded that there would be no likely adverse impact on the nearest noise sensitive receptors. The proposed equipment has been designed and located to ensure appropriate noise and odour mitigation which is sufficient to ensure that no nuisance is caused to the living conditions of nearby neighbours. It is considered that the proposals have been designed to ensure limited noise and emissions to neighbouring occupiers and therefore there would be limited amenity impacts. It is noted that there were no representation letters received.

Environmental Health were consulted on the application and initially objected to the application. Upon receipt of further information, they requested the addition of a carbon cell within the duct run of the kitchen extraction flue. Upon receipt of this, Environmental Health have no objections to the application.

Conditions are recommended to install and maintain the equipment in accordance with the details and minimise disturbances during the undertaking of works at the premises.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

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

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

Other Matters:

The issues raised by HDC Property in their consultation response are not considered material planning considerations and are therefore not subject of this planning application.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore 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:

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

i) new/and/or/replacement external doors, rooflights/roof lantern.

These drawings must show:
- materials
- decorative/protective finish
- cross section of frame, transom, mullions, glazing bars, etc
- formation of openings including reveals, heads, sills, arches, lintels, dormer construction, etc

- method of opening
- method of glazing

ii) shopfront

These drawings must show:
- materials
- decorative/protective finish
- formation of opening including structural support
- colour scheme

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 Regulatory Condition: No new plumbing, pipes, soil stacks, flues, vents, ductwork or the like, 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).

5 **Regulatory Condition**: The extraction equipment hereby permitted shall be installed in accordance with the approved details. The equipment shall be retained in accordance with these details thereafter.

Reason: In the interest of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The extraction equipment hereby permitted shall not operate outside of the opening hours of the business.

Reason: In the interest of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 Regulatory Condition: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

NOTE TO APPLICANT

The applicant is advised that this permission does not authorise the replacement signage for advertising, for which separate consent is required under the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

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/24/1016
(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
Location & Block plan	Site Location and Block Plan	24017-P-001P	04.07.2024
Floor plan	Existing Plans Ground & First Floor	24017-P-010P	04.07.2024
Roof plan	Existing Plans Second & Roof	24017-P-011P	04.07.2024
Elevation plan	Existing Front and Side Elevation 01	24017-P-012P	04.07.2024
Elevation plan	Existing Rear and Side Elevation 02	24017-P-013P	04.07.2024
Floor plan	Proposed Plans Ground & First Floor	24017-P-100P	04.07.2024
Roof plan	Proposed Plans Second & Roof	24017-P-101P	04.07.2024
Elevation plan	Proposed Front and Side Elevation 01	24017-P-102P	04.07.2024
Elevation plan	Proposed Rear and Side Elevation 02	24017-P-103P	04.07.2024
Layout plan	Proposed Kitchen Plans	24017-P-200 C	04.07.2024
Plans	Kitchen Ventilation	1596-001 REV C	20.08.2024
Supporting Statement	Assessment of Proposed New Coffee House by Acoustic South East dated 19.06.2024	J3836 Issue 1	04.07.2024
Design & Access Statement	Planning and Heritage	NONE	04.07.2024
Supporting Docs	Electrostatic Precipitator (ESP) Model DGRH-K-3500K	NONE	08.08.2024
Supporting Docs	W6A / W6E Cooffee Roaster Specification	NONE	07.08.2024
Supporting Docs	Report Air Sampling dated July 11 2013	NONE	07.08.2024
Supporting Docs	LONGAR Type 8 Activated Carbon Filters	NONE	07.08.2024
Supporting Docs	Report Air Sampling dated July 11 2013	NONE	07.08.2024
Supporting Docs	Ventilation and Extraction Statement	NONE	04.07.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 28.08.2024

Authorising Officer sign/initial _____ Date: _____