

Committee: Development	Date: 12 th September 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Adam Williams		Ref No: PA/11/01488	
		Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

1.1 **Location:** 12 Hanbury Street, London

Existing Use: Restaurant at ground floor level with residential above

Proposal: Partial retention of, with amendment to, new kitchen extract system with duct riser on rear elevation terminating vertically at roof level with Swedish Cowl.

Drawing Nos:

- 083.P.50 (Rev A);
- 079.GA.10 (Rev B);
- 079.GE.10 (Rev D);
- 079.EX.01;
- 079.EX.02;
- 079.EX.10 (Rev A);
- 079.GA.01;
- Design Statement, prepared by Gundry & Ducker, dated 7 June 2011;
- Impact Statement – Rosas 12 Hanbury Street London E1 6QR;
- Plant Noise Assessment, prepared by Dragonfly Acoustics, reference DACC0235-R2, dated October 2010;
- JM Aerofoil Ancillaries Technical Specifications;
- Viledon CarboPleat and DuoPleat Filters Technical Specifications;
- Lindab Curved Access Doors Technical Specifications;
- Lindab Flexible Duct Connector Technical Specifications;
- Lindab Rectangular “RD” Series Access Doors Technical Specifications;
- The Discarb Cell – Gas Phase Filtration Product Datasheet;
- MaXfan/MaXfan Plus Cased Fans Technical Specifications;
- Elta Fans Quietflow SQS Technical Specifications;
- Shush UK Ltd., In-Line Silencer Manufacturers Specifications.

Applicant: Mr Alex Moore

Owner: Mr R Morris

Historic Building: N/A

Conservation Area: Brick Lane and Fournier Street Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Local Development Framework Core Strategy (2010), London Borough of Tower Hamlets Unitary Development Plan (1998), the Managing Development DPD (Submission Version May 2012), associated supplementary planning guidance, the London Plan (2011) and the National Planning Policy Framework (2012), and found that:
- 2.2 Subject to condition, it is considered that the proposed kitchen extract system takes into account and respects the local character and setting of the development site and its surroundings in terms of design, scale, height, positioning and finished appearance. As such, the proposal accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998), Policy DM24 of the Managing Development DPD (Submission Version May 2012), and Policy DEV2 of the Interim Planning Guidance (2007). In addition, it is not considered that the proposal would adversely affect the visual integrity of the street, in accordance with saved Policy DEV9 of the Unitary Development Plan (1998).
- 2.3 The proposed kitchen extract system, by way of its design and positioning on the building, would preserve the character and appearance of the Brick Lane and Fournier Street Conservation Area. As such, the proposal accords with the requirements of Policy SP10(2) of the Council's adopted Core Strategy (2010), saved Policy DEV27 of the Unitary Development Plan (1998), Policy DM27 of the Managing Development DPD (Submission Version May 2012), Policy CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that developments are sensitively designed and either preserve or enhance the character and appearance of the Borough's Conservation Areas.
- 2.4 Subject to condition, it is considered that the proposed kitchen extract system would not result in undue noise, vibration or odour nuisance to neighbouring residents, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998), Policy DM25 of the Managing Development DPD (Submission Version May 2012) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.
- 2.5 The proposed kitchen extract system would not unduly restrict vehicular access to Pecks Yard for the purpose of off-street servicing, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010), Policy T16 of the Unitary Development Plan (1998) and Policy DM20(2) of the Managing Development DPD (Submission Version May 2012). These policies seek to ensure that developments do not result in any adverse impacts on the capacity and safety of the transport network.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

Conditions

- 1 The kitchen extract system shall be amended to fully accord with the approved plans within three months of the date of the decision.
- 2 Development to be carried out in accordance with the approved plans.
- 3 The extract duct shall be painted black within three months of the date of the decision and

shall be maintained in black thereafter.

- 4 The kitchen extract system shall be amended and maintained in accordance with the submitted Plant Noise Assessment.

