
Site Address:	Royal Oak, 19 Langstone High Street, Havant, PO9 1RY		
Proposal:	Replacement kitchen extract system on flat roof to rear.		
Application No:	APP/14/00053	Expiry Date:	17/04/2014
Applicant:	Greene King Plc	Team:	Team 1
Agent:	Mr Brooker	Case Officer:	David Eaves
	Walsingham Planning		
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site lies within Langstone Conservation Area and the public house is a Grade 2 Listed building. The Listing Description reads as follows:

Public House. Early C19. Painted brick, with a tile roof. 2 storeys and attic, 3.3 windows (some blank upper windows). Casements: 2 ground floor sashes. Modern doorways. Included for group value.

- 1.2 The building is located on Chichester Harbourside and is within the Area of Outstanding Natural Beauty and adjacent to the protected Chichester Harbour (SSSI, RAMSAR, SPA etc).
- 1.3 To the rear is a flat roofed and part pitched roof extension which includes storage chillers et ancillary to the use of the public house.

2 Planning History (the site has an extensive planning history and the details below are limited to the extract system only)

APP/14/00054 Listed Building application for replacement kitchen extract system on flat roof to rear. Current linked application.

10/51222/020 Listed Building Consent for installation of 2No. kitchen extract ducts, 2No. condenser housings and new extractor to w.c. Not Proceeded With

10/51222/019 Installation of 2No. kitchen extract ducts, 2No. condenser housings and new extractor to w.c. Not Proceeded With

09/51222/018 Listed Building Consent for installation of new galvanised kitchen extract ducting to the rear roof. (Retrospective.) Withdrawn

09/51222/017 Installation of new galvanised kitchen extract ducting to the rear roof. (Retrospective.) Withdrawn

3 Proposal

Replacement kitchen extract system on flat roof to rear.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012.

Core Strategies 2011 forming part of the HBLDF

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
CS5	(Tourism)
DM10	(Pollution)

Listed Building Grade: Grade 2

Conservation Area: Langstone

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy:

Revised Comments:

Further to the Conservancy's holding objection dated 21.3.2014, the plans have now been revised, such that the Council's Conservation Officer is satisfied that the visual impact to the integrity and appearance of the Listed Building has been mitigated to an acceptable degree.

There is no wider impact in the landscape and the Conservancy is also mindful of needing to help this business thrive, whilst caring for the amenities of neighbours within the AONB.

As such, the Conservancy withdraws its holding objection to applications APP/14/00053 & APP/14/00054.

No objections are raised, subject to the amended scheme being implemented within a set timescale, not exceeding 6 months.

Original Comments:

A holding objection is raised and the borough Council is asked to negotiate the design solution set out on page 15 of the submitted design and access statement prepared by Walsingham Planning dated January 2014.

Environmental Health:

I had a look at the noise survey for the premises and all appeared in order.

If you are minded to grant the application please could we have the following conditions attached please.

Any proposal relating to install noise making equipment (i.e. refrigeration units, air conditioning, extract ventilation equipment) schemes shall be agreed and approved in writing by the District Planning Authority prior any development takes place.

Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance.

BS4142 Requirement

Noise resulting from the use of any/all plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area.

Any proposal relating to install smell suppression equipment (i.e. extract ventilation equipment) schemes shall be agreed and approved in writing by the District Planning Authority prior any development takes place.

Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance.

Comment: The wording of the conditions recommended have been changed following discussion with the Environmental Health Officer.

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: 6

Number of site notices: 2

Statutory advertisement: 14/03/2014

Number of representations received: 4

Summary:

(Original Scheme)

Modified ducting is even more visually intrusive than the original design.

Visible from beer garden and may also be seen and heard by people using footpath.

No screening of system from public view.

Inappropriate to well known, picturesque and Grade to Listed Building.

Contrary to protection of Borough's heritage ad required by policy CS11(4).

Does not conserve or enhance special qualities of AONB as required by policy CS12(3).

