

Application Ref: NP/11/248

Application Type	Full
Grid Ref:	
Applicant	Rat & Squirrel Ltd
Agent	Willis & Hole
Proposal	Installation of air extract fan & ducting (retrospective)
Site Location	Old Chemist Inn, The Strand, Saundersfoot, Pembrokeshire, SA69 9ET

Summary

This is a retrospective application for the installation of an air extract fan and ducting at The Old Chemist Inn, The Strand, Saundersfoot. The application is the result of lengthy enforcement investigations and negotiations concerning the works. The application has resulted in several letters of objection from local residents. Of key consideration in the determination of this application is the comments of the County Council's Environmental Health Section: the Environmental Health Officer has been in contact with the applicant, and he recommends permission subject to conditions concerning noise attenuation and hours of operation. In view of this expert opinion the recommendation for the application is for permission subject to conditions and subject to the receipt of a valid Design and Access Statement.

The application has been brought before the Development Management Committee because of the level of objection received to the proposal and the previous enforcement history on the site. Also it is noted that Saundersfoot Community Council has concerns with the application.

Consultee Response

Saundersfoot Community Council: Concern - The Community Council want to know if the noise generated by the fan could be monitored regularly to prevent concern to nearby properties.

Environment Agency: No objection - Standard Guidance Advice.

PCC - Head of Public Protection: Conditional Consent - The scheme should be derived with regard to BS 4142:1997 (Method of rating industrial noise affecting mixed residential and industrial areas).

PCC - Head of Public Protection: Conditional Consent

Public Response

The application has been advertised and neighbour notifications have been undertaken. Six responses have been received making the following comments:-

- The noise is deafening if sat in neighbouring gardens;
- The noise prevents windows from being opened in the neighbouring properties;

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- Even with windows shut the noise is still unacceptable;
- The applicant promised to install noise reducing filters over twelve months ago;
- The noise can be heard over 100 yards away;
- Excessive food smells are also generated by the flue;
- Why has it taken over nine months for an application to be registered and enforcement action to occur;
- The present location of the flue means that it acts as a sound box;
- Holiday makers using the flats are complaining about the noise;
- The applicant has not been able to fix the insulation panels as he could not gain access;
- The waste air comes out of the duct straight into neighbouring properties; and
- The proposed remedial measures would be likely to result in little improvement.

Policies considered

Circular 61/96 - Conservation Areas

LDP Policy 01 - National Park purposes and duty

LDP Policy 04 - Saundersfoot Local Centre

LDP Policy 08 - Special Qualities

LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 34 - Flooding and Coastal Inundation

LDP Policy 52 - Sustainable Transport

LDP Policy 53 - Impacts on traffic

PPW4 Chapter 04 - Planning for Sustainability

PPW4 Chapter 05 - Conserving and Improving Natural Heritage and the Coast

PPW4 Chapter 06 - Conserving the Historic Environment

PPW4 Chapter 08 - Transport

PPW4 Chapter 13 - Minimising and Managing Environmental Risks and Pollution

SPG07 - Conservation Area Statements

TAN 11 - Noise

TAN 12 - Design

TAN 15 - Development and Flood Risk

TAN 22 - Planning for Sustainable Buildings

Officer's Appraisal

Background

This is a retrospective application for the installation of an air extractor fan and ducting with external covering panels at The Old Chemist Inn, The Strand, Saundersfoot. The pub lies to the southern side of The Strand, with a small public garden to the front of the property and a larger terraced public area to the rear. The properties surrounding the pub are a mix of uses, including commercial and residential, including on the upper floors above the pub. To the rear, the pub and its gardens overlook the beach.

Complaints were received in the summer of last year (ie 2010) concerning the unauthorised installation of an external extractor fan and flue at the property, to provide extraction facilities for the kitchen of the pub. The unit is positioned within the internal well area that runs through the centre of the building. On the northern elevation of the building this gap has been partially boarded up, although it is then open above the first floor level of the neighbouring property.

A Planning Contravention Notice was served on the property on the 29th July 2010 where it was ascertained that the unit had been in place since November 2009, and that because it was within the internal recess of the building it was felt by the property owners that planning permission was not required. The matter was then reported to the Development Management Committee on the 16th August 2010 where it was resolved that the Authority proceed with the service of an Enforcement Notice to secure the removal of the unauthorised flue. In response the current application was received but due to insufficient detail could not be registered until June of this year.

Current Proposal

This retrospective application is seeking to regularise the unauthorised flue and extractor, plus its partial insulation screen on the northern gable end. The flue comes out from the pub's kitchen in the basement and then runs in the gap between the buildings for approximately 4.6m (ie to the level of the first floor flats). Insulation boarding has been attached to the northern gable end of the building, up to approximately the same level, beyond which there is an open area. The application has been supported with the following information:-

- A Design and Access Statement (although as it is not in accordance with the requirements of TAN 12 the application is invalid);
- Technical specifications concerning the fan and duct, including noise levels; and
- A Transport Statement.

