

PLANNING, DESIGN AND ACCESS STATEMENT

So India, 43 Felpham Way, Felpham, West Sussex PO22 8 PT

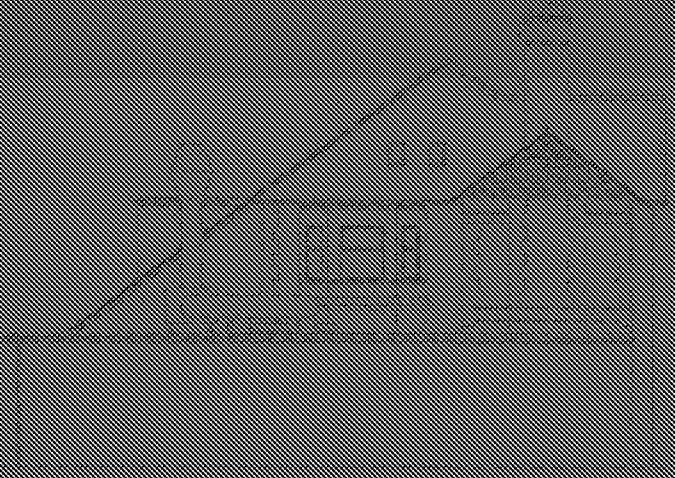
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Overview

1.0 Introductions

- 1.1 Neame Sutton Limited, Chartered Town Planners, are instructed by Abdul Noor "The Applicant" to prepare and submit a planning application to regularise the existing extraction system which is designed to eliminate odour, to seek retrospective planning approval for the external lighting, the decking and 2 air condition units.

2.0 Description of the Site

- 2.1 The site is an Indian restaurant which fronts directly onto Felpham Way.
- 2.2 The building is two and a half stories, painted render with tiled roof. There is access to the side and car parking at the rear.
- 2.3 The site is located in a predominantly residential area, and was previously a social club.
- 2.4 To the rear of the property adjacent to the rear access is a raised decking area. To each side at the rear of the building are place air conditioned units at ground floor level. There is a single storey rear extension and directly on this roof the extraction unit is placed. This unit controls odour from the kitchen.
- 2.5 At the front, side and rear are external lights mounted on the brick pillars.

3.0 Site History

Application	Description	Decision
FP/136/16/PL	New extraction unit with steel flue following FP/162/15/PL	Approved 14th September 2016
FP/162/15/PL	New extraction unit with steel flue	Refused 3rd May 2016

- 3.1 An application was approved for the extraction flue, but the plans approved did not accord with the flue designed in the submitted noise control report. As a consequence, the flue did not work effectively. The flue has now been erected in accordance with the submitted noise report, with additional filters added, and is satisfactorily working to emit odour.

4.0 Description of the Proposed Development

- 4.1 This application is to correct the above mentioned discrepancy and also to apply retrospectively for the external lighting, air condition units and decking. It is also intended by this application to adhere to the former conditions imposed on approval reference FP/136/16/PL in that the flue is encased in timber cladding which is finished to match the existing building (conditions 3 & 4).
- 4.2 Post the planning approval FP/136/16/PL the applicant has been working with the Council's Environmental Health Officer to ensure that the flue is satisfactory to control the odour emissions. It was during this process that it became apparent that the previously approved plans did not match the plans shown in the submitted noise control report. The erected flue now accords with the plans in the submitted noise report and with the plans submitted with this application.

Planning Policy Framework

5.0 Planning Policy Framework

(i) National Planning Policy Framework

"The Government planning policy is published in the National Planning Policy Framework (NPPF). The presumption is in favour of sustainable development. Paragraph 17 states that development should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

- 5.1 This application is in a sustainable location and seeks to ensure that the odour control of the cooking facilities meets the regulatory requirements in accordance with this policy. The design of the flue is to ensure that the odour is controlled, the casing is to reduce the noise emitted from the flue, and the box is painted to match the existing building.

Paragraph 19 of the NPPF states that **significant weight should be placed on the need to support economic growth through the planning system.** Paragraph 123 states that **planning policies should avoid noise from giving rise to significant adverse impacts on health and quality of life.**

- 5.2 This application seeks to accord with this policy by ensuring that the revised flue and air condition units do not give rise to any adverse or unacceptable noise.

(ii) The Development Plan

The current Development Plan comprises the National Planning Policy Framework (NPPF) Arun District Local Plan adopted in 2003, the emerging local plan modifications 2011-2031 and the Felpham Neighbourhood Plan 2013-2029.

Arun District Local Plan 2003 adopted.

Policy	Title
GEN2	Built Up Area Boundary
GEN7	The Form of Development
GEN22	Buildings and Structures of Character
GEN32	Noise Pollution
GEN34	Air Pollution

GEN2 Built Up Area Boundary

The boundaries of the built-up area for the purposes of the West Sussex County Structure Plan and this District Local Plan are defined on the Proposals Map. Development or redevelopment will be permitted within the built-up area boundaries, subject to the other policies in this plan. Outside the built-up area boundaries, development or redevelopment will not be permitted unless it is consistent with other Local Plan policies.

- 5.3 The site is within the built up area boundary of Felpham.

GEN7 The Form of Development

Planning permission will only be granted for schemes displaying high quality design and layout provided that it:

- (iii) **Demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness.**
- (iv) **Promotes sustainable development, including the effective use and conservation of energy and reducing the need to travel, particularly by private car.**

- (v) Does not have an unacceptable adverse impacts that may rise from adjoining land uses or property.
- (vi) Takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property.
- (vii) Allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians.

5.4 The proposals accord with this policy in that the measures demonstrated within this application are that the development does not result in any adverse impact on neighbouring properties, by taking the necessary mitigation measures to avoid any potential odour or noise emissions. The proposed lighting will assist the safe movement of pedestrians and vehicles on the site.

