

Report to: PLANNING COMMITTEE

Date: 10 September 2014

Report from: Development Manager

Application Address: The Crown, 64-66 All Saints Street,
Hastings, TN34 3BN
Proposal: New extraction flue/stack at the rear
Application No: HS/FA/14/00277

Recommendation: Grant Full Planning Permission

Ward: OLD HASTINGS
File No: AL75064V
Applicant: Mr KLEINSCHROD per Steve Derhun Design
and Build 108 Victoria Avenue Hastings East
Sussex TN35 5BT

Interest: Owner
Existing Use: Public House

Policies

Hastings Local Plan 2004: DG1, DG3, DG4, C1
Conservation Area: Yes - Old Town
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: FA5, SC1, SC4, EN1
**Hastings Local Plan, Development
Management Plan, Revised**
Proposed Submission Version: DM1, DM3, DM6, HN1

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 6
Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

The proposal is for the formation of a new ventilation system to serve the public house kitchen. The main issues are the impacts of the proposal on the amenity of neighbouring residents and the character and appearance of the area. After considering all matters it is considered that the proposal is acceptable subject to conditions.

The Site and its Location

The site is located in the Old Town Conservation Area on the northern side of Crown Lane at the junction with All Saints Street. The site consists of a two storey public house, built of red brick with timber framed windows. A yard area is positioned to the rear of the public house which adjoins 9 Starr's Cottages, 63 All saints Street and a recently built dwelling to the north (planning permission: HS/FA/12/00704). Due to the topography of the area the yard area is at a lower level than the adjoining properties and is enclosed by boundary walls.

The surrounding area has a varied character defined by a mixture of two-three storey terraced dwellings. The majority of which are formed of facing brick or rendered elevations with clay tile pitch roofs and timber sliding sash windows.

Details of the Proposal and Other Background Information

The proposal involves forming a new ventilation system for the kitchen of the public house. The ventilation system is to involve both fresh air supply and extractor fans with an attenuator to reduce noise and a charcoal filter to control odours. A large part of the ductwork is to run internally with a new external duct to run from the flat roof alongside an existing chimney at the rear of the building. The extract duct is to have a painted finish.

Relevant Planning History

- HS/FA/12/00705 Internal alterations at ground floor to include the removal of the main staircase to the first floor. Change of use of the first floor to B1, including internal alterations & new external staircase to access the first floor at the rear.
Granted subject to conditions 05 December 2012
- HS/FA/12/00986 Conversion of 1st floor to self contained flat, including the removal of the main staircase and new external staircase to access the first floor at the rear.
Granted subject to conditions 18 February 2013

Details of Consultations

The **Environmental Protection Team** (EPT) raised concern regarding the impact of the proposal on the area in terms of noise and odour but have recommended the use of conditions to control the impact (Condition 2) and since that time further information and amendments have been received following discussions with the EPT.

A total of **7 letters of objection** and **1 petition of objection** have been submitted. The main issues raised include odour, noise and appearance.

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".

Character and Appearance

The ductwork is to be located at the rear of the premises and will be fixed to an existing chimney stack. The applicant has proposed a grey finish to match the soffits and window frames of the pub and the recently built dwelling to the north. The grey finish contrasts with the brick work of the pub and the adjoining dwelling and ensures that the windows and soffits stand out as traditional features of the two buildings. However, this type of finish is not considered acceptable for the ductwork and it is considered that a much darker colour would be more appropriate as it would reflect ancillary features such as downpipes and railings which are found in the area. It is considered that a suitable painted finish together with the limited views available from Crown Lane will ensure that the ductwork is not a prominent feature of the streetscene. It is therefore recommended that a condition is imposed which requires details of the paint colour and finish to be submitted for approval.

The fresh air supply fan is to be located within the rear wall of the kitchen. A louvre or grille will be visible within the courtyard area to the rear but will not be visible from the streetscene. It is recommended that a condition is imposed requiring details of the exact positioning and design of the extract grille/louvre.

Amenity of Neighbouring residents

A large proportion of the ductwork and the extractor fan are to be located internally where noise will naturally be reduced. An attenuator system is also proposed which will help reduce noise levels further. The fresh air supply fan will be located within the wall of the kitchen but, as confirmed by the manufacturer, has been chosen as it is a lightweight fan and is quieter than other fans available. Having regard to the comments made by the Environmental Protection Team, it is considered appropriate to impose a condition requiring that a noise assessment is submitted which demonstrates that the system will be 10db below background noise levels or, if this is not possible, what measures (e.g. attenuator system details) will be utilised to bring the system to within acceptable levels.

Following the EPT's original comments the applicant has submitted details of a charcoal filter which is to be installed as part of the system. The charcoal filter will remove unpleasant odours and gases from the air as it is extracted from the kitchen. In order to ensure that the system remains effective it is recommended that a condition is imposed which requires the carbon filter to be maintained in a sound working condition and for a detailed layout drawing showing the positioning of the carbon filter within the ventilation system.

Other Matters

The EPT have recommended conditions regarding hours of operation, refuse storage and deliveries to and from the premises. It is not considered appropriate to impose these conditions as the application is for a ventilation system only and the premises is an established public house business.

Conclusion

Through the use of conditions it is considered that the proposal will not result in adverse impacts on the character and appearance of the area or the amenity of neighbouring residents. I therefore recommend the proposal for approval 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. Noise levels from the ventilation system measured at neighbouring noise sensitive premises shall at all times be 10db below background noise levels.
3. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - (a) a detailed plan showing the location of all plant and ductwork
 - (b) detailed drawings of the location and design of any grilles or louvres proposed
 - (c) details of the paint colour and finish for the ductworkThe works shall be carried out in accordance with the details approved and the ventilation system shall not be brought into use until those works have been completed.
4. The charcoal filtration system shall be maintained in a sound working condition in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

SD/328/28B

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the amenity of adjoining and future residents.
3. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
4. To safeguard the amenity of adjoining and future residents in relation to cooking odours.
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

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00277 including all letters and documents