The site lies within a Conservation Area and a Flood Risk Area. At the time of registering the application, the applicant agreed with your officers that no Conservation Area Statement or Flood Risk Assessment would be provided.

Key Issues

This application raises the following planning matters:-

- Impact on the special qualities of the National Park;
- Impact on the Conservation Area;
- Impact on neighbouring amenity; and
- Invalid Design and Access Report.

The application lies within the village's Conservation Area, and both the insulation boarding and duct hole above it, are clearly visible in the surrounding landscape. When the Enforcement Report was submitted to the Development Management Committee last August for consideration, it was stated in that report that the flue was considered to be visually unacceptable. The Authority's Conservation Officer has raised no concerns about the impact of the flue subject to it not being visible. This is currently the case as the insulation boards screen the flue itself, although the open gap appears as an odd feature on the gable end of the building. Although the gap is an odd feature to the building, it could be improved by the installation of further insulation, thereby minimising it.

The key consideration with this application is the impact on neighbouring amenity. The flue and its insulation boards lie within a few centimetres of the windows of neighbouring residential properties, and a number of complaints have been received by both this Authority and the County Council as regards the noise nuisance that the fan and flue are causing. In applications such as this the advice of the Environmental Health Section at the County Council is imperative. In its consultation response it states that it has already received noise complaints from a number of local residents and that officers have visited the site. The application has been supported with information that states that a design criterion of a noise level of no more than 5dBA over existing background levels shall be created through continued operation of the fan, and that this will include mitigation measures (ie a fan noise attenuator and acoustic lagging). Notwithstanding this the Section considers that insufficient information has been submitted to make an assessment as to the likely performance or acoustic properties of the attenuator or lagging. Officers have undertaken negotiations with the applicant who has agreed that an acoustic report will be provided after installation of the mitigation measures to ensure that the noise threshold of 5dBA is not exceeded. The applicant has also agreed to the operating hours of the fan being between 10.00 and 21.00 hours daily, so as to limit the impact of the noise nuisance on neighbouring residents. As a result the Environmental Health Section has raised no objection to the scheme subject to conditions concerning mitigation measures, noise levels and operating hours.

The pub lies in an area liable to flooding. The Environment Agency has been consulted on the application and has raised no objection to the proposal.

The application has been registered with a Design and Access Statement that is not in accordance with TAN12. Government Guidance makes it clear that without a Statement that is in accordance with TAN12 then an application is

invalid. The applicant has been advised that to allow the application to be determined a revised Statement is needed. The applicant is aware that if a revised Statement has not been received by the 17th August 2011, that the application will be invalidated by the Authority as no decision can be made on it.

Conclusion

The Environmental Health Section is of the opinion that subject to the suggested conditions the application raises no planning objections. As a result the application is recommended for permission subject to these and ones concerning further provision of screening.

