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PLANNING, DESIGN, ACCESS & HERITAGE STATEMENT

**The Royal Oak
20 High Street
Langstone Harbour**

**Proposed replacement kitchen extract duct on existing
rear flat roof**

JANUARY 2014

Issue	Date	Status	Issued by	Checked by
1	17/01/14	First draft	SB	
2		Second draft		
3		Final draft		

1.0 INTRODUCTION

- 1.1 This statement accompanies the application on behalf of Greene King seeking planning permission and Listed Building Consent for a replacement kitchen extract duct at The Royal Oak public house.
- 1.2 There has been an extended exchange of letters, emails and meetings in respect of the proposal which originally arose as a result of a possible enforcement enquiry.
- 1.3 This application is made based upon the scheme which was the subject of pre-Application consultation in July 2013.
- 1.4 This application comprises:-
- Application forms, Certificate A, applicant's fee cheque in the sum of £195
 - This statement
 - Noise Report by ENL
 - Plans 13/7/01, 02 and 050755 rev A & location plan

2.0 SITE AND SURROUNDINGS

- 2.1 The site comprises The Royal Oak public house which fronts the pedestrian only eastern extremity of the High Street overlooking a stretch of Chichester harbor and Hayling Island beyond.
- 2.2 The Royal Oak is a grade II listed building, see section 7.0 below.
- 2.3 The Royal Oak is a mainly two storey building with a rear, relatively modern flat roofed extension which links that main building to a pitch roofed outbuilding style of structure used as a store (which appears to date from the same time as the flat roofed element).



- 2.4 There is only a pedestrian walk way at the front of the pub, but there is a patio, beer garden and some outbuildings at the rear.

- 2.5 There is a 2 storey residential property (understood to be a holiday home) no. 18 immediately to the west which forms a terrace with no. 16 & 17 beyond, all three properties are grade II listed buildings, there is a large modern rear extension to no. 18 that is visible from the rear of the application site.



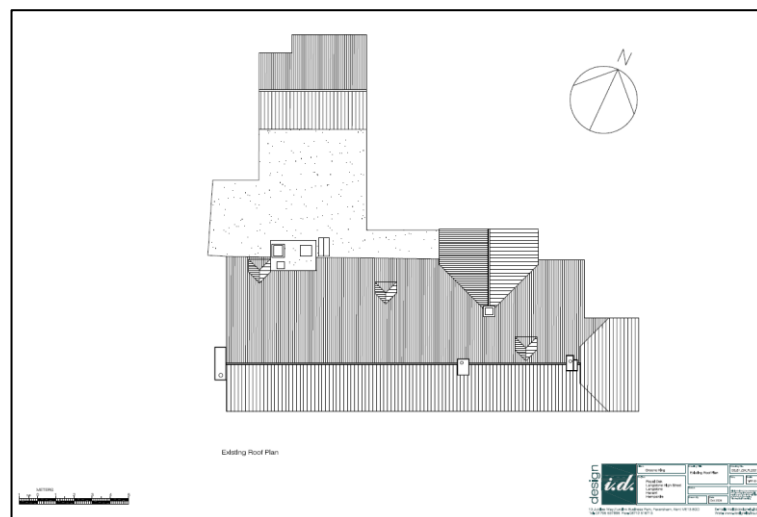
- 2.6 Some distance to the east across an inlet there is the grade II Old Langstone Water Mill and beyond there is the “locally listed” Watch Tower.



- 2.7 Sand and mud flats are exposed in front of the site at low tide and the harbor enjoys protected status due to its nature conservation and ecology interest (Special Conservation Area, RAMSAR, SPA and SSSI).
- 2.8 In common with many public houses the service of food is essential to the viability of The Royal Oak. There is a commercial kitchen in the rear part of the building partly under the flat roofed rear extension as shown on plans 13/71/01 and 02.