GEN32 Noise Pollution

Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise-generating uses. Development which is a potential source of significant noise pollution will not be permitted unless the Council is satisfied that appropriate measures have been included in the proposal to reduce noise pollution to acceptable levels.

GEN34 Air Pollution

Development that contributes to air pollution through dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution will not be permitted unless the Council decides that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk.

5.5 The proposal is in accordance with these two policies and is supported by the Noise and Odour report which has been submitted with this application.

GEN22 Buildings or Structures of Character

Planning permission will not be granted for development resulting in the loss of existing buildings or structures of interest and importance which are attractive in their own right or which contribute to the character and appearance of an area. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be permitted.

5.6 The proposals are in accordance with this policy, all alterations are to the rear of the building and do not adversely affect the appearance or setting of the building.

The Emerging Local Plan published February 2014

(iii) *Arun Local Plan 2011-2031 Publication Version October 2014*

Policy SD SP1 Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Planning applications that help to achieve the central aim of this Local Plan, which is to increase employment density and which accord with the policies in this Local Plan and/or adopted Neighbourhood Development Plans will be approved, unless material considerations indicate otherwise.

- 5.7 The proposal is in accordance with this policy and the applicant and the council officers have been working to ensure that there is no noise or odour pollution.

Policy D SP1 Design

All development proposals should be of good quality and demonstrate a high standard of design. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change mitigation); and the influence these objectives have on the form of the development. All development proposals must consider the efficient use of land, layout, landscape and its setting, density, mix, scale, massing, materials, finish, architectural details and nearby habitats.

- 5.8 The flue has been designed to sit on a single storey flat roof to avoid any visual impact within the street scene. The lighting is low level discreet lighting to provide safe access to the site and to the restaurant.

Policy D DM1 Aspects of form and design quality

When considering any application for development the Council will have regard to the following aspects:

- Solar gain
- Public realm
- Layout - movement
- Layout – legibility
- Public art
- Density
- Scale

- 5.9 The proposals have considered and applied the relevant points of this policy when designing the flue, lighting and decking as demonstrated by the plans.

Felpham Neighbourhood Plan 2013-2029

Policy ESD6: Retain buildings or structure of character

Development proposals will be expected to retain or enhance the local distinctiveness of the buildings listed above and the removal of part or all of them will not be permitted unless it can be demonstrated they cannot be put to a beneficial or viable use.

- 5.10 Number 43 Felpham Way is a building on the local list. The proposals are in accordance with this policy. This retrospective application which has been approved in principle, does not adversely affect the appearance of the building within the street scene.

Planning Considerations

6.0 Planning Considerations

(i) The Principle of the Development

- 6.1 The principle of the development has been established by approval reference FP/136/16/PL.
- 6.2 Condition 1 of the approval was that **"the development hereby permitted, including the installation and the external finishes of the extract ventilation system, shall be carried out and completed in accordance with the application details within 1 month of the date of this planning permission."** This condition could not be complied with in that the submitted plans were not in accordance with the noise and odour report, and hence this generated complaints to the Council. The applicant has been trying to ascertain the problem and it became clear that the discrepancy was due to incorrect plans. This application and the flue now erected on site accords with the noise and odour report.
- 6.3 Additional attenuation has been undertaken and a separate report has been included with this application from AVE systems. This is over and above that recommended in the noise report.
- 6.4 Condition 3 of the approved plan FP/136/16/PL was **"all plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated so that the rating level of noise emitted does not exceed the background sound level, when measured according to British Standard BS4142:2014 at any adjoining or nearby noise sensitive premises"**. As stated above, the Applicant has been working with the Council to ensure that the proposals accord with this condition.
- 6.5 Condition 5 was to ensure that the materials all matched the existing building. The flue has been encased and painted cream to match the building and blend in with it.

- 6.6 Since the approved application, the flue has generated complaints concerning odour control. The applicant has upgraded the filters and also had the flue redesigned to accord with the technical report. This has resulted in the flue working effectively to control the odour.

Noise and Odour

- 6.7 The flue was originally constructed as per the approved drawings, however these drawings were incorrect and did not accord with the technical drawings in the submitted noise and odour report. As a consequence, the system did not control the odour dispersed from the kitchen and was in itself a noise nuisance. The applicant worked with the council's Environmental Health Officer to ascertain the exact problem. As soon as it was discovered that the submitted plan was wrong, the applicant had the flue redesigned. The flue now on the building is constructed in accordance with the noise and odour report and is working effectively.
- 6.8 In addition the applicant has upgraded the filters as described by the letter from AVE Systems.
- 6.9 The applicant has also installed air condition units and these are now part of the application. These are at ground floor level and are screened from the front elevation by the side extensions.

Lighting

- 6.10 Low level lighting has been installed to the front of the building, along the access and along the rear car park. The lighting bulbs are erected on 1 metre high pillars. The lighting emissions are in accordance with industry standards.

External decking

- 6.11 A raised decking area has been erected to the rear of the restaurant 3.5m in depth.

Summary and Conclusions

7.0 Summary and Conclusions

- 7.1 For the reasons set out in this Statement, the Applicant considers that the application now is in accordance with the plans and technical report submitted with this application. The flue as erected has been encased and painted in accordance with the conditions of the previously approved plan FP/136/16/PL.
- 7.2 The application is retrospective and also includes the external lighting around the access and car park, the air condition units and the decking area.
- 7.3 It is considered that the enhancements made to the external facilities are for the safety of customers to the restaurant and do not cause any significant harm to the local environment. The new flue does controls the odour emitted from the kitchens satisfactorily and does not result in any odour or new nuisance.



Decking & lighting



Air Conditioning Unit

