



Report Reference Number 2020/0445/FUL

To: Planning Committee
Date: 10 February 2021
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0445/FUL	PARISH:	Camblesforth Parish Council
APPLICANT:	Mr Ian Campey	VALID DATE: EXPIRY DATE:	11th May 2020 6th July 2020
PROPOSAL:	Conversion of existing conservatory into dining area relocation of kitchens to new rear extension and new dining / function room to the rear, link attached through walkway		
LOCATION:	Comus Inn Selby Road Camblesforth Selby North Yorkshire YO8 8HR		
RECOMMENDATION:	GRANT subject to conditions		

This application has been brought before Planning Committee as there have been more than 10 letters of representation received in objection of the application contrary to Officers' opinion where they would otherwise have approved the application under delegated powers.

1 INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application related to the Comus Inn, Camblesforth, a village pub set adjacent the main through the village and residential properties.

The Proposal

- 1.2 Conversion of existing conservatory into dining area relocation of kitchens to new rear extension and new dining / function room to the rear, link attached through walkway

Relevant Planning History

- 1.3 The following historical application is considered to be relevant to the determination of this application.

Ref: 2018/0216/FUL
Description: Retrospective planning application for prefabricated double garage and single garage
Address: Comus Inn, Selby Road, Camblesforth, Selby, North Yorkshire, YO8 8HR
Decision: Permitted 19-JUN-18

Ref: 2015/0608/COU
Description: Proposed retention of the rear extension to accommodate new cellar facilities and conversion of the existing cellar/garage/store building to 6 ensuite ancillary guest rooms to be used ancillary to the existing public house
Address: Comus Inn, Selby Road, Camblesforth, Selby, North Yorkshire, YO8 8HR
Decision: Permitted 02-SEP-15

Ref: 2009/0740/FUL
Description: Erection of a single storey extension to the rear to form disabled WC and hard landscaping to include creation of a wheelchair accessible terrace to the front and car park improvements
Address: Comus Inn, Selby Road, Camblesforth, Selby, North Yorkshire, YO8 8HR
Decision: Permitted 16-OCT-09

Ref: CO/1992/0625
Description: Proposed erection of a conservatory on the rear elevation of,
Address: The Comus Inn, Selby Road, Camblesforth,
Decision: Permitted 18-AUG-92

2 CONSULTATION AND PUBLICITY

Environmental Health Officers (EHO)

- 2.1 Environmental Health Officers (EHO) initial consultation response noted concerns regarding the use of the proposed Function Room and requested a noise assessment to consider the impact of noise from this source on the surrounding residential properties. Provision of toilet facilities to cater for the additional internal floorspace of 181m² was also requested.
- 2.2 Following reconsultation, the EHO considered the submitted Risk Assessment for Odour to be undertaken in accordance with out of date guidance albeit noted the assessment indicated that a high level of odour control will be required, but is on the verge of the very high risk rating and this hinges on the dispersion being at least 1m above the eaves at 10 to 15m/s. Concerns regarding the single storey kitchen extension in respect of two storey buildings in close proximity will hinder dispersion, and the flue is not shown on the submitted plans. The suggested mitigation methods in the assessment are in line with the guidance but cannot be agreed until issues around dispersion have been resolved and what specific odour mitigation measures are to be provided and how this meets the level of odour control required to prevent an issue.

- 2.3 Following reconsultation, in respect of sanitary accommodation provision, the wash hand basins should be provided on a one to one basis with WC's.
- 2.4 Following reconsultation, in respect of the Kitchen Ventilation statement, the EHO considers the information provided does not adequately consider the efflux velocity or the impact of surrounding buildings on dispersion. However, providing the suggested equipment specification with an increased number of carbon filters is included this would be satisfactory.
- 2.5 Following reconsultation in respect of the submitted Noise Impact Assessment, the EHO raised a number of queries relating to the methodology and calculations contained within. The applicants provided a revised Noise Impact Assessment which in turn was assessed further by the EHO. Following review, the EHO considers that whilst a range of measures could be conditioned, the Noise Impact Assessment does not fully assess the potential noise impacts arising from this development.
- 2.6 Following further revisions to plans and additional information from the applicants, the EHO considered the external curfew would prevent the loss of amenity being caused by patrons using the external areas after 11pm, but does not prevent an issue being caused by patrons leaving the site up to or beyond 1am. The EHO noted the findings of the Noise Impact Assessment. The EHO goes on to recommend planning conditions.

