

**14 DCCW2006/1908/F - INSTALLATION OF ACOUSTIC HOUSING AND SILENCER TO KITCHEN EXTRACT ON EXISTING PUBLIC HOUSE AT 47 NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LJ****For: S.A. Brain & Co. Ltd, Street Eite Associates,  
Princes Drive, Kenilworth, Warwickshire, CV8 2FD****Date Received: 15th June, 2006    Ward: Three Elms    Grid Ref: 50933, 40887****Expiry Date: 10th August, 2006**

Local Members: Councillors Mrs. P.A. Andrews, Mrs. S.P.A. Daniels and Ms. A.M. Toon

**1. Site Description and Proposal**

1.1 The application site is comprised of a large Public House (The Heart of Oak) situated in a prominent location on the southern side of Newtown Road at its junction with Edgar Street within an Established Residential Area of the City.

1.2 The application, which is partly retrospective, seeks consent to regularise the erection of the ventilation ducting on the rear of the property and install an acoustic housing and silencer to reduce noise emanating from the equipment and is specifically in response to complaints arising from noise nuisance.

**2. Policies**

2.1 Planning Policy Guidance:

PPG24            -            Planning and Noise

2.2 Hereford Local Plan:

ENV7            -            Noise

ENV14          -            Design

H21             -            Compatability of Non-Residential Uses

H22             -            Existing Non-Residential Uses

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

DR1             -            Design

DR2             -            Land Use and Activity

DR13           -            Noise

**3. Planning History**

3.1 DCCW2004/0342/F - Installation of kitchen extract system and porch roof. Approved 29th March, 2004.

3.2 DCCW2004/4068/F - Retrospective application for resiting of kitchen extract duct. Withdrawn 19th January, 2005.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 Environmental Health and Trading Standards Manager: The existing external ventilation duct provided to the Heart of Oak is causing significant nuisance to the occupier of a neighbouring property due to noise from inadequately silenced fans and ductwork. I have examined the applicants proposals, which include noise mitigation measures in accordance with a report prepared by Acoustic Design Technology. The measures proposed by the consultant represent a practical 'belt and braces' solution to the problem. The consultant predicts a reduction in noise level at the first floor windows on the adjacent property of at least 15db(A), this is a very substantial reduction and would bring levels down below background noise levels and abate the existing nuisance. I consider that the proposals represent the best practicably available solution to the problems caused by the existing equipment.

#### **5. Representations**

5.1 Hereford City Council: Comments awaited.

5.2 One letter of objection has been received from Mr. Dalton, 51 Newtown Road:

"I have had a look at the plans and cannot see how they are altering the unit as it stands. It is still a noisy eyesore that is being used and I cannot see what they are attempting to do to improve this".

5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

#### **6. Officers Appraisal**

6.1 Planning permission (DCCW2004/0342/F) was granted in March 2004 for the erection of replacement ducting to be erected on the rear elevation of the premises.

6.2 However the ductwork was not installed in accordance with the approved plans and details relating to the acoustic treatment of the approved equipment were not discharged in accordance with the permission. The applicants were therefore invited to submit an application to regularise this relocation, and a further application was received on the 22<sup>nd</sup> November 2004. Whilst dealing with that application your Officers became aware that the equipment, as installed, was giving rise to noise complaints from adjoining residents. Therefore the applicants withdrew the application in order to investigate appropriate means of mitigating against the level of operational noise the ductwork was producing.

6.3 The design of the present revised proposal incorporates the erection of an additional acoustic housing around the ductwork together with a silencer, to mitigate against the existing noise emissions.

6.4 It is noted that a letter of objection has been received from a neighbouring property. However the Environmental Health & Trading Standards Manager has commented that the proposal represents the best practicable solution to the problems caused by

the existing equipment commenting that a substantial 15 db(A) reduction in noise levels would be achieved bringing levels down below background noise levels and securing an acceptable improvement to the residential amenity of the neighbouring occupier.