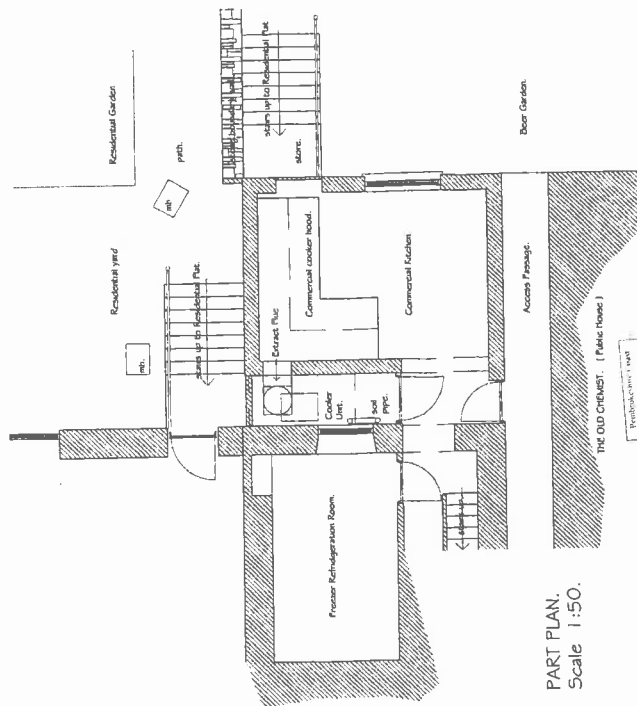
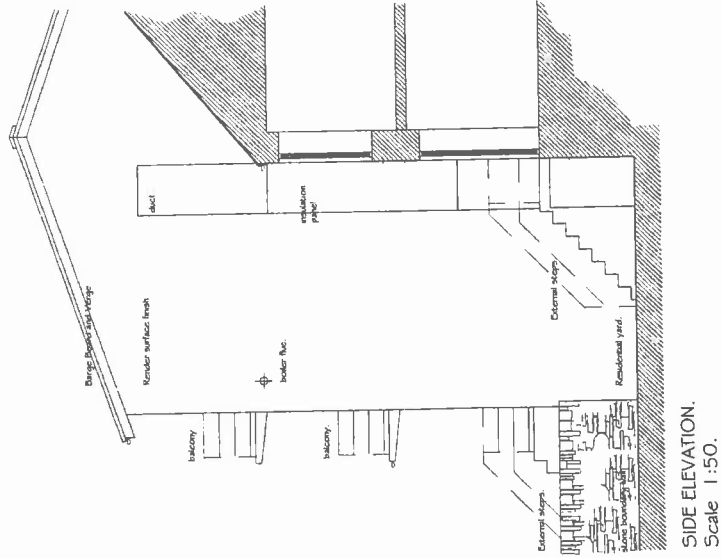
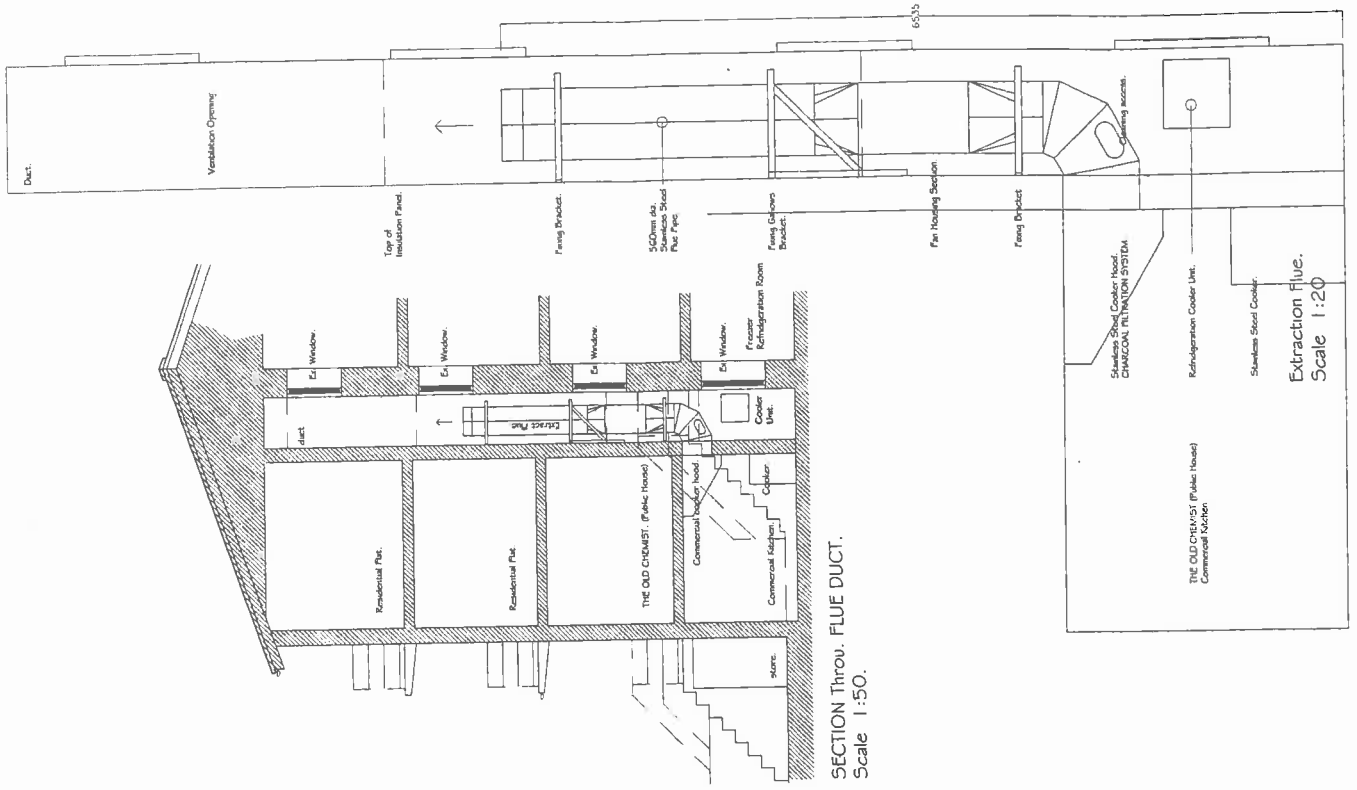
Recommendation

Permission is recommended subject to receipt of a valid Design and Access Statement. Conditions concerning noise levels, hours of operation, and further screening are suggested

Additional Material

Decision Drawings:-

- Location plan (received 15th June 2011); and
- 1523.01 (received 15th June 2011).



No.	Date	Comments	Author	Checked

Project
THE OLD CHEMIST INN, The Strand, Southampton, Hampshire.
 Drawing No. **1523. 01**
 Existing Survey. PART PLAN, SIDE ELEVATION and SECTION.
 Drawing No. 1523. 01
 Date 15 JUN 2011
 Scale 1:50
 Drawn by: A.L. S.L.A.
 Checked: M.L. S.L.A.

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