Informatives

- 1 Nil.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for the partial retention of the existing unauthorised kitchen extract duct at 12 Hanbury Street, including alterations to the existing ducting at low level to raise the height of the duct to 3.0 metres above ground level, together with alterations to the extract termination point at roof level, with the amended flue to be located behind (south of) the existing chimney stack, terminating 1.3 metres above the height of the rear roof ridge with a Swedish cowl.

Site and Surroundings

- 4.2 The application site is 12 Hanbury Street, a four storey terraced property in use as a Thai restaurant at ground floor with residential dwellings on the floors above. Whilst there is no record of planning permission being granted for the restaurant use at ground floor level, an assessment of the use of the premises carried out in LBTH Planning Enforcement in 2008 concluded that the A3 restaurant was an established use at the site (see paragraph 4.5).
- 4.3 The application site is located within a terrace of similar three and four storey properties with commercial uses at ground floor levels. The surrounding area is home to a mix of uses, with Brick Lane and the adjoining streets including a large number of retail shops, cafes, restaurants, bars and hot food takeaways along the ground floor frontages, whilst the upper floors of buildings and wider surrounding streets are predominantly in residential use. The site is located adjacent to, although outside of, the western boundary of the Brick Lane District Centre, as defined in the Managing Development DPD (Submission Version May 2012).
- 4.4 The application site lies within the Brick Lane and Fournier Street Conservation Area, which was designated in July 1969 as 'Fournier Street' and then extended in 1978 and again in 1998, when its name was changed to reflect Brick Lane's contribution to the character of the area. It is one of the largest in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. The site lies a short distance to the north-west of the Grade II listed three storey Victorian terrace at 13-25 Wilkes Street (odd).

Planning History

- 4.5 ENF/08/00122
On 16 June 2008 an enforcement case was opened in respect of an alleged breach of planning control for an unauthorised change of use (to a restaurant) and works to Listed Building. The assessment revealed that the site was not a Listed Building and LBTH Planning Enforcement concluded that the restaurant was an established use at the site that dated back decades and that no breach of planning control had occurred.
- 4.6 PA/09/00920
On 30 October 2009 an application for planning permission was **withdrawn** for: (a) retention of rear extension at second and third floors plus external alteration works to rear roof slope to create habitable accommodation at fourth floor level; (b) use of the first, second, third/fourth floors as three self contained flats; (c) retention of third floor fire escape door and balcony; (d) installation of a new ventilation flue associated with ground floor restaurant.

4.7 PA/09/00921

On 30 October 2009 an application for conservation area consent was **withdrawn** for partial demolition works in connection with PA/09/920 comprising the removal of unauthorised external alteration works at third and fourth floor level including alteration to rear roof slope; removal of unauthorised external balustrading works and external alterations incorporating railings, terrace doors and finishes; removal of existing ventilation flue and re-routing of new one.

4.8 PA/10/00705

On 16 June 2010 an application for planning permission was **withdrawn** for the installation of new kitchen and extract and ventilation system.

4.9 PA/10/02316

On 8 December 2010 planning permission was **granted** for the removal of existing roof extension, extract duct, all terraces, balconies and associated railings. Regularisation and retention of the rear extension in Peck's Yard. Existing windows on rear extension changed to sash windows. West elevation on rear extension finish changed to painted render. Removal of east windows on rear extension and removal of external escape door on 3rd floor. Internal alterations to provide two two-bedroom flats and one one-bedroom flat.

4.10 PA/10/02317

On 8 December 2010 an application for conservation area consent was **withdrawn** for removal of existing roof extension, extract duct, all terraces, balconies and associated railings. Regularization and retention of the rear extension in Peck's Yard. Existing windows on rear extension changed to sash windows. West elevation on rear extension finish changed to painted render. Removal of east windows on rear extension and removal of external escape door on 3rd floor. Internal alterations to provide two two-bedroom flats and one one-bedroom flat.

4.11 PA/10/02411

On 6 January 2011 planning permission was **refused** for the installation of new kitchen extract system, including installation of extract ducting to the rear of the building terminating at roof level.