Local Highway Authority

- 2.7 The proposed conversion and extension is likely to result in the ability to cater for additional covers, however no details of car parking arrangements have been provided and the additional highway impacts will be difficult to assess without further information. The Local Highway Authority requested details of parking provision before making a formal recommendation.
- 2.8 Following submission of additional details and subsequent reconsultation, there were no Local Highway Authority objections to the proposed development.

Selby Area Internal Drainage Board (IDB)

- 2.9 The IDB set out their guidelines for surface water drainage and recommend conditions are included on any permission in line with this guidance as necessary.

Yorkshire Water

- 2.10 No consultation response was received following consultation.

Environment Agency

- 2.11 No consultation response was received following consultation.

Parish Council

- 2.12 No consultation response was received following consultation.

Publicity

- 2.13 The application was advertised via site notice and by mail addressed to surrounding properties. Following this consultation 32 responses were received, 22 in support and 10 in objection.

2.14 Those in support cite the following matters:

- The pub is the hub of the community
- The pub serves the best food in the area.
- Creation of more local jobs.
- Securing existing jobs.
- The area currently lacks quality dining establishments.
- Work being undertaken on site has been high quality, as will these proposals.
- During current crisis investment in rural pubs should be encouraged.
- Improvements to pub by owners should be further encouraged.
- The pub is an asset to the village.
- Too many pubs are closing down.
- The village lacks a permanent indoor facility since the village hall closed.
- A function room is more neighbour friendly than marquees.
- Food is an essential part of pub trade.
- If the application is refused the pub could be lost and the site would be attractive for housing.
- Surrounding villages are growing and the pub is required to grow to accommodate these new resits.

2.15 Those in objection cite the following matters:

- Impact on quality of life: use of surrounding residential gardens will be impacted, and noise will be heard inside residential dwellings.
- Adverse impact on house price
- Recent live events were noisy, this proposal will exacerbate issues
- The proposal lacks detail of sound proofing.
- When doors are open (e.g. Summer) noise will exceed stated levels.
- Work is currently being undertaken on site.
- Access to the car park appears to have been created from Manor Close.
- The day to day running of the pub causes noise disturbance and loud noise and music are heard at all times.
- The car park has been extended demonstrating the crowds expected.
- The scale of proposal and proximity to surrounding residential properties is inappropriate due to noise concerns.
- Numerous complaints have been made by neighbours to Selby District Council's Environmental Health Officers.
- Relocating kitchens to the rear will cause odour issues.
- The application lacks details of frequency, type and duration of functions
- The proposed mitigation of keeping the doors closed is unlikely to be upheld in reality.
- How will the proposed maximum noise level be managed.
- The background noise level does not reflect usual circumstances due to the A19 diversion and Coronavirus lockdown/slowdown
- Drunk patrons leaving the pub will be difficult to manage.
- Conditions may not be complied with.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located within the Development Limits of Camblesforth, defined as a Secondary Village within the development plan.
- 3.2 There are no heritage assets nor ecological designations on or near the site. The site is located with Flood Zone 2

4 POLICY CONSIDERATIONS

- 4.1 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". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy (CS) Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP13 Scale and Distribution of Economic Growth
- SP14 Town Centres and Local Services
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan (SDLP) Policies are:

- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- T1 Development in Relation to the Highway network
- T2 Access to Roads
- S3 Local Shops

5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

1. Principle of Development.
2. Impact upon Amenity.
3. Access & Highway Safety.
4. Appearance & Impact upon Character of Area.
5. Flood Risk & Drainage.