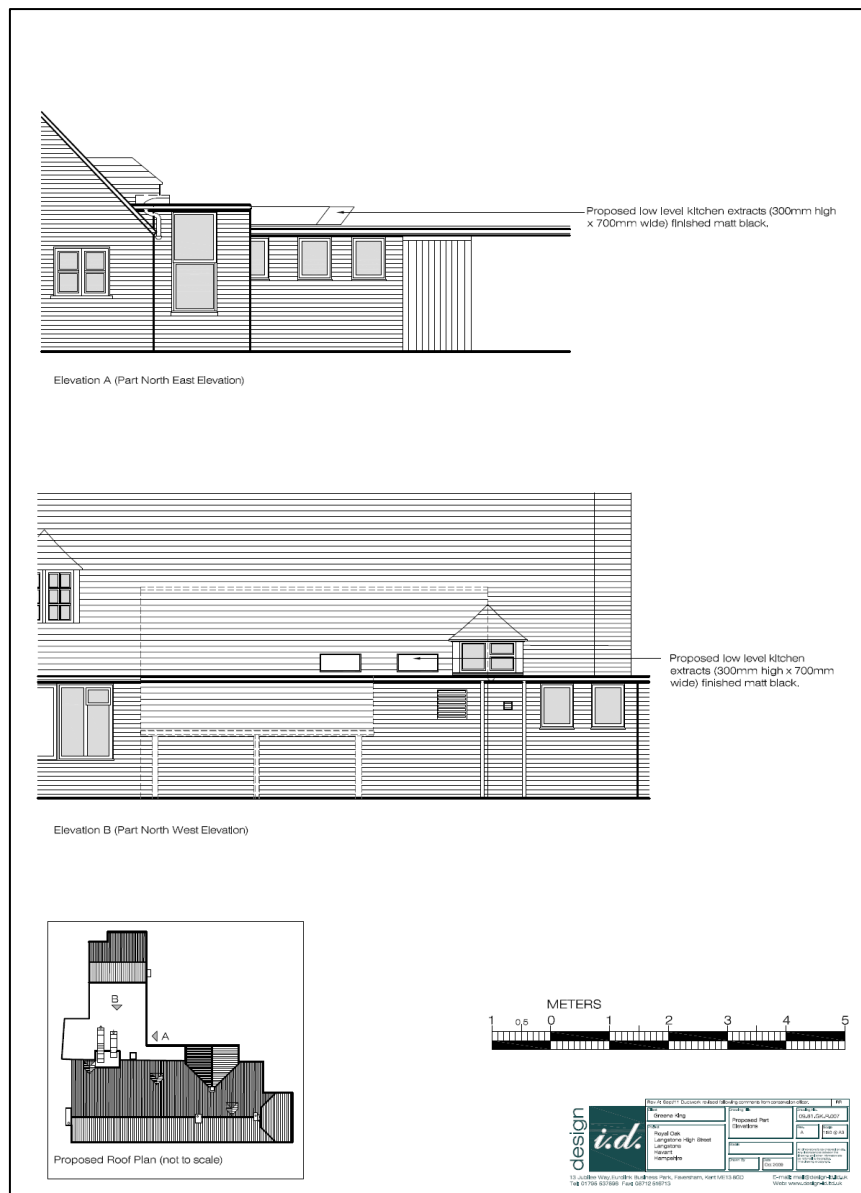
3.0 BACKGROUND

- 3.1 There is an existing kitchen extract duct through a shallow angled link between the main pitched roof and the flat roofed area. This duct is a replacement of an earlier structure shown in photos below which was replaced following neighbor complaints. See photos at para 3.9 for photos of currently existing duct.



Photos & plan of previously existing kitchen extract duct

- 3.2 It is understood that the previously existing duct did not benefit from planning approval. It also exhausted toward the eastern boundary with the adjoining no. 18.
- 3.3 Following complaints about noise and odour and discussions with the Council planning department and Environmental Health officer (EHO) the applicants agreed to make changes to the kitchen extract.
- 3.4 Planning and LBC applications were therefore made for a more sensitive solution which proposed ducts that could be of reduced height and which would then direct the exhaust north away from no. 18.