Reasons for Refusal:

- 1) *The proposed kitchen extract ducting and flue fails to take into account and respect the local character and setting of the development site and its surroundings in terms of location, scale, height, design details, materials and external finishes. The proposal is therefore contrary to the requirements of Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998) and Policy DEV2 of the Interim Planning Guidance (2007). In addition, it is considered that the proposal would adversely affect the south elevation of the host building, which is contrary to the requirements of saved Policy DEV9 of the Unitary Development Plan (1998).*
- 2) *The proposed extract ducting and flue, by way of its location, scale, height, design details, materials and external finishes, would be an incongruous addition to the host building and would fail to preserve or enhance the character and appearance of the Fournier Street / Brick Lane Conservation Area. The proposal is therefore contrary to Policy SP10(2) of the adopted Core Strategy (2010), saved Policy DEV27 of the Unitary Development Plan (1998), Policy CON2 of the Interim Planning Guidance (2007), Policy 4B.12 of the London Plan (2008) and Planning Policy Statement 5 (2010). These policies seek to ensure that the design of development proposals either preserves or enhances the character and appearance of Conservation Areas.*

4.12 PF/11/00010

On 30 June 2011 the Local Planning Authority issued formal **pre-application** advice in respect of the proposed installation of new kitchen extract system, including installation of extract ducting to the rear of the building terminating at roof level.

Officer Comment: *The current application was submitted following the above refusal (PA/10/02411) and pre-application meeting (PF/11/00010) and has been designed with the intention of overcoming the previous reasons for refusal.*

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

Government Planning Policy Guidance

5.2 National Planning Policy Statement (2012)

London Plan 2011

5.3 Policies: 7.4 Local Character
 7.8 Heritage Assets and Archaeology

Adopted Core Strategy (2010)

5.4 Policies: SP10 Creating Distinct and Durable Places

Unitary Development Plan 1998 (as saved September 2007)

5.5 Policies: DEV1 Development requirements
 DEV2 Environmental Requirements
 DEV9 Control of Minor Works Within the Borough
 DEV27 Alterations Within Conservation Areas
 DEV50 Noise
 T16 Transport and Development

Emerging Policy

5.6 Managing Development DPD Submission Version May 2012
 DM20 Supporting a Sustainable Transport Network
 DM24 Place-sensitive Design
 DM25 Amenity
 DM27 Heritage and the Historic Environment

Interim Planning Guidance for the purposes of Development Control (2007)

5.7 Policies: DEV1 Amenity
 DEV2 Character and Design
 DEV10 Disturbance from Noise Pollution
 CON2 Conservation Areas

Supplementary Planning Guidance

5.8 Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)

Other Material Considerations

5.9 Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, DEFRA (2005)

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

LBTH Environmental Health

- 6.2 1. The restaurant premises has installed a new kitchen extract system and Environmental Health would require that the pre-filters and the activated carbon filters forming the component parts of the extract system are maintained and replaced regularly. The pre-filters shall be replaced every two weeks and the carbon filters at least every six months. The overall system shall also be regularly and routinely maintained at six monthly intervals, which will include a thorough and deep clean of the whole system including the ductwork, the fan and the termination point.
2. The ductwork forming part of the kitchen extract system shall terminate and discharge air extracted from the restaurant kitchen at high velocity via a Swedish cowl at a point one metre above the roof ridge of any building within a radius of 20 meters from the building housing the commercial kitchen to ensure adequate and effective dilution and dispersion of odours to prevent a smell nuisance.
3. In the event that the kitchen extract system required to be installed by Environmental Health does not remove the occurrence of odour from the air likely to cause a problem for neighbours then further smell abatement measures shall be installed by the applicant including but not restricted to Electrostatic Precipitators (ESP) and Ultraviolet Ozone (UV) systems.
4. The kitchen extract system shall ensure that the residence time/dwell time is between 0.3 - 0.6 seconds but with a desire for the upper limit (see defra guidance for further details).
5. The premises shall not cause a statutory nuisance (smell or noise) under the Environmental Protection Act 1990.

LBTH Transportation & Highways

- 6.3 LBTH Transportation & Highways have reviewed the amended plans and are satisfied that the proposed duct will not restrict the size of vehicles able to access the yard. Highways therefore has no objection to the application.

