
Site Address:	45 High Street, Emsworth, PO10 7AL		
Proposal:	Retrospective application for rear extraction flue.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00155	Expiry Date:	18/04/2023
Applicant:	Mr Begum		
Agent:	Holman	Case Officer:	Joseph Toole
	HRP Architects		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

45 High Street, Emsworth, is a middle terrace property located within St Peter's Square. The property in which the application relates to is an existing Indian restaurant called 'The Taste of India' which sits within a predominately commercial area with residential properties to the south.

The property is located within Emsworth's Conservation Area.

2 Planning History

No relevant planning history.

3 Proposal

The proposal is for the retention of a rear extraction flue.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
DM10	(Pollution)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)
ENP_D2	(Height, Mass & Materials)
ENP_D3	(Layout, Form & Density)

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy (1)

Recommendation – Holding objection, which would be removed if the applicant agrees to paint the flue matt black.

Officer Comment

The Agent confirmed the flue is a like for like replacement.

Chichester Harbour Conservancy (2)

The planning system should be about betterment, especially in a Conservation Area.

I see no record of the previous flue having planning permission granted, where I see the restaurant was only found lawful when an EUC was granted under reference 15695/2 in 1983. It is not considered too onerous to paint the structure matt black within a timescale of 3 months.

If the applicant agrees to this in writing, The Conservancy will withdraw its holding objection.

Officer Comment

The Agent as confirmed the flue has now being painted black.

Conservation Officer (1)

The flue is located on the rear of the building. The rear of the building is accessed via parking court which is set back from the main High Street. From the context of the High Street, the flue is only marginally visible through the entrance to the parking court. However, when stood within the parking court, the flue is highly visible being situated on top of the flat roof section with no screening. It is also a shiny metallic finish which emphasises its visibility.

I understand that this has been implemented without the necessary planning permission in place. Is it the applicant's intention to leave the flue as per the plans, or to finish it with a matt black paint?

Conclusion

HOLDING OBJECTION SUBJECT TO THE CLARIFICATION OF THE FINISH OF THE EXTRACT FLUE

Officer Comment

The Agent confirmed the flue is a like for like replacement and have now painted the flue black.

Conservation Officer (2)

I will remove the holding objection to the flue as the extract is clearly a like to like replacement, which would be difficult to raise an issue with given that a very similar sized flue was already in situ to the rear of the property.

Councillor Julie Thain-Smith

No Comment.

Councillor Lulu Bowerman

No Comment.

Councillor R Kennett

No Comment.

Developer Services, Southern Water

Southern Water has no objection to the above proposal.

Environmental Health Manager, Community Group (1)

I have now considered the scheme based on the submission/drawings and I can advise that information submitted is insufficient to fully assess the proposal against potential environmental noise/nuisance impacting on the neighbours.

The proposed seek a retrospective application to retain an extraction system that is already in situ. The application is supported with drawings and details of the existing components of the extract system. However, there are no details regarding the level of noise and odour associated with the unit and any appreciation of the impact on local residents. Noise and odour impact are material considerations that must be considered prior to the determination of the application, as there must be a reasonable degree of certainty that nuisance will not be caused to residents in the long term.

In order for the Pollution Team to fully consider this application, the applicant should provide an acoustics assessment of the existing extraction unit, including detail of any mitigation measures and anti vibration isolators in place or proposed. Extraction units are often associated with odour complaints if not adequately neutralised. The applicant should provide details of measure in place or proposed to ensure that its use does not cause odour nuisance. The details should be based on the latest guidance for noise and odour from kitchen exhaust systems.

Once the additional information is provided, I will be happy to provide a revised consultation response.

Officer Comment

An odour control measure was provided in which Environmental Health were re-consulted.

Environmental Health Manager, Community Group (2)

Ideally, a mere description wouldn't necessarily be sufficient, as we would require a report to that from a competent technician, however I will consider that explanation in the spirit that it has been given, and therefore no further objections from an odour perspective.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: 2

Statutory advertisement: 24/03/2023

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the conservation area
- (iii) Impact upon residential amenity

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact upon the character and appearance of the conservation area

7.3 The extraction flue following discussions was painted black. This is considered to have less of a visual impact upon the Conservation Area therefore deemed acceptable.

7.4 As the extraction flue is a like for like replacement and is be contained to the rear of the property it is not considered to have an adverse impact on the conservation area. The Council's Conservation Officer and the Chichester Harbour Conservancy raise no objection. If permission is forthcoming a condition has been recommended for the extraction flue to remain black unless otherwise agreed by the Local Planning Authority.

7.5 It is considered that the extraction flue is appropriate within its local historic context, namely the Emsworth Conservation Area. Therefore, complying with Policy CS11 of the Havant Borough Core Strategy (2011) and D1, D2, D3 and H1 of the Emsworth Neighbourhood Plan. As a result, insofar as the statutory duties imposed by Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the character or appearance of the Conservation Area are satisfied.

(iii) Impact upon residential amenity

7.6 The development has been considered in detail by the Environmental Health Officer. Further details have been submitted in terms of noise and odour. They raise no objection therefore it is not considered to have a significant adverse impact on amenities of neighbouring properties in accordance with Policies DM10 and CS16 of the Havant Borough Core Strategy (2011).

8 Conclusion

8.1 The development is acceptable in principle, is appropriate in terms of design and its impact on the conservation area and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/23/00155

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Floor Plans and Elevations - 9072 01
Heritage Statement
Specification Sheet
Acoustic Report
Odour Control Information

Reason: To ensure provision of a satisfactory development.

- 2 The extraction flue must be accordance with the Acoustic Report prepared by Airtight and Noisecheck Limited dated 17th May 2023 unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the amenities of neighbouring residential receptors adjacent to this site are not detrimentally impacted by any noise, fumes or odour levels, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The extraction flue must be accordance with the odour control measures outlined within the email from Jag Services UK LTD dated 02 July 2023 unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the amenities of neighbouring residential receptors adjacent to this site are not detrimentally impacted by any noise, fumes or odour levels, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The extraction flue must remain painted black unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.