Principle of Development

Context

- 5.2 CS Policy SP1 of the Core Strategy outlines that "*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework*" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.
- 5.3 CS Policy SP2 controls the location of future development within the District and directs the majority of new development to towns and more sustainable villages depending on their future role as employment, retail and service centres. The site lies within Camblesforth which is designated as a Secondary Village within the Core Strategy, the policy is silent on non-residential development in Secondary Villages.
- 5.4 CS Policy SP2 also requires proposals for development on non-allocated sites to meet the requirements of CS Policy SP4. However, given CS Policy SP4 relates to residential development this policy is not applicable.
- 5.5 CS Policy SP13B.1 supports the "*modernisation of existing premises, expansion, redevelopment, re-use, and intensification*" of existing employment sites with Development Limits. CS Policy SP13B.3 seeks to promote "*opportunities relating to recreation and leisure uses*". CS Policy SP13D states:
- "In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity."*
- 5.6 The site is not located within an Established Town Centre as defined within the development plan. In such locations CS Policy SP14A sets out broad support for local shops and services through resisting their loss and promoting establishment of new facilities.

- 5.7 SDLP Policy S3 relates to proposals for public houses (amongst others) outside Established Town Centres and these will be permitted subject to the following criteria:
- 1) *“The proposal is within defined development limits;*
 - 2) *The proposal is intended to serve a purely local function or there is a demonstrable need for the particular outlet in the locality (including facilities related to tourism);*
 - 3) *The scale of provision would be appropriate to the locality;*
 - 4) *The proposal would not create conditions prejudicial to highway safety or the free flow of traffic;*
 - 5) *Satisfactory parking and servicing could be achieved, and the site is accessible and safe for pedestrians and cyclists; and*
 - 6) *The proposal would not have a significant adverse effect on residential amenity or the character and appearance of the area.”*

Assessment

- 5.8 The site currently accommodates the Comus Inn a long-established public house. The applicants are seeking to further diversify their offer by increasing dining capacity and creating a function room.
- 5.9 CS Policy SP13 supports the redevelopment and intensification of businesses, particularly recreation and leisure uses, and SDLP Policy S3 permits development of pubs subject to criteria: both of these policies contain criteria requiring such development to be appropriate to the locality, have suitable access, and not have a detrimental impact on resident’s amenity.
- 5.10 Officers consider that the proposal are of a scale that is commensurate to that of Camblesforth and satisfies the requirements of CS Policy SP13 and SDLP Policy S3. Subject to considerations of amenity and access (considered below) the proposals are acceptable in principle.

Impact upon Amenity – Environmental Health

Context

- 5.11 SDLP Policy ENV1 provides eight broad aspirations for achieving ‘good quality development’ that should be taken into account where relevant. SDLP ENV1(1) requires *“the effect upon the character of the area or the amenity of adjoining occupiers”* to be taken into consideration.
- 5.12 SDLP Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented.
- 5.13 CS Policy SP19(k) seeks to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.

Assessment

- 5.14 The proposal seeks to create additional dining capacity and relocate kitchens to the rear of pub. The rear of the pub backs on to a number of residential properties, the

extension will be within c.4.5m of the rear garden of the property to the north (The Chestnuts) and c.7.5m to the property itself. The rear gardens of the dwellings to the east (6 – 10 Manor Drive) are between c.4.5m-9m of the proposed extension, whilst the dwellings' elevations are between c.18.5m-20m from the proposed extension. The proposals are therefore in close proximity and have the potential to generate an adverse impact upon the amenity of these residents.