- 3.5 The applicants understood that the applications based on the above plans were about to be approved, indeed there was even email correspondence with the planning officer about the period which should be allowed for removal of the existing duct in the conditions to be imposed.
- 3.6 The originally submitted scheme had shown relatively square section ducting with plywood cladding, but it would appear that the ducts were revised in the course of the application to the flat versions, see below:





Elevations as “revised” in 2010 application

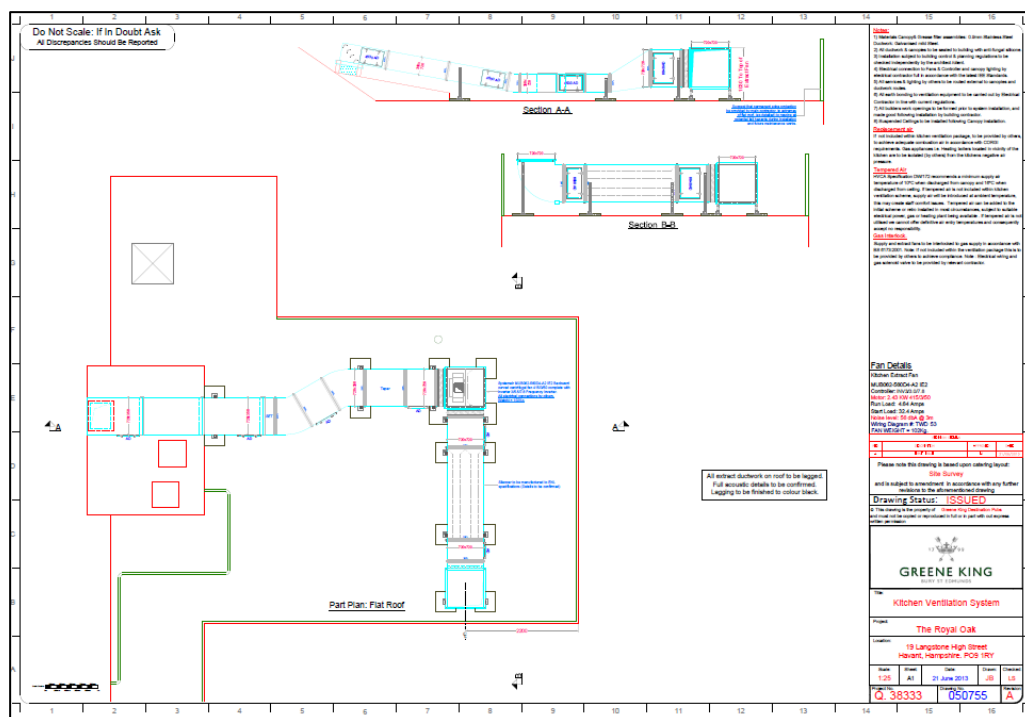
- 3.7 It would seem that in rendering the ducts to the lower, flatter section the scheme is rendered impractical as no account was taken of the need for a fan of sufficient size. It is also unclear whether or not a silencer remained practicable in the revised scheme.
- 3.8 The Council therefore came very close indeed to approving a scheme which comprised 2 no. ducts on the flat roof (intake and exhaust) but which were seemingly un-attenuated and did not have a silencer, albeit that this scheme was not possible to implement. Conditions were merely to seek removal of the existing within 3 months.
- 3.9 Believing the revised plans to be approved (and practically possible to implement) it is understood that Greene King instructed a contractor to implement the scheme. Confronted with a scheme that could not be implemented it appears that the contractor sought to install a working system which resembled the approved system as closely as possible. In the event this is not a close resemblance as the necessary fan requires a square section duct much larger than the flat section indicated. Furthermore, no silencer was installed. The resulting installation remains in place.



- 3.10 The current (unauthorized) duct is plainly a significant improvement over its predecessor but the concerns about noise and odour have not been overcome (and the expected flattened duct profile was not delivered). This is understandable as there is no silencer unit and the northerly direction is only perpendicular to the relationship with no. 18.
- 3.11 Greene King only became fully aware of the disconnect between a scheme they believed to have been, in effect, approved and the system as installed many months later when it was drawn to their attention by the Council in December 2012.

