

# ADDENDUM REPORT

Planning Committee



**Item Number:** 6.1

**Site:** Las Iguanas, Brewhouse, Royal William Yard

**Planning Application Number:** 14/01300/FUL

**Applicant:** Las Iguanas

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## Representations

The consultation on the submitted amendment to the variation application closed on the 26/11/14

Further to the 22 letters of objection received before the publication of the officer's report in the Committee agenda pack, a further 2 letters of objection have been received,

In addition to the grounds of objection set out in the officer's report, the additional grounds of objection have been raised:

- The wording for the green windows, 12-17, should be changed to 'closed during trading hours'. This would be closer to the original intention of condition 11 and would cover those situations where the present tenant, Las Iguanas, no longer holds the tenancy
- Original application (12/02014/FUL) implied natural ventilation was a temporary solution, the amendment seeks to further compromise the residents' amenity and by seeking to justify open windows on the basin elevation by referring to external seating adjacent to the building. That is incorrect and misrepresents the status of the arrangements on site where the planning consent is for seating on the basin edge only.
- Application does not provide an acoustic assessment of the noise effects of the open windows
- Application fails to provide any thermal modelling to demonstrate that effectively single sided open windows will provide a satisfactory environment for customers and residents

In addition 2 further consultee representations were submitted;

English heritage – No objections

Public Protection – Public Protection Service requested the applicant to complete a noise impact assessment following initial objections. A noise impact assessment completed by 24 Acoustics was received by Public Protection, dated the 12th September 2014, Technical Report: R5267-2 Rev 1. On site noise monitoring had been completed at Las Iguanas with windows open and closed. The monitoring was completed using a standard noise source produced by loudspeakers within the restaurant and the restaurant windows open at the maximum 45 degree angle. Back ground noise

levels were monitored during a busy Friday night period outside the business. The report calculated the noise level at 1st floor window height. The report identified that opening the windows to the rear and side elevations of Las Iguanas would cause an increase of 3dB above background resulting in a loss of amenity to the properties above. However, opening the windows on the basin side would cause no increase in background as the noise from the external seating within Royal William Yard would be 10dB greater than the noise breakout from the open restaurant window. Following the noise assessment Public Protection Service withheld the objection.

Following this initial objection to the application, the submitted amendments raise no objections, however there is a recommendation that the condition applies for a 12 month period to enable Las Iguanas to continue to search for other solutions to the ventilation problem as brought to their attention in an advisory during the initial change of use application.

### **Report**

Typo in section 1.2. – ‘As such it is proposed to ensure the windows facing the basin remain closed from 12noon, when trading commences’ should read ‘As such it is proposed to ensure the windows facing the courtyard remain closed from 12noon, when trading commences’

### **Recommendation**

Following the close of consultation, the conclusion will add the following section to the report, to support the condition suggestion, the final recommendation will therefore be;

‘Recommended for approval, following evaluation of consultation responses it is recommended the condition should read - Openable windows serving the ground floor restaurant, as identified on the Window Reference Plan (Drg No BRS4485\_01F) shall only be opened in accordance with the restrictions set down on the plan, and at no other times. This condition will apply for a 12 month period following the approval date of this decision, following which the applicant will apply in writing to the local planning authority for the continuation of this condition. If no agreement is reached the original condition will apply i.e. "Openable windows serving the customer seated areas must be closed and must remain closed during trading hours". This will provide an opportunity to monitor the situation over a 12 month period and ensure Las Iguanas continue to investigate alternative means of ventilation.