- 5.15 The EHO has made several consultation responses to these proposals considering additional information submitted by the applicants to demonstrate that a significant adverse impact will not arise from an odour and noise perspective.
- 5.16 In respect of odour, the applicants submitted a *Risk Assessment for Odour* alongside a Kitchen Ventilation Statement and technical specifications of proposed plant. In considering this information, the EHO agrees with the proposed methodology subject to the equipment being installed in accordance with their consultation response (02.11.2020). Officers are satisfied that subject to compliance with this installation, which will be secured via condition, that the proposals will not result in a significant adverse impact upon from an odour perspective and are therefore acceptable.
- 5.17 In respect of noise, the applicants have submitted a noise assessment that establishes the potential noise impact of use of the proposed function room on the nearest noise sensitive receptors and determines what mitigation is required. The noise assessment sets how the extension will function:

“The extension will primarily be used as a dining room, but will also serve as a function room for occasional events, such as wedding receptions, birthdays, wakes and baby showers. Events would operate within the existing operating hours of the premises, which are 1100–0000 hours Sunday to Thursday and 1100–0100 hours on Friday and Saturday”.

- 5.18 Following submission of the initial Noise Impact Assessment, the EHO raised a number of queries relating to the methodology and calculations contained within. The applicants provided a revised Noise Impact Assessment which in turn was assessed further by the EHO. Following review, the EHO considered that a range of measures could be conditioned but that the Noise Impact Assessment did not fully assess the potential noise impacts arising from this development.
- 5.19 The applicants supplied additional information and amended the plans, notably enclosing the “link” to create a small lobby area and agreeing to a curfew on external events. The EHO has considered the changes and recommended conditions. Whilst the EHO does not exclude disturbance arising from guests leaving the pub, Officers do not consider that the potential for disturbance arising from “event guests” leaving will be materially different from the potential disturbance arising from public house patrons. Subject to conditions in line with the EHO’s comments, the Noise Impact Assessment, ensuring the “link” is enclosed, and a curfew on outdoor events the proposals are considered acceptable from an environmental health perspective.

Impact upon Amenity – Overlooking, Overshadowing, Overbearance

- 5.20 As set out in the preceding section, the proposal is set within a residential context with residential properties surrounding the rear of the pub. The southern elevation of the Chestnuts contains a windows at ground floor ant first floor, albeit the site is

separated by a large boundary wall. The properties at Manor Drive are bungalows and separated by a large fence and boundary vegetation.

- 5.21 In regards to the Manor Drive dwellings, given the single storey to single storey relationship, boundary screening and separation, officers do not consider any adverse overlooking, overshadowing or overbearance will occur and is acceptable.
- 5.22 With respect of overlooking, the proposals are single storey and therefore limits any views into The Chestnuts. The proposed roof lights are placed on a roof that is pitched perpendicular to the dwelling's windows and are recessed away from the northern elevation: officers do not consider any adverse overlooking would occur from these windows. Given the ground floor nature of the bi-fold doors, height of the separating wall and distance between the two relative elevations, officers do not consider that any overlooking will arise. Similarly, the ground floor nature of the eastern elevation windows, height of the separating wall and distance between the two relative elevations, will not lead to any overlooking.
- 5.23 Given the single-storey nature of the proposals, separation distances and respective boundary treatments officers do not consider there any significant adverse overshadowing or overbearance will occur to any of the surrounding properties.
- 5.24 The proposals will not, therefore, give rise to any significant adverse overlooking, overshadowing, or overbearance and are acceptable from this perspective.

Access & Highway Safety

Context

- 5.25 SDLP Policy H12(7) allows the conversion of rural buildings to residential use in the countryside where:

“The proposal would not create conditions prejudicial to highway safety...”

- 5.26 SDLP Policy T1 stipulates development will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer.
- 5.27 SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.28 Paragraph 109 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Assessment

- 5.29 The proposals have been considered by the Local Highway Authority who, following clarification from the Applicants with regards to parking, have no objection to the proposals.
- 5.30 Officers sought revisions from the applicants to remove parking immediately adjacent the pub itself due to the lack of on-site manoeuvring to access these parking spaces requiring reversing into a busy highway. The proposal now

incorporates 35 car parking spaces accessed from the existing car park access. Following these revisions, Officers consider the proposals will not have a detrimental impact upon highway safety and the proposals comply with SDLP Policy T1 & T2.