7. LOCAL REPRESENTATION

- 7.1 A total of 71 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed and the application was advertised in East End Life.
- 7.2 The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	12	Objecting:	12	Supporting:	0
No of petitions received:		1 objecting containing	19 signatories		
		0 supporting containing	0 signatories		

- 7.3 The following issues were raised in objection to the scheme that are addressed in the next section of this report:

7.4 Design

- (a). The ducting should be aligned with the existing chimney stack, which would be must less obtrusive and detrimental to the historic surroundings.
- (b). The design of the final section of the extract system is visually intrusive and dominates a fine old butterfly roof and does not preserve or enhance the character of the Brick Lane and Fournier Street Conservation Area.
- (c). The ducting should be enclosed within a brick slip enclosure.

Amenity

- (d). The existing extract system has caused ongoing smell nuisance to neighbouring residents.
- (e). The extract should discharge vertically in order to maximise the dispersion and dilution of fumes, in accordance with industry guidelines.
- (f). The ducting should terminate above the height of the 3rd floor rear windows in Wilkes Street so that the prevailing easterly winds do not blow discharged fumes into neighbours living spaces.

Highways

- (g). The extract system protrudes significantly from the side elevation of the building and is located below the level of the soffit of the vehicle undercroft, restricting vehicular access to the rear of 106 Commercial Street.

Case Officer's Comments: *With regard to points (a) and (b), the proposal was subsequently amended so that the flue terminates vertically, adjacent to the existing chimney stack. With regard to point (c), the application that has been submitted is for a non-enclosed duct and the application has been assessed on its own merits, with the design of the scheme discussed further in paragraphs 8.2 to 8.8. With regard to points (d), (e) and (f), the proposed extract system was subsequently amended to terminate vertically through a Swedish cowl and the design of the system is now considered to accord with the requirements of LBTH Environmental Health (see paragraph 6.2). With regard to point (g), the proposal was subsequently amended to raise the height and reduce the projection of the section of ducting adjacent to the vehicular access way to the rear of 106 Commercial Street.*

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are the design of the proposed extract system, the impacts of the system on neighbouring residential amenity, and the impacts of the system on vehicular access for off-street servicing for the neighbouring commercial unit.

Design

- 8.2 The ground floor of 12 Hanbury Street is presently occupied by Rosa's Thai restaurant. The restaurant kitchen is currently served by a kitchen extract system with duct riser located at the rear of 12 Hanbury Street, which was installed without the benefit of planning permission. The existing unauthorised kitchen extract system was installed with the intention of addressing the requirements of an Abatement Notice issued by LBTH Environmental Health, which was issued in response to ongoing smell nuisance to neighbouring residents resulting from the operation of the previous, also unauthorised, kitchen extract system.
- 8.3 The proposal is for the partial retention of the existing extract system, with alterations to the ducting a low level and flue at roof level, whilst the majority of the vertical section of duct affixed to the rear (south) elevation of the building is sought to be retained. The proposed kitchen extract duct exits the kitchen at 2.5 metres above ground level on the west elevation of the building, above the kitchen door within Pecks Yard. The height of the duct then rises to 3.0 metres above ground level runs horizontally northwards to meet the rear elevation of the host building, at which point the duct turns horizontally west for 2 metres and then extends

vertically up the rear elevation of the host building. At the rear parapet the duct bends northwards, following the slope of the rear section of the roof, before extending vertically up the rear of the existing chimney stack, terminating with a Swedish cowl 1.3 metres above the rear roof ridge height.