Concerns are noise and smell, since present system installed, I have experienced loss of amenity using my garden.

Want to be assured the proposed replacement system will redress the situation.

New system will protrude at least twice as far as far from the pub and will be extremely obvious and ugly.

Unable to tell whether proposed system will be quieter but length of system will almost certainly create extra noise and at a point further back from the building.

Cooking smells have become significantly worse since new system installed. Fear that extension of the system to a point further back from the building line will exacerbate

smell problem.

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 on the character and appearance of the Conservation area and Grade 2 Listed Building
- (iii) Impact on the Chichester Harbour Area of Outstanding Natural Beauty
- (iv) Noise and smell issues
- (v) Business use and economic considerations

(i) Principle of development

7.2 The proposal relates to the commercial use of a Public House situated within the built up area and the Langstone Conservation Area and within the AONB. The building is Grade 2 Listed. The councils policies encourage existing commercial business uses and the Royal Oak PH is an important asset in the Borough in terms of tourism. In this case given the sites sensitive location and Listed Status any application will need to be assessed against its wider impact on the character and appearance of the area and should preserve or enhance the Listed Building.

(ii) Impact on the character and appearance of the Conservation area and Grade 2 Listed Building

7.3 As can be seen from the planning history there has been a considerable number of attempts to provide an acceptable kitchen extract system at the premises. In addition to the planning and listed building consent applications, unauthorised works have taken place at the site resulting in the current extract system being installed without the requisite planning and listed building consents. The currently provided system is considered to be unacceptable in terms of its impact on the Listed Building.

7.4 The proposed extract is located to the rear of the building and would be positioned on a flat roofed extension to the PH which is part of the servicing area for the kitchen and bar. It is accepted that extract equipment is a necessary adjunct to the commercial kitchen operation and that the design of such equipment is dictated to a large part by the functional requirements of the system (including fan design, filters etc). Notwithstanding this the Local Planning Authority in determining planning applications within Conservation Areas should pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.5 In terms of the Listed status of the building the Planning Authority in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.6 In terms of the impact on the wider Conservation Area, the position of the extract and its relatively limited public view (excepting from the beer garden of the PH and from neighbours rear gardens) means that any visual impact from the extract is relatively limited. The application has been amended during the course of its consideration by the provision of screening. This would effectively enclose the extract when viewed

from ground level within the PH garden and from neighbours gardens from the east. The use of timber cladding if appropriately detailed in terms of materials and finishes would effectively disguise the unattractive equipment and result in the works having an acceptable appearance. As a result the harm caused by the unauthorised extract currently on the roof would be mitigated. It is considered that the development would preserve the character of the Conservation Area.

- 7.7 In terms of impact on the Listed Building, as stated above the proposed flue is the rear of the property and located mainly on a more modern flat roofed rear extension. The proposed system has been amended to reduce its overall length and would be visually screened by the provision of an angled timber clad structure. On balance and given the need for a revised structure to support the business use of this Listed PH (discussed in (v) below), it is considered that the proposal would have an acceptable impact on the character and appearance of the Listed building which would preserve the building and its special features including its wider group value (identified in the Listed Building description).

(iii) Impact on the Chichester Harbour Area of Outstanding Natural Beauty

- 7.8 In terms of the wider impact on the AONB, it is noted that the Chichester Harbour Conservancy now has no objection to the proposed development. The site is located within Chichester Harbour AONB, however the extract system would not have a significant wider visual impact due to its location and height. The impact on the AONB is therefore considered to be acceptable.