Appearance & Impact upon Character of Area

Context

- 5.31 CS Policy SP19 expects development to achieve high quality design and have regard to the local character, identity and context of its surroundings.
- 5.32 SDLP Policy ENV1 requires (1) the effect of the character of an area, and; (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping to be taken into account.

Assessment

- 5.33 In comparison to the existing pub, the proposed extensions are of a significant scale and a modern appearance. However, the proportions and layout achieve a sense of subservience to the existing pub and the material choices – wooden doors, windows, clay roof tiles, and a render finish relate well to the pub and the surrounding built vernacular.
- 5.34 The site will extend the existing car park, whilst this is a substantial area it does not lead to the loss of any vegetation, albeit grassland will be removed, and will not change the character of the site or that of the surrounding area.
- 5.35 Officers consider the proposals do not have an adverse impact upon the character of area and comply with CS Policy SP19 and SDLP Policy ENV1.

Flood Risk & Drainage

Context

- 5.36 The majority of the site sites within Flood Zone 2, including the area covered by the extensions.
- 5.37 CS Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.
- 5.38 NPPF Paragraph 163 requires all planning applications within Flood Zone 2 to be accompanied by a site-specific flood risk assessment (FRA) and sets out the requirements where development in areas at risk of flooding can be allowed.
- 5.39 National Planning Practice Guidance (NPPG) sets out how FRAs should be assessed. For a development of this nature, the NPPG sets out that the proposed development should follow the standing advice for vulnerable developments as laid out by the Department for Environment, Food & Rural Affairs and Environment Agency in respect of: 1) surface water management, 2) access and evacuation, and 3) floor levels.

- 5.40 SDC's Flood Risk Sequential Test Developer Guidance Note (October 2019) is also a material consideration. The Guidance Note accords with Paragraph 164 and footnote 51 of the NPPF which clarifies that minor development is exempt from requiring a sequential and exception test.

Assessment

- 5.41 The proposal constitutes a small non-residential extension i.e. minor development and in accordance with the Guidance Note a sequential test and exception test is not required. The proposal complies with CS Policy SP15A(d).
- 5.42 The initial FRA submitted with the application was insufficient to assess the flood risk impacts of the proposal and a revised FRA was submitted.
- 5.43 Paragraph 7.2 of the FRA provides evacuation plan details. Officers consider the proposed evacuation measures are appropriate and given the front of the pub is within Flood Zone 1 that occupants could leave the site to safety. The proposed evacuation measures rely on subscription to the Environment Agency's flood warning alert service to manage such an evacuation in a timely manner and it is therefore recommended this be secured by condition.
- 5.44 The Government's advice for *minor extensions*¹ requires floor levels to be either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. The applicants have provided a range of flood resistance and resilience measures and these are contained within Section 11 of the FRA, Recommendations. A number of the recommendations are inconclusive or contradictory, conditions are therefore recommended to ensure the proposal is acceptable from a flood risk perspective.
- 5.45 The revised FRA is non-committal in terms of surface water drainage but suggests there will be "*very little change to the surface water run-off and any reduction in drainage capacity*" as a result of the proposals whilst suggesting "*as good practice and if this can be easily achieved then sustainable drainage should be incorporated into the site*". Officers consider that the proposal will increase surface water run-off from the site and given the location with Flood Zone 1 it is appropriate to utilise sustainable drainage as the primary approach. Subject to conditions requiring details of the efficacy and design (if applicable) of the proposed sustainable drainage system the proposal is acceptable from a surface water perspective.

6 CONCLUSION

- 6.1 The extension of the public house to accommodate a dining/event space, and to the car park is considered acceptable in principle. The proposals have been considered from all relevant development management considerations and have been found acceptable, subject to the recommended conditions, and it is therefore recommended that planning permission is granted.

7 RECOMMENDATION

- 7.1 This application is recommended to be GRANTED subject to the following conditions and informatives:

¹ Preparing a flood risk assessment: standing advice

1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans, drawings and documents listed below:

- 15-12-20 Campey Proposed Elevations and Plans
- 10-11-20 Campey o-s Proposed Site Plan

Reason:

For the avoidance of doubt.