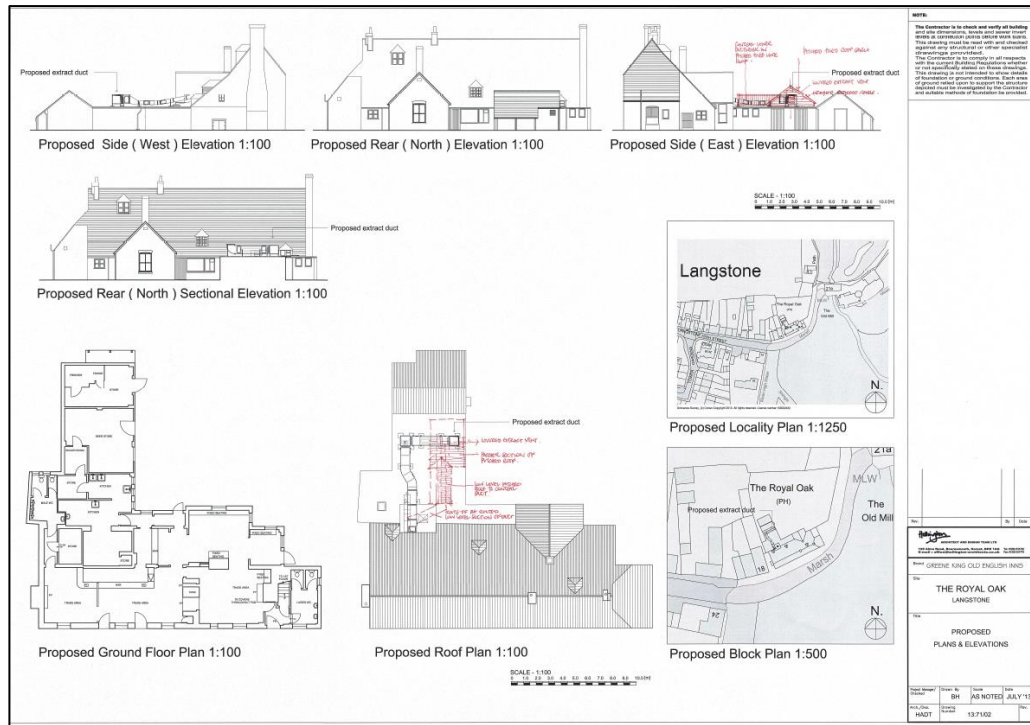
4.0 PRE-APPLICATION

- 4.1 The applicants have prepared a further scheme seeking to build on their understanding of the concerns and which therefore sought to use the flattened, lowered duct but also incorporate a silencer and direct the exhaust in the opposite direction to no. 18.
- 4.2 This Pre-App scheme was submitted in July 2013 following a site meeting with planning officers, conservation officer and EHO.



- 4.3 The Council's response, dated October 2013, did not comment on noise or odour issues as the proposal was felt to have an unacceptable visual impact, see Appendix 1.
- 4.4 Officers favoured further alterations to the scheme or screening as it was felt that the proposal would have an unacceptable impact on the Listed Building, failing to "...take account of the visual impact of the proposals". It was suggested that a false roof might be used to conceal the system if further design changes to the duct were not possible.

- 4.5 The architect for the applicant responded by submitting a sketch proposal to use false roofs as concealment and this was then welcomed as "...the most promising so far" as it sought to deal with both the visual and noise issues. (See Appendix 2).



5.0 PLANNING POLICY

Local Plan

- 5.1 The Havant Borough Local Plan (Core Strategy) was adopted in March 2011 (HBLP),
- 5.2 HBLP shows the site to be within the Langstone Conservation Area and the harbor area in front of the site to benefit from the designations of SSSI, SPA, RAMSAR and a Special Conservation Area. The site and harbor are also within the AONB.
- 5.3 Policy CS5 supports tourism proposals in particular small scale recreational facilities, although pubs are not specifically mentioned, The Royal Oak can be regarded as such due to the attractions of its location.
- 5.4 Policy CS11 seeks to protect and enhance the landscape, historic and natural environment, in particular the designation sites (such as the harbour), Listed buildings and Conservation Areas by allowing development but securing suitable protections.
- 5.5 Policy CS12 specifically seeks to control development within the AONB which will be permitted only following assessment against any effect on the AONB and conservation of its special qualities, meeting other objectives for the area, mitigation of any adverse effects and, if appropriate, benefits to the economic social and environmental “wellbeing of the area”.
- 5.6 Policy CS16 seeks to secure a high standard of design for all proposals.
- 5.7 Policy DM2 seeks to protect existing community facilities and shops from loss to other uses. Paragraph 10.08 recognises that public houses should be regarded as community facilities. Policy DM3 seeks to protect against the loss of employment and tourism sites employing similar criteria to DM2. The application proposal involves no loss of the pub, but it is essential to the continuance of the pub.
- 5.8 Policy DM5 sets out criteria for the determination of proposals for new, inter alia, public houses. Paragraph 10.17 recognises the importance of such facilities

“...adding to the vitality and viability of an area for residents and visitors”. It is also recognised that potential issues such as noise, fumes and odour need to be adequately dealt with. The application proposal is not for a new public house but some of the same principles apply.

