

PLANNING APPLICATION REPORT

REF NO: LU/43/11/

LOCATION: 2 Norfolk House
Beach Road
Littlehampton

PROPOSAL: Use of premises as an Indian tandoori restaurant with new extract system & disabled wc

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The extractor system appears to have been installed.
SITE AREA	Approximately 138 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is an approximately 2.5 metre high brick wall to the rear of the site. The frontage faces directly onto the pavement.
SITE CHARACTERISTICS	The site is occupied by a terraced two-storey flat roofed building. The ground floor of the building is currently vacant but was most recently used as a hot food takeaway. There is a residential flat on the first floor. Single and two-storey flat roof extensions have been added to the rear.
CHARACTER OF LOCALITY	The site is located within the built-up area which is lined by terraces of two and three-storey buildings with commercial uses generally occupying the ground floor. These uses include restaurants and hot food takeaways. The site lies within Littlehampton's primary shopping area.

RELEVANT SITE HISTORY

LU/129/74	New kitchen at rear of premises	Approve Cond 05-06-1974
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REPRESENTATIONS

Representations received:
Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

Senior Environmental Health Officer:

There do not appear to be significant noise sensitive receptors in the immediate vicinity, nevertheless, there is also insufficient information in relation to noise arising from the extract system. The applicant should clarify whether the figures given in the "attenuator performance table" are in dBA or dBLin (octave band levels are normally quoted in dBLin, dBA represents a single numerical value intended to give a subjective evaluation of the impact of sound on the human ear). Please also clarify whether the figures represent sound power levels or sound pressure levels at a given distance from the duct terminal, and confirm whether the intended operating hours for the extract system coincide with premises opening hours.

Food Safety Officer:

Following examination of the submitted drawings, I have the following observations to make: The proposed extract ventilation system does not include a suitable or effective method of odour control. Given the proposed nature and style of the foods to be prepared and cooked on these premises, there is a serious risk of odour nuisance to surrounding properties. The applicant must provide a method of odour control, with reference to the Defra guidance, to ensure the discharged odours are controlled and minimised, and not excessive to give rise to odour nuisance. EHAIR1.

I would recommend also that the stack terminal discharge design was changed to a 'Vertical Discharge' and not the proposed angled discharge.

The proposed internal layout is not appropriate for a commercial food premises, in that there is no intervening ventilated lobby to the customer toilets, which opens directly into a room where customers are to consume food. A small reduction to the numbers of customer seating may be necessary in order to accommodate these changes. The proposed layout of the rear kitchen, adjoining storeroom and bar area requires review in order to ensure prepared/cooked foods from

the kitchen are not conveyed thro' a storeroom, into the dining area. The current wash facilities indicated are inadequate.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Within Primary Shopping Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[GEN32](#)

Built-up Area Boundary

The Form of New Development

Noise Pollution

[GEN34](#)
[AREA19](#)

Air Pollution
Primary Shopping Frontages

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS23	Planning and Pollution Control

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 Arun District Local Plan Policy GEN7 in that sufficient details have not been supplied with regards to noise and odour control measures and it is therefore not possible to fully assess the impact that the proposal would have on the amenities of neighbouring residents.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Site history shows that the premises has been used as a restaurant in the past. It is also noted that the site is within an area which includes a mixture of commercial uses including shops and restaurants. It is therefore considered that the proposed use would be in keeping with the mixture of commercial uses that characterise the surrounding area and, by supporting it, will contribute towards the viability and vitality of the primary shopping area.

However, whilst the principle of a Change of Use is acceptable, the Council's Environmental Health Department have not received sufficient information to fully assess the impacts the proposed extraction system may have on the amenities of neighbouring residents by way of noise and odour. It is noted that a number of the nearby buildings have residential accommodation on the first and second floors. In the absence of this information it is not possible to determine whether the scheme will harm the amenities of these residents through noise pollution.

It is therefore recommended that the application is refused for the following reason.

RECOMMENDATION

REFUSE

- 1 In the absence of sufficient details regarding odour control measures and the levels of noise generated by the extraction equipment, the Local Planning Authority cannot be satisfied that the proposed extraction system would not result in significant disturbance of the occupiers of nearby residential accommodation that would be detrimental to their residential amenity and enjoyment of their properties contrary to policy GEN7 of the Arun District Local Plan.