3. Prior to the occupation of the development the finished floor levels shall be constructed no lower than the prevailing floor levels of the existing building. The finished floor levels shall be retained at this height or above thereafter.

Reason:

To reduce the impacts of flooding upon the proposed development and future occupants.

4. The applicant or future owner/operator shall register with the Government's flood information service prior to occupation of the dwelling.

Reason:

To reduce the impacts of flooding upon the proposed development and future occupants.

5. Prior to the use commencing the following measures shall be installed:

- i) a noise limiter to prevent the music level exceeding 90 dBL_{aeq,T}.
- ii) prominent clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
- iii) the glazing specified for the bi-fold door on the northern façade shall have a minimum sound reduction index (SRI) of circa 36 dB RW+C_{tr} and a sound insulation performance of at least 22 dB Rw and 28 dB Rw in the 63 Hz and 125 Hz octave bands respectively.
- iv) the glazing on remaining façades has a minimum SRI of circa 32 dB RW+C_{tr} and a sound insulation performance of at least 18 dB Rw and 24 dB Rw in the 63 Hz and 125 Hz octave bands respectively.
- v) The roof inner lining shall be double boarded with 2 x 15 mm SoundBloc plasterboard on resilient bars, with 100 mm (minimum) mineral wool insulation above. The SRIs of the roof construction have been modelled using insulation prediction software (INSUL) at 56 dB RW+C_{tr}, 34 dB Rw (63 Hz) and 46 dB Rw (125 Hz).
- vi) The SRIs of a masonry external wall are taken 48 dB RW+C_{tr}, 34 dB Rw (63 Hz) and 40 dB Rw (125Hz).

vii) The kitchen extract fan is fitted with a 1D silencer.

Once installed, the measures shall be retained and operated in accordance with the approved details for the lifetime of the development.

Reason:

To protect the amenity of surrounding residents.

6. The plant and machinery shall be installed prior to occupation and in accordance with the Kitchen Ventilation statement subject to the following criteria:

- Electrostatic precipitator for grease and smoke particulate control configured in single configuration.
- In-duct ultraviolet light in the C-band for grease and odour control.
- Activated carbon for ozone control at a level to achieve Very High Level Odour Control based on the Defra 2005 assessment.

Once installed the plant and machinery shall be retained and operated in accordance with the approved details for the lifetime of the development.

Reason:

To protect the amenity of surrounding residents.

7. During any organised events that utilise the approved development, i.e. use of the area other than for dining associated with the day-to-day operation of the public house, the windows and bi-folding doors of the function room should be kept closed throughout the duration of the event.

Reason:

To protect the amenity of surrounding residents.

8. The windows and bi-folding doors of the function room should be kept closed when amplified or unamplified music is played, or any other sound system is utilised, regardless of use of the approved development.

Reason:

To protect the amenity of surrounding residents.

9. Use of the external area of the public house for events is permissible only between the hours of 08:00 and 22:00.

Reason:

To protect the amenity of surrounding residents.

10. The "lobby" area shown on the approved plan shall be completed prior to the use commencing and shall be retained as such for the lifetime of the development. The door leading to the external area must be closed and secured between the hours of 22:00 and 08:00.

Reason:

To protect the amenity of surrounding residents.

INFORMATIVES

1. The applicants should consider incorporating as many of the measures contained within Section 9 of the submitted Flood Risk Assessment (completed 10/11/2020) as feasible.
2. For the avoidance of doubt, the limitation on the hours of use for the external area within Condition 9 shall include, for example setting-up and clearing up, all of which must be undertaken within these hours.

8 Legal Issues

Planning Acts

- 8.1 This application has been determined in accordance with the relevant planning acts.

Human Rights Act 1998

- 8.2 It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

Equality Act 2010

- 8.3 This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

- 9.1 Financial issues are not material to the determination of this application.

10 Background Documents

- 10.1 Planning Application file reference 2020/0445/FUL and associated documents.

Contact Officer: Chris Fairchild (Senior Planning Officer)

Appendices: None