- 5.9 Policy DM9 reinforces CS11 seeking to ensure that development proposals do not have an adverse impact on the maritime or coastal investments and in particular seeks to ensure that recreational proposals do not adversely affect the coastal character.
- 5.10 DM10 seeks to ensure, inter alia, that any potentially polluting proposals (inc. noise and fumes) do not harm the health or safety of nearby residents or occupiers.
- 5.11 Paragraphs 10.30 and 10.31 set out that National guidance on dealing with the historic environment need not be repeated in NBLP.

NPPF

- 5.12 NPPF sets out a positive stance toward all development proposals and generalized guidance on the treatment of applications involving the historic environment.
- 5.13 Applicants are required to describe the significance of any heritage asset affected by their proposals in a manner proportionate to the importance of the asset and the potential impact of the proposal.
- 5.14 In determining applications Councils should take account of the:
- The desirability of sustaining and enhancing the significance of an asset and putting them to appropriate viable use,
 - The positive contribution that can be made to the economic viability of sustainable communities, and,
 - The desirability of a positive contribution to local character and distinctiveness.

- 5.15 Where a proposal leads to less than “substantial harm” (as in the application instance) any harm “...should be weighed against the public benefits of the proposal, including securing its optimum viable use”

Other

- 5.16 The area is subject to an Article 4 direction, but this is not relevant to the application proposal.
- 5.17 The Council has produced a Conservation Area review and character appraisal but these do not include any requirements or guidance directly relevant to the application proposal.

6.0 PROPOSAL

- 6.1 The applicants recognise the need to address the unauthorized status of the kitchen extract but are also mindful that there has been the extraction from the kitchen in a similar position using different external equipment over an extended period.
- 6.2 It is understood that the concerns about an unauthorized extract arose as a result of complaints regarding noise and fumes.
- 6.3 There has been an extended period over which Greene King has sought to deal with the matter including withdrawn retrospective applications in 2009 and the 2010 application referred to in paragraph 3.4 et seq above.
- 6.4 More recently and following discussions throughout 2013 a Pre-App scheme was submitted but not wholly welcomed. There was no comment on the noise or odour control elements of the proposal but these are assumed to be acceptable given the technical support offered.

- 6.5 The applicants are aware of the request to provide a masking structure if the Pre-App scheme is to be pursued but are unwilling to do so as this is unnecessary.
- 6.6 The applicants have examined a wide variety of alternative solutions in an effort to lessen the amount of equipment on the roof but there are principles that any scheme must follow in order to achieve the primary objectives of noise reduction and odour control albeit that these were not properly recognized when the 2010 scheme was revised in negotiations:
- To be effective the exhaust should be directed away from the complainants property, i.e. east (not north)
 - It is most effective for any fan to “pull” rather than “push” air out of the kitchen
 - Any fan describes, by definition, a circular space which therefore cannot be contained in a flattened rectangular shape (unless the fan is much reduced in size); the minimum size boxing in relation to a circle will be square.
 - Any silencer needs to be positioned between the fan and the exhaust point.
 - There needs to be at least a short duct run between the fan and silencer for the airflow to stabilise.
 - If a flattened rectangular duct is used for part of the air passage there must be properly designed taper to link to a fan which has larger square section.
 - Any fan which will have an exaggerated external size if it is to be attenuated.
- 6.7 The applicants have instructed Trivent to examine the alternatives and design a scheme. Trivent are very experienced in this field and it is their view that the current proposal is an optimal solution.