- 6.5 Visually the increased size of the acoustic housing is not considered to give rise to any demonstrable harm to the character and appearance of the locality.
- 6.6 Overall the proposal is considered to comply with the relevant guidance and Development Plan policies, and as such, approval is recommended.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 A01 (Time limit for commencement (full permission)).**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 A06 (Development in accordance with approved plans).**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

- 3 The installation of the acoustic housing and silencer shall be installed in accordance with the acoustic report prepared by Acoustic Design Technology within one month of the date of this permission. The approved installation shall thereafter be maintained in perpetuity.**

**Reason: To safeguard the amenity of adjoining occupiers.**

**Informative:**

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC**

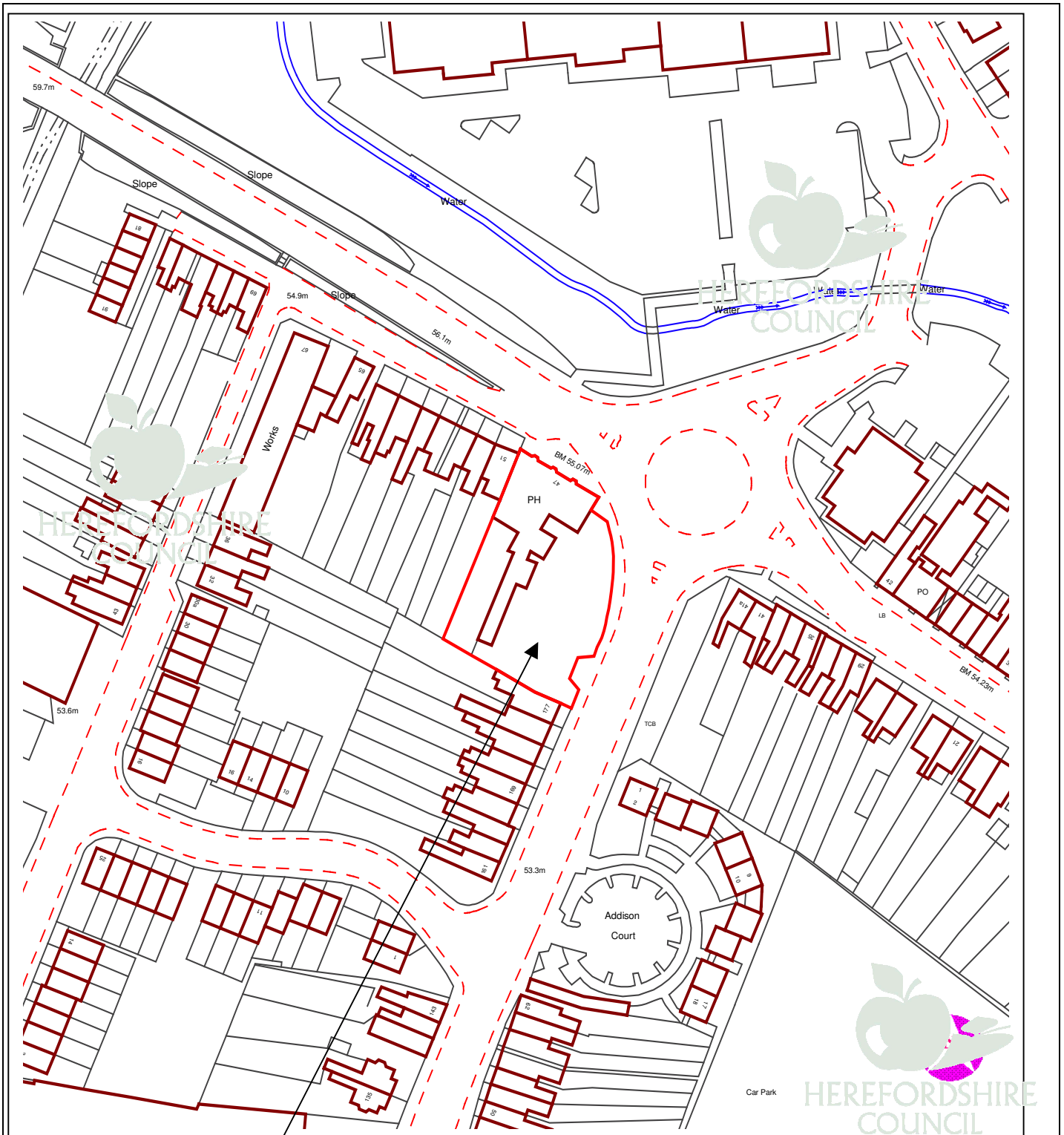
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/1908/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 47 Newtown Road, Hereford, Herefordshire, HR4 9LJ

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