

Our Ref: A116427
Your Ref: PP-08471261

31st January 2020

Arun District Council
Arun Civic Centre,
Maltavers Road,
Littlehampton,
West Sussex
BN17 5LF

Dear Sirs,

PLANNING PORTAL REFERENCE PP-08471261

SECTION 73 PLANNING APPLICATION TO VARY CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION REF: LU/164/19/PL

WYG has been retained by Papa John's (GB) Ltd to submit a Section 73 planning application to amend Condition 2 on planning permission ref LU/164/19/PL. The application relates to the existing Papa John's unit at 5 Arundel Road, Littlehampton and seeks an amendment to the location of the proposed extraction flue.

The plans and information accompanying this submission are as follows:

- Completed application forms and Certificates
- Copy of Decision Notice LU/164/19/PL
- Drawing No. 19034-11 Rev D
- Drawing No. 19034-17 Rev B

The Application is submitted via the Planning Portal (Reference PP-08471261). The planning application fee is being submitted to the Authority under separate cover.

Background

Planning Permission reference LU/164/19/PL was granted at the application site on 4th October 2019 and approved the change of use to a hot food takeaway (Use Class A5) with minor external alterations. The permission was granted subject to five conditions in total.

Subsequently, planning reference LU/315/19/DOC was submitted and approved on 17th December 2019 to meet the requirements set out by Condition 3 (Extraction system). The wording of Condition 3 has

3rd Floor, 54 Hareley Road, Edgbaston, Birmingham, United Kingdom, B15 8PE

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Registered Office: 3 Sovereign Square, Leeds, LS1 4ER

been amended to reflect this and should be attached to any further planning permission related to LU/164/19/PL.

This application relates only to condition 2 on the planning permission.

Condition 2

Condition 2 of Permission Ref: LU/164/19/PL states:

"The development hereby approved shall be carried out in accordance with the following approved plans:

*Location Plan 1- 915-02 Rev C
Block/ Site Plan 1915-03 Rev C
Existing Floor Plan 1915-04 Rev A
Existing Elevations 1915-05 Rev A
Proposed Floor Plan 1915-06 Rev C
Proposed Elevations 1915-07 Rev C
Change of Use Floor Plans 1915-08 Rev B
Existing Roof Plan 1915-09
Proposed Roof Plan 1915-10*

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan."

The site has been subject to an enforcement letter dated 20th December (reference: ENF/281/19) which requested a revised planning application be submitted to reflect the 'as built' position of the air intake flue on the roof of the building. As such, we request that Condition 2 be amended to include updated proposed elevations and roof plan which show the as built position of the air intake flue. It is requested that condition 2 be amended to read as follows:

"The development hereby approved shall be carried out in accordance with the following approved plans:

*Location Plan 1- 915-02 Rev C
Block/ Site Plan 1915-03 Rev C
Existing Floor Plan 1915-04 Rev A
Existing Elevations 1915-05 Rev A
Proposed Floor Plan 1915-06 Rev C
Change of Use Floor Plans 1915-08 Rev B
Existing Roof Plan 1915-09
Proposed Elevations 19034-11 Rev D
Proposed Roof Plan 19034-17 Rev B*

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan."

Existing Operation of the Existing Hot Food Takeaway Use

Whilst the proposed operation of the unit will remain as a Hot Food Takeaway, as lawfully approved, information on the various aspects of the business operation is provided below for ease of reference.

In terms of deliveries, Papa John's (GB) Ltd has a centrally controlled logistics operation to deliver the fresh dough and other products necessary to meet the business needs of each store.

The delivery model is company-wide and based on three deliveries per week; two deliveries from the main distribution centre, using fixed-bed ten tonne delivery vehicles; and one by the drinks supply partner, Coca Cola, utilising a 7.5 tonne non-articulated delivery vehicle.

Food deliveries are made twice a week and on regular days to maintain stock levels in the store. Drinks deliveries are made once per week.

Refuse from the Unit is disposed of in two lockable bins stored externally at the premises. One refuse bin is for general waste and one is for cardboard recycling. All bins are emptied on a weekly basis; contractors retrieve the bins, empty them and replace them once empty.

Papa John's GB Ltd has a standard contract with a pest control agency to control and manage the presence of vermin around the premises. In order to prevent pests, the refuse bins are BIFFA lockable wheelie bins. The premises is also sealed to prevent pests gaining access via the windows or under the doors.

Planning Policy

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Development Plan relevant to this proposal comprises:

- Arun Local Plan 2011-2031
- Littlehampton Neighbourhood Plan 2014

Material considerations in determining individual planning applications include the National Planning Policy Framework (NPPF).

The principal planning issue relevant to this proposed development is the impact on the amenity of neighbouring uses and occupiers. The planning policies relevant to this planning application are set out below.

Arun Local Plan 2011 – 2031

Policy DDM1 of the Arun Local Plan refers to aspects of form and design quality, in particular development must have minimal impact to users and occupiers of nearby properties and land. Policy QE SP1 requires all development to positively contribute to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity or the natural environment.

Littlehampton Neighbourhood Plan 2014

Policy 1 states that planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

Planning Assessment

The Application seeks to amend the following condition attached to planning permission reference LU/164/19/PL:

- Condition 2 (Approved Plans);

The key planning matter associated with the suggested alterations are the impacts on the amenity of neighbouring occupiers by way of noise and potential odour disturbance through the proposed amendment to the positioning of the extract flue; this matter is considered further here. The relevant local policies are Local Plan Policies D DM1 and QE SP1.

The extraction flue on the approved plans show one fresh air intake and one extract flue on the roof of the unit. The plans submitted as part of this application reflect the 'as built' position of the flues which also show one fresh air intake and one extract flue on the roof of the unit.

Papa John's are committed to ensuring their operations do not adversely impact the amenity of neighbouring occupiers'. The proposed (as built) use is be served by a modern and suitable extraction and ventilation system, which will deal with any odour arising from the proposed use. The details of this were submitted and approved with the original planning application reference: LU/164/19/PL and discharge of condition application reference: LU/315/19/DOC.

The equipment has been specifically designed to meet the Applicant's operational requirements, where the cooking processes involve baking only and do not include any deep frying or the use of oil or fat. The proposed ventilation system will remove any cooking odours or fumes, treat them and discharge them via an extract flue, which will discharge on the roof of the single storey unit, as shown on the plans accompanying the application (Drawing No. 19034-11 Rev D (Proposed Elevations) and Drawing No. 19034-17 Rev B (Proposed Roof Plan)).

The Noise Assessment previously submitted and approved by the Local Authority as part of planning reference: LU/164/19/PL has confirmed that the proposed extraction system will not harm neighbouring occupiers by way of noise or odour as required by Local Plan Policy QE SP1.

The Application is submitted to Arun District Council for approval, subject to reasonable and relevant conditions. I look forward to receiving confirmation of registration of the Application, a receipt for the application fee paid and a likely timescale for the determination of the application in due course.

Yours faithfully



Sarah Butterfield
Director
WYG Environment Planning Transport Limited