7.0 HERITAGE IMPACT ASSESSMENT

The Asset

- 7.1 The Royal Oak is a grade II listed building, see Appendix 3.
- 7.2 The listing entry states that the building is “Included for group value”. The listing makes no mention of the flat roofed rear extension or interior as is understandable for a building listed for its group interest.
- 7.3 The pub clearly makes a significant contribution to the appearance, character and interest of the High Street and views from the harbor and across from Hayling Island and the bridge, but this is wholly limited to the front elevation.
- 7.4 The rear of the pub makes no meaningful contribution to any “group value” or to the Conservation Area. The rear of the pub is only materially visible from within the application site. There are limited oblique views from no. 18 but this is only of the side wall to the flat roofed rear extension and roofs.
- 7.5 There is a narrow passageway between the pub and no. 18 but this does not afford any views of the rear of the pub.
- 7.6 The rear of the pub is open to public use as a licensed beer garden; it therefore provides the usual paraphernalia associated with such uses, e.g. tables, benches, umbrellas, etc. There are also other features ancillary to the pub use, e.g. condensers from beer chillers, gas bottles etc.
- 7.7 There are trees and shrubs as well as outbuildings in the pub garden which obstruct wider views of the rear of the pub.
- 7.8 The principle significance of the heritage asset is relatively limited but important within that limited sphere:

Features of Principal significance

- Front Elevation - importance: high
- Contribution to High Street & Harbour front - importance: high

Features of Lesser significance

- Intrinsic quality as a listed building - importance: low

Impact of the proposal

- 7.9 The proposal is limited to a new kitchen duct on the rear flat roofed extension.
- 7.10 The proposal will not be visible from the High Street or harbour.
- 7.11 The proposal will only be materially visible from within the application site in an area currently used as a patio/beer garden which already contains other paraphernalia associated with the pub use.
- 7.12 The proposal will have no impact at all on the features of principal interest.
- 7.13 The proposal will have only a very limited impact on the feature of lesser interest, i.e. the intrinsic quality as a listed building.
- 7.14 The proposal is of a type almost universally found, in some form or another, on public houses. As such, the installation will therefore have no material impact on the character of the building as a public house.
- 7.15 The interest of the building is mainly limited to the front elevation and group value, the rear of the building is already compromised by the modern intervention of the flat roofed rear extension. The addition of a further, entirely expected, modern intervention on the existing flat roof will have no material impact on the interest of the building.

- 7.16 The proposal will be visible from a very limited range of viewpoints but the mere fact of “visibility” is not a basis for resisting the proposal unless that visibility also causes an unacceptable impact. In this instance there is no unacceptable impact.
- 7.17 The NPPF para 134 requires any harm caused to a heritage asset to be weighed against the public benefit of the proposal.
- 7.18 The public benefits of the proposal are the continuance of the commercial food operation of the pub without which the pub would not be viable and the ability to conduct this operation in a manner which does not adversely impact on the neighbouring party in terms of noise and odour.

Conclusion

- 7.19 The harm to the heritage asset is very limited.
- 7.20 The benefits of the proposal clearly outweigh this very limited harm.
- 7.21 The features of principal significance are entirely unaffected by the proposal.

8.0 ASSESSMENT

Policy

- 8.1 The proposal is of modest scale but it is of great significance to the applicant and the pub operation. Without proper kitchen extract there can be no commercial kitchen. Without a commercial kitchen the pub use would not be viable.
- 8.2 It therefore follows that the proposal contributes toward the achievement of policies C55 (promoting tourism) DM2 (protecting existing community facilities) and DM3 (protecting existing employment and tourism sites). The pub is in an important location to serve visitors as well as the local community and it cannot continue to do so without the kitchen operation served by an extract system.
- 8.3 The proposal will have no adverse impact on the harbor and its various nature conservation and ecological designations, policy CS11 is therefore met.
- 8.4 The proposal will have no adverse impact on the AONB, and it will enable a long established visitor facility to continue contributing toward the socio-economic wellbeing of the area and enhancing the ability of visitors to enjoy the AONB. Policy CS12 is met. Similarly policy DM9 (Coastal Zone) is met as there is no impact outside of the application site, except the positive of enabling the pub to continue.
- 8.5 The design of the proposal is unashamedly functional, but this is unsurprising for a kitchen extract. The design is optimized to achieve the functions of the proposal: to efficiently remove kitchen air, reducing odour and minimizing noise impact.
- 8.6 The duct has been reduced in height to a flattened rectangular cross-section so that the limited part visible from no. 18 is minimized in size and impact. The practicalities of the installation require the flattened rectangle section to be increased to a square section in order to accommodate the necessary fan.
- 8.7 The size of the fan (and therefore its housing) is dictated by the force needed to pull the required volume of air out of the kitchen and push it through the silencer. The size has been optimized within these parameters.

