

Report to: PLANNING COMMITTEE

Date: 13 August 2014

Report from: Development Manager

Application Address: The Victoria Inn, 290 Battle Road, St Leonards-on-sea, TN37 7BA

Proposal: Instalment of one new condenser unit, one condenser pack and two air conditioning units.

Application No: HS/FA/14/00528

Recommendation: Grant Full Planning Permission

Ward: ASHDOWN

File No: UP50230

Applicant: Southern Co-operative per Evolve RPS Limited
The Coach House The Grange Business Park
Hewish, Bristol, City of. BS24 6RR

Interest: Owner

Existing Use: Former Public House

Policies

Hastings Local Plan 2004: DG1, DG4

Conservation Area: No

National Planning Policy Framework: Section 7

Hastings Planning Strategy: FA1, SC1

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM6

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 3

Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

Summary

This application is for the installation of a new condenser unit, condenser pack and two new air conditioning units. This plant is to provide new refrigeration cases and air conditioning within a new shop and is to be located to the side of the building, adjacent to Upper Glen Road. The proposal is considered to be acceptable and it is recommended that planning permission be granted, subject to conditions.

The Site and its Location

The property is a large detached building located on the corner of Battle Road and Upper Glen Road. The building is the former Victoria Inn public house and restaurant, which is to re-open as a convenience store. This change of use does not require planning permission, as the change is permitted by the General Permitted Development Order.

The area comprises a mix of residential and commercial properties. Upper Glen Road slopes down from the west to the east and the properties opposite, in Upper Glen Road, are elevated from the highway. Although there is land to the rear of the main building, there is an extant planning permission for the erection of two semi detached properties.

Details of the Proposal and Other Background Information

The plant comprises a refrigeration condenser unit, a refrigeration condenser pack and two twin fan air conditioning units. The new plant area is to be located adjacent to staff accommodation in an area north of the main building. It is to be installed onto a concrete platform and enclosed by a timber fence, with gate for access.

The dimensions of the plant are as follows:

- Condenser unit - H1150mm x W3654mm x D1145mm,
- Condenser pack – H1813mm x W2432mm x D690mm,
- Air conditioning units (two) – H1340mm x W900mm x D320mm.

Recent Site History

HS/AA/14/00589	Various signage Application not yet determined
HS/FA/14/00338	Alterations to front elevation to install new shopfront and installation of ramp. 16 July 2014
HS/FA/14/00282	Proposed construction of 2 x semi-detached dwellings with associated car parking, cycle and refuse storage. Resolved to be granted subject to a unilateral agreement
HS/FA/14/00286	Variation of condition 4 (approved plans) of Planning Permission HS/FA/13/00830 - Demolition of existing rear conservatory and extension and erection of a ground floor single storey - Amendment, alterations to support proposed new doors, with new front entrance ramps & removal of chimney. Granted 06 May 2014
HS/FA/13/00830	Demolition of existing conservatory and rear extension and the erection of a ground floor single storey extension to the rear (east) and an extension to the side (north) of the existing building. Granted 25 November 2013

Details of Consultations

There have been three objections from occupants of properties north of the site which face the proposed plant area. The objections relate to noise levels and disturbance.

The **Principal Environmental Health Officer** has no objection, subject to conditions, and state that they are in agreement with the report providing the noise mitigation measures are in place and that the plant is maintained.

Planning Considerations

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".

Policies DG1 and DG4 in the adopted Hastings Local Plan 2004, policies DM1, DM3 and DM4 of the Development Management Plan Revised Proposed Submission Version and policies FA1, SC1 of the Hastings Planning Strategy are relevant, as is Section 7 of the National Planning Policy Framework.

Impact on Amenities of Nearby Residents

Due to existing nearby residential properties and the extant planning permission for a pair of semi detached properties within the garden of the former public house, this is the main consideration. The properties that would most likely to be affected by the proposal are those facing the north side elevation of the former Victoria Inn, at 3 and 5 Upper Glen Road and future occupants of the adjacent semi-detached dwellings, which have not yet been built.

The noise report submitted with the application states the background noise and the rating noise levels fall within the scope of British Standard 4142:1997. It states that the instalment of the plant will not have a detrimental effect on local residents and will not be likely to give rise to complaints in the future. The Principal Environmental Health Officer has studied the report and is in agreement.

The refrigeration and airconditioning units are to be enclosed by a 2m high timber enclosure, which will provide an element of acoustic screening and the units will be in excess of 20 metres from 3 and 5 Upper Glen Road. The proposed properties in the garden of the former public house are set back from the side elevation of the main building, which will provide an additional barrier.

Providing the refrigeration and aircondition units do not exceed the levels stated in the noise report, it is considered there will be no detrimental impact regarding noise pollution on occupiers of nearby or adjacent residential properties. To protect the living conditions of existing and future occupiers of nearby properties by ensuring the noise emissions do not exceed those within the noise report, Conditions 2 and 3 have been added.

Impact on Streetscene

The proposed plant is screened by the timber fence and gate and is not visible from the street. It is also set in from both Battle Road and Upper Glen Road boundaries. There is therefore no adverse impact on the visual amenity of the building or the neighbourhood in general.

Conclusion

The proposed refrigeration and airconditioning units are not considered to have an adverse impact on the amenities of occupants of nearby residential properties and there is no visual harm to the streetscene and surrounding area. It is therefore recommended that planning permission be granted subject to conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The noise emanating from the condenser unit, condenser pack and two new airconditioning units hereby approved shall not exceed the noise levels stated within the noise report provided by KR Associates (UK) Ltd, reference KR03805 and dated 13th May 2014.
3. No development shall commence until details of the proposed enclosure fence and gate have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.
4. The condenser unit, condenser pack and two new airconditioning units hereby approved shall not be used until the fence and gated enclosure is in place.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

13-XXX-200A, CP-STLE-001-001, CP-STLE-001-002

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the amenity of the neighbouring residential occupiers.
3. In the interests of the visual amenity of the area.
4. In the interests of the amenity of the neighbouring residential occupiers.
5. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Officer to Contact

Mrs C Boydell, Telephone 01424 783298

Background Papers

Application No: HS/FA/14/00528 including all letters and documents