

Recommendation Report for Planning Permission

REF NO: LU/130/20/PL

LOCATION: 29 Pier Road  
Littlehampton  
BN17 5LW

PROPOSAL: Retention of extraction system.

**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                   |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | Application to retain extraction unit to the rear of the building. This is located on a single storey flat roof projection to the rear. The flue is 450mm wide and made of steel. |
| BOUNDARY TREATMENT         | Walling with fencing above to side elevation adjacent to path to approx. 2m.                                                                                                      |
| SITE CHARACTERISTICS       | Large end of terrace property three storey building with residential use above ground floor 'diner' use.                                                                          |
| CHARACTER OF LOCALITY      | Principally residential properties although premises to north Travis Perkins building suppliers which is next to the footpath adjacent to the boundary.                           |

**RELEVANT SITE HISTORY**

|          |                                           |                                  |
|----------|-------------------------------------------|----------------------------------|
| LU/32/83 | Single Storey Flat Roof Extension To Rear | ApproveConditionally<br>09-02-83 |
|----------|-------------------------------------------|----------------------------------|

**REPRESENTATIONS**

Littlehampton Town Council

Objection - Vent constitutes an adverse impact on amenity of the neighbouring residential properties.

One objection:

- Design and positioning of extraction unit is level with garden and it should be higher up the building so kitchen smells are not pumped directly across into garden and lower windows.
- Previous extraction unit was less powerful, odour was removed by the wind.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

There are no residential dwellings immediately adjoining the site to the north. There was an extraction unit in the position proposed so in principle the position of an extract is established. It is the impact of the vent which is the main consideration in respect of odour/noise impact on residential amenity.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health. No objection subject to conditions relating to odour and noise.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions requested by Environmental Health effectively request the submission of details in relation to noise and odour if problems arise. It would not be reasonable to impose conditions on this basis. The details should form part of the application at this stage.

## POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

### DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

|       |                                                         |
|-------|---------------------------------------------------------|
| DDM4  | D DM4 Extensions&alter to exist builds(res and non-res) |
| QEDM1 | QE DM1 Noise Pollution                                  |
| QESP1 | QE SP1 Quality of the Environment                       |
| DSP1  | D SP1 Design                                            |

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

### PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The relevant policies of Littlehampton Neighbourhood Plan have been taken into account.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that based on the information submitted it is not clear that there would not be an adverse impact on residential amenity.

## OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

## CONCLUSIONS

The main criteria against which the application will be assessed is the Arun Local Plan policies D DM1, D DM4, QE DM1 and QE SP1 which seek to prevent development that have an adverse impact on visual and residential amenities (including due to noise and air pollution).

The Littlehampton Neighbourhood Plan Policy 1 seeks to support sustainable development.

### DESIGN AND VISUAL AMENITY

The flue is not clearly visible outside the site given the height of boundary walling and the presence of a single storey garage and gate across the rear boundary. Its location on the rear of the flat roofed extension means it is not visible from the site frontage and it is screened by the main building.

It is constructed of steel and not readily assimilated into the rear elevation of the building in terms of colour and material, but is not considered to be harmful to the appearance and visual amenity of nearby occupiers given it is located on top of a flat roof and not readily seen from public view. It therefore accords with policies D DM1 and D DM4 in this respect.

### RESIDENTIAL AMENITY, INCLUDING NOISE & AIR POLLUTION

The applicant failed to submit details which demonstrate the flue will not give rise to harmful impacts on amenity as a consequence of noise or air pollution (principally odour). Environmental Health have concerns and the requested conditions reflect the lack of information.

There are no details relating to odour emissions and insufficient information relating to noise. There have been issues with odour as stated in the letter of representation and previous complaints to enforcement and Environmental Health. The proposal does not include sufficient information regarding mitigation to satisfactorily address noise and odour issues affecting adjacent residential occupiers.

The proposal is unacceptable since it does not in accord with policies D DM1(3), QE DM1(2) and QE SP1.

## CONCLUSIONS

The proposal does not satisfactorily demonstrate it will not give rise to unacceptable harm to amenity as a consequence of noise and air pollution (principally odour). The proposal does not accord with policies and is unacceptable. It is recommended that permission be refused.

## HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

## RECOMMENDATION

### REFUSE

- 1 Based on the limited information submitted with the application, the applicant has failed to satisfactorily demonstrate that the extract flue will not give rise to unacceptable harm to amenity from noise and odour impacts. The development is contrary to Arun Local Plan policies D DM1, QE SP1 and QE DM1 of the Arun Local Plan.
- 2 **INFORMATIVE:** 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.