- 8.4 The previous application for a kitchen extract system at the site (planning reference PA/10/02411) was refused on design grounds as it included bulky cladding system that was incongruous with the character and appearance of the host building and because the flue terminated over 2 metres above and forward from the rear roof ridge, and thus would be visible from the public highway on Hanbury Street (see paragraph 4.11).
- 8.5 A number of letters of representation, including a petition with 19 signatories, have been received by the Council in response to public consultation on the application, in which objection is raised to the proposed kitchen extract system on design grounds. A key issue raised by the objectors was that the flue of the proposed system terminated horizontally by the side of the existing chimney stack, and would dominate the roof of the building and would be visible from the public highway on Hanbury Street and would therefore adversely impact on the character of the Brick Lane and Fournier Street Conservation Area.
- 8.6 The design of the proposed kitchen extract system has been amended several times during the course of the application in an effort to address the concerns of Officers and local stakeholders. It is noted that there is a limited view of the existing flue from a small section of footway on the north side of Hanbury Street, immediately adjacent to the south elevation of the building at 114-118 Commercial Street, which is located at the junction of Commercial Street and Hanbury Street. However, the revised proposal would position the extract flue further back on the roof of the building, terminating immediately behind the existing chimney stack at the rear of the roof, and as a result the proposed flue would not be visible in views from the surrounding public realm. As such, it is considered that the proposal would preserve the character and appearance of the Brick Lane and Fournier Street Conservation Area.
- 8.7 Whilst the proposed kitchen extract system would not be visible from the surrounding public realm, it would be visible in views from nearby residential and commercial properties, and it is noted that letters of objection have been received, in which it is stated that the design and positioning of the final section of the (existing) extract system is visually intrusive and dominates the butterfly roof of the building, and that the flue should be aligned with the existing chimney stack so as to be less visually intrusive.
- 8.8 During the course of the application the design of the proposed kitchen extract system was subsequently amended so that the final section of the duct no longer extends forward (northwards) over the roof, but rather terminates vertically with a Swedish cowl, aligned with, and positioned immediately to the rear (south) of, the existing chimney stack at the south-west corner of the roof. Officers consider that the amended proposal would significantly lessen the visual impact of the duct and flue on the rear of the building, and whilst the duct and flue would still be visible in views from surrounding buildings, it would not have a significant adverse visual impact on the rear elevation of the building. As such, it is considered that the amended proposal is acceptable in design terms. However, in order to minimise the visual impact of the duct and flue, it is recommended that a condition be included to require the extract system to be installed in black and maintained in that colour thereafter.
- 8.9 Subject to condition, it is considered that the proposed kitchen extract system takes into account and respects the local character and setting of the development site and its surroundings in terms of design, scale, height, positioning and finished appearance. As such, the proposal accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998), Policy DM24 of the Managing Development DPD (Submission Version May 2012), and Policy DEV2 of the Interim Planning Guidance (2007). In addition, it is not considered that the proposal would

adversely affect the visual integrity of the street, in accordance with saved Policy DEV9 of the Unitary Development Plan (1998).

- 8.10 The proposed kitchen extract system, by way of its design and positioning on the building, would preserve the character and appearance of the Brick Lane and Fournier Street Conservation Area. As such, the proposal accords with the requirements of Policy SP10(2) of the Council's adopted Core Strategy (2010), saved Policy DEV27 of the Unitary Development Plan (1998), Policy DM27 of the Managing Development DPD (Submission Version May 2012), Policy CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that developments are sensitively designed and either preserve or enhance the character and appearance of the Borough's Conservation Areas.