(iv) Noise and smell issues

- 7.9 The current unauthorised extract system has not proven to be acceptable in terms of noise and has been subject to noise and smell complaints. Environmental Health officers have monitored the noise from the existing system from the residential property to the west and this has been found to be unacceptable. It is therefore considered to be critical to ensure that the new system addresses these concerns.
- 7.10 The current application was submitted with an Environmental Noise Assessment Report. This report identifies the current noise issue at the boundary with the nearest residential property (No.18 Langstone High Street). It also identifies that the current kitchen extract has no acoustic controls in place. There is also a kitchen fresh air intake over the kitchen which is also not attenuated. For the most part the Kitchen Extract and Kitchen Fresh Air intake will operate during the restaurant serving times. This is up to 2100hrs each evening, although the equipment would be switched off at about 2130hrs.
- 7.11 A kitchen extract fan would be installed with an attenuator and the outlet for the revised system would be set further off the boundary with No.18. The Noise Assessment Report states that *There is unlikely to be any intrusion from kitchen fan noise during the operating period, providing that recommended acoustic measures are maintained*. The extract will include acoustic lagging but this will be hidden by the proposed decorative screening.
- 7.12 The Noise Assessment Report states that the installed system will meet the Councils requirement for new equipment to be -5dBA below background noise levels as measured at any nearby residential property and that this criteria will be met.
- 7.12 In terms of odour control, the Noise Assessment Report states that provision has been

made within the new system layout to accommodate a bag filter 3 odour control system.

7.13 Finally the report makes a number of detailed recommendations to ensure that noise is adequately mitigated.

7.14 The Council's Environmental Health officer has considered the proposed scheme and has concluded that subject to conditions the proposed development would suitably address the noise and smell requirements. In addition a timescale for the works needs to be conditioned in order to alleviate the existing noise problems. These conditions are therefore recommended.

(v) Business use and economic considerations

7.15 The Royal Oak PH provides a valuable asset to Langstone and to the wider Borough and improves the leisure and tourism offer of the area. As with many public houses, the food element of the businesses trade is understood to represent a significant part of the viability of the business. The kitchen space is restricted within this historic building and it is considered that a kitchen extract is a necessary consequence of the operation of this commercial kitchen

8 Conclusion

8.1 In conclusion, the proposed works are considered acceptable in terms of their impact on the character and appearance of the Listed Building, Conservation Area and AONB and should subject to conditions address the noise and smell issues associated with the current system. The extract is required to support the business operation of this important public house.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00053

(A) subject to the following conditions

1 The development hereby permitted shall be begun before the expiration of 3 months from the date on which this planning permission was granted. In addition the existing kitchen extract shall be removed from the building within 3 months from the date on which this planning permission was granted.

Reason: To ensure that proposed works take place in a timely manner in order to seek to overcome existing noise and smell issues associated with the existing extract system and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

2 The kitchen extract hereby permitted shall not be brought into use unless and until the screening shown on drawing number 13:71/02 Rev B has been provided fully in accordance with the approved details. The feather edge boarding to the screening shall be stained black unless an alternative staining

is agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has an acceptable impact on the character and appearance of the Listed building and the Langstone Conservation Area and the Area of Outstanding Natural Beauty having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Statement 2012.

- 3 Any proposal relating to the installation of additional noise making equipment (i.e. refrigeration units, air conditioning, extract ventilation equipment) shall be agreed and approved in writing by the Local Planning Authority prior any installation taking place and it shall be permanently maintained in-situ.

Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 Noise resulting from the use of the plant, machinery or equipment hereby permitted shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured at the boundary of the nearest residential property according to British Standard BS4142-1997.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The kitchen extract hereby permitted shall be installed and subsequently maintained in a manner to ensure that noise and odour emissions are kept to a minimum. This shall include suitable fitting to reduce vibration and replacement and maintenance of filters and parts.

Reason: To protect nearby residents from noise and smell pollution having due regard to policies CS16 and DM10 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework 2012.

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

Planning, Design, Access & Heritage Statement January 2014

Addendum to the Planning, Design, Access & Heritage Statement April 2014

Addendum to Planning Statement January 2014

Environment Noise Assessment Report February 2014 received 23rd April 2014

Location Plan Licence Number 100020449

Proposed Plans and Elevations Drawing No. 13:71/02 Rev B

Kitchen Ventilation System Drawing No. 050755 Rev C

Reason: - To ensure provision of a satisfactory development.