- 8.8 The design is functional and unelaborate but it responds to site constraints with location on an existing flat roof in an inconspicuous position and a form that has been adapted to minimize impact on no. 18. The equipment is proposed to be painted black to assist in making it unobtrusive.
- 8.9 The quality of design is good, policy CS16 is met.
- 8.10 The proposal is intended to deal with the potentially polluting impact of the commercial kitchen. It has been designed by industry specialists and assessed by an acoustic expert. The proposal deals with the noise and odour as set out in the accompanying noise report. Policy DM10 (Pollution) is met.
- 8.11 NPPF requires Councils to adopt a positive stance toward all proposals adopting a “problem solving” approach and the Councils assistance and patience in this matter over an extended period is acknowledged. The current proposal contributes toward sustainable development by facilitating the continued commercial kitchen operation and comprises “economic development”. The proposal therefore benefits from the NPPF presumption in favour of development.
- 8.12 As set out in para 7.17 above, the proposal meets the test of NPPF para 134.
- 8.13 The proposal also provides the positive reasons for approval set out under NPPF para 131:
- The proposal enables the appropriate and viable use of the listed building as a pub to continue.
 - The proposal contributes to economic viability of the Langstone community by enabling the pub to continue and,
 - The proposal enables the tradition and benefits of a harbour side pub at Langstone to continue.
- 8.14 The proposal meets NPPF and HBLP policy.

Listed Building

- 8.15 Section 7.0 of this Statement concludes that the very limited adverse impact on the significance of the heritage asset is outweighed by the public benefits.
- 8.16 The proposal is of small scale (the minimum required to achieve the required objective), only visible from within the site, located on a modern flat roofed extension and makes no impact at all on the group value of the building for which it was included in the List.
- 8.17 All listed buildings need viable, appropriate uses and all need to adapt and evolve. The use as a pub is highly appropriate. The pub will not be viable without a commercial kitchen. The commercial kitchen requires an extract system. The current system is unauthorized and under threat of Enforcement Action. The proposal represents the optimum way of dealing with kitchen extract with minimal impact on the Listed Building.
- 8.18 The proposal will be visible from a very limited range of viewpoints but that alone is not a reason to resist the proposal.
- 8.19 The proposal is acceptable from a listed building point of view as it does not adversely impact on the character or interest of the listed building.

Design

- 8.20 As set out in para 6.6 above, the scheme must meet some practical restrictions if it is to function.
- 8.21 The current proposal meets the necessary requirements and also reduces duct size to minimize visual impact on no. 18. If the reduced duct size were sacrificed the system could be further simplified and reduced in scale but this would entail a small increase in impact from the adjoining property, such a revision would also place the exhaust discharge point closer to no. 18. On the balance, the applicants have sought to claim the advantage of minimizing impact on no. 18.

- 8.22 The proposal is well designed and located to perform a simple function in the optimum manner.

Noise

- 8.23 As set out in the accompanying Noise Report the proposal will benefit from a silencer and concludes “The recommended level of attenuation should ensure that during the hours of operation set out above does not cause disturbance and is unlikely to have an adverse impact on nearby residential occupiers”.
- 8.24 A planning condition could be used to ensure compliance with recommendation of the Noise Report.

Odour

- 8.25 The proposal directs the extracted air away from the adjoining property at no. 18.

9.0 CONCLUSIONS

- 9.1 This application provides a solution for the longstanding concerns expressed by a neighbour and the Council regarding the use of unauthorized kitchen extract systems.
- 9.2 The proposal is located at the rear of the listed pub on an existing modern flat roofed extension when it is only materially visible from within the application site.
- 9.3 The principle interest of the listed building is its significant contribution to the group value of other buildings and the charming harbor front and historic buildings. The proposal has no impact on that interest.
- 9.4 Without an appropriate kitchen extract system the pub could not serve food and would no longer be viable.
- 9.5 The applicants have designed a system which responds to the site context and other circumstances to provide a successful solution to the current problems.
- 9.6 The proposal is a well-considered response to the current unauthorized position and merits approval.

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Walsingham Planning
JANUARY 2014**