Amenity

- 8.11 There are a number of residential dwellings in the vicinity of the application site, with the upper floors of the application site itself being in residential use. Accordingly, consideration must be had to the potential impacts on neighbouring residential amenity from the proposed kitchen extract system, with specific regard to the noise, vibration and odour impacts of the system.
- 8.12 The application is accompanied by a Plant Noise Assessment, prepared by Dragonfly Acoustics, which includes the results of an environmental noise survey taken at the site over a five day period. The Plant Noise Assessment shows that the noise generated by the proposed kitchen extract system would be 9.9dB below the lowest background noise level at the nearest sensitive receptor, identified in the report as habitable room windows to the neighbouring building at 14 Hanbury Street. As such, the results of the submitted Plan Noise Assessment would suggest that the proposed kitchen extract system would be inaudible to neighbouring residents, which is supported. It is recommended that a condition be included on the permission to require the kitchen extract system be installed and maintained in accordance with the criteria specified in the Plant Noise Assessment, in order to prevent noise disturbance to neighbouring residents in perpetuity.
- 8.13 It is noted that 12 letters of representation, together with a petition with 19 signatories, have been submitted in objection to the proposal, with a number of the letters and the petition raising objection on the grounds that the existing kitchen extract system at the site has resulted in ongoing smell nuisance to neighbouring residents. From the letters and petition it would appear that the worst affected properties are located on Wilkes Street, to the south-east of the application site.
- 8.14 The current kitchen extract system was installed without the benefit of planning permission and incorporates an extract flue that discharges horizontally, facing northwards over the roof of 12 Hanbury Street. The Council has continued to receive complaints of smell nuisance from residents on Wilkes Street after the kitchen extract system was installed, and the design of the proposed extract system has subsequently been modified to incorporate a vertical discharge through a 'Swedish Cowl', which would provide a higher velocity discharge in order to dissipate the exhaust fumes at a greater height and thus lessen the likelihood of smell nuisance to neighbouring residents.
- 8.15 The proposed kitchen extract system has been assessed by LBTH Environmental Health, and has been found to be generally acceptable in terms of its design and specifications. However, it should be noted that LBTH Environmental Health have powers under Section 79 of the Environmental Protection Act 1990 to deal with nuisances to residents, including smell nuisance, and are able to serve Abatement Notices under Section 80 of the Act. If the Abatement Notices are breached then the Council can prosecute the offending party under the provisions of the Act.

8.16 Taking into account the above, it is considered that the design of the kitchen extract system is generally acceptable and that there are sufficient controls in place to ensure that the proposed kitchen extract system is likely to reduce smell nuisance to neighbouring residents. As such, the proposal accords with Policy SP10(4) of the adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998), Policy DM25 of the Managing Development DPD (2012) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.

Highways

8.17 The proposed kitchen extract ducting is located on the side and rear elevation of the building, within Pecks Yard, and thus would have no direct impact on the safety or operation of public highway on Hanbury Street.

8.18 The original design for the proposed kitchen extract system included ducting that at low level projected horizontally outwards from the side elevation of 12 Hanbury Street into Pecks Yard to a depth of 0.6 metres at a height of 2.5 metres, which is 0.5 metres below the height of the undercroft leading from Hanbury Street into Pecks Yard. A letter of objection was subsequently received from the owner of 106 Commercial Street on the grounds that the low level section of ducting within Pecks Yard would unduly restrict vehicular access to the rear of 106 Commercial Street. The letter of objection also states that the existing extract system was not installed in accordance with the (originally) submitted plans, as it projects further outwards from the side elevation of the building than shown on plan (by 1.16 metres) and sits at a lower height (at 2.4 metres from ground level).

8.19 The proposed kitchen extract system was amended during the course of the application, raising the height of the low level section of ducting to 3.0 metres from ground level. It is noted that the point at which the duct exits the side elevation of the building would remain at 2.5 metres in height, which is restricted by the ceiling height of the ground floor unit. However, the horizontal projection of the duct into Pecks Yard has been reduced to the width of the duct (0.5 metres) and given that the proposed duct now immediately rises to a height of 3.0 metres after exiting the kitchen, it is considered that the amended proposal would maintain adequate clearance height and width within Pecks Yard to enable servicing vehicles to access the servicing bay at the rear of 106 Commercial Street. LBTH Transportation & Highways have assessed the amended proposal and are now satisfied that the proposed duct will not restrict the size of vehicles able to access the yard, and thus raise no objections to the proposal.

8.20 Taking into account the above, it is considered that the proposed kitchen extract system would not unduly restrict vehicular access to Pecks Yard for the purpose of off-street servicing, in accordance with Policy SP09(3) of the Councils' adopted Core Strategy (2010), Policy T16 of the Unitary Development Plan (1998) and Policy DM20(2) of the Managing Development DPD (Submission Version May 2012). These policies seek to ensure that developments do not result in any adverse impacts on the capacity and safety of the transport network.

9.0 CONCLUSIONS

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be **granted** for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.