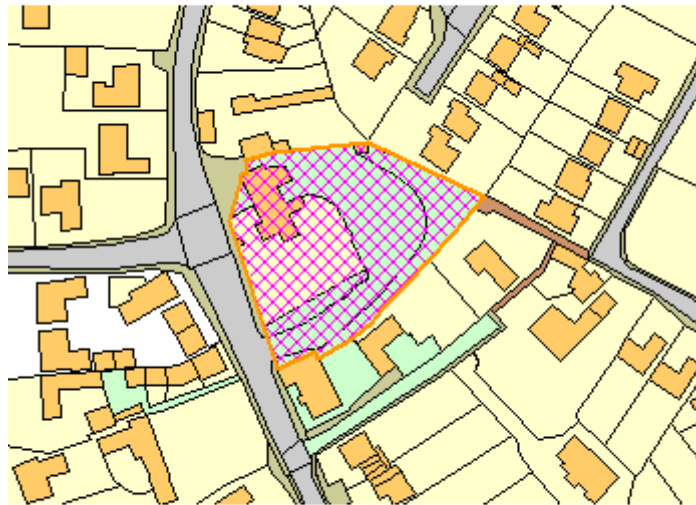


Reference: 15/00195/FUL
Date submitted: 10th March 2015
Applicant: Marstons plc
Location: Nags Head Inn, 20 Main Street, Harby
Proposal: Alterations to existing ventilation system to catering kitchen



Introduction:-

The application comprises the provision of an extraction fan to run internally into the roof void discharging into an external flue to the rear roof slope. The existing extraction louvre on the side elevation would be removed and replaced with stone to match. The application has been amended following concerns raised to the original scheme.

It is considered the main issues relating to the proposal are:-

- **The visual impact on the building and locality;**
- **The impact on the character, appearance and fabric of the listed building;**
- **The impact on the residential amenities of occupiers of neighbouring properties.**

The application is to be heard by the Planning Committee following a request by one of the Ward Councillors.

Relevant History:-

There is a detailed history on the site. This includes:

00/00396/LBC – proposed refurbishment and stabilisation of the gable wall facing Main Street - approved.

06/00455/LBC – stabilisation and repair of the gable wall facing Main Street - approved.

06/01047/ADV – fascia boards, amenity signs, one hanging sign, trough lighting and floodlighting - approved.

06/01048/LBC – new signage scheme comprising fascia boards, hanging sign, trough lighting and flooding - approved.

14/00776/FUL - retrospective application for a replacement extraction fan – refused.

14/00872/LBC – retrospective application for a replacement extraction fan – refused.

14/00894/FUL – addition of a chimney for an extraction fan – refused.

14/00912/LBC – construction of a chimney to surround an existing extraction fan – refused.

15/00221/LBC – alterations to the existing ventilation system to the catering kitchen – pending.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1 and BE1

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

National Planning Policy Framework – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and business that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- deliver sufficient community and cultural facilities and services to meet local needs;
- conserve heritage assets in a manner appropriate to their significance.

On Specific issues relevant to this application it advises:

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people;
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Listed Building and Conservation Area Act 1990

As the building is listed (grade II*) the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the building and its setting under section 66 of the Act.

Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
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| <p>Clawson, Hose & Harby Parish Council – (original consultation) raised no objection.</p> <p>Following the receipt of revised plans re-consultation took place and no response has been received.</p> | <p>Noted.</p> |
| <p>Environmental Health – the inlet and extract systems will be mechanically different from the existing. The inlet system will make use of the existing aperture at ground floor level whilst the extract system will terminate at roof height. Both systems will feature acoustic attenuation but only the kitchen extract will be fitted with odour treatment.</p> <p>In terms of noise the Agent’s Consultant has estimated the end of pipe sound pressure levels for both systems to be approximately 39 dB(A) each. Assuming this is correct and considering attenuation with distance, the sound barrier and ground absorption/reflection the combined noise level at receptor will be significantly below the measured background level of 30.4 dB(A). This would satisfy the Council’s requirement.</p> <p>In terms of odour the proposed plans conform to the minimum requirement for odour control as per Guidance of the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.</p> <p>Recommend a condition requiring details of the provision of odour and noise neutralising plant and details of an Odour Management Plan setting out cleaning, maintenance and filter replacement policies.</p> <p>Environmental Health raises no objection to the proposed scheme.</p> | <p>Two previous planning applications for extraction fans have been refused on the grounds that the applicant failed to demonstrate the proposed extraction fan could operate without resulting in undue harm to the residential amenities of neighbouring dwellings through noise and odour pollution.</p> <p>This current application now proposes a different approach as the amended scheme involves taking the extract through into the attic internally and then to a small outlet through the rear face of the roof. This then gives the run required to introduce noise attenuators and odour control to gain compliance which is not possible with the extract’s current location.</p> <p>Environmental Health support the proposal as it would achieve an acceptable level of noise attenuation and the proposal complies with the odour control guidelines for commercial kitchens.</p> <p>As such it is considered the proposal would now be acceptable in terms of residential amenity and complies with Policies OS1 and BE1 of the Local Plan.</p> |

Representations

A site notice was posted and neighbouring properties consulted. Two letters have been received in response to the initial consultation and one representation relating to the re-consultation raising the following:

| Representation | Assessment of Head of Regulatory Services |
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| <p>Visual Impact (original consultation) Supportive of the proposed appearance of the new ventilation as this is much more appropriate for such a historic building as long as the mess caused by dripping down the side of the building is cleared up and prevented from happening in future.</p> <p>(re-consultation) We also seek reassurance that the unsightly fat stains which have been left dripping down the side of the building are professionally made good as part of any</p> | <p>As a listed building the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the architectural and historic interest of the building (s 66 of the LB and CA Act 1990).</p> <p>The building is grade II* listed with prominent stone gables to the front and side. The side gable is an important element of the historic part of the building and is visible on the street scene.</p> <p>An extraction fan has been fitted and comprises a</p> |

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| <p>approval.</p> | <p>metal box on the side elevation. Although it is understood there was a previous fan in this position it did not project to this extent and was a less visual feature.</p> <p>The current proposal seeks to provide an extraction fan to run internally into the roof void discharging into an external flue to the rear roof. The existing extraction louvre on the side elevation would be removed and replaced with stone to match.</p> <p>This proposal would have a limited visual impact with the only external change comprising the discharge terminal projecting beyond the rear roof slope. However, this would be partially hidden on the side elevation by the parapet. It is considered this would result in less than substantial harm to the character, appearance and fabric of the listed building and this small degree of harm would be outweighed by the public benefit through dealing satisfactorily with the pollution issues from the commercial kitchen.</p> <p>The removal of the extraction fan on the side elevation and the reinstatement of stone are welcomed as it would remove an unsightly fan and louvred box which projects significantly beyond the wall. The stone, coursing and mortar mix can be conditioned. A further condition can be imposed to ensure the staining under the extraction is addressed satisfactorily.</p> <p>It is acknowledged that an extraction unit is required for the pub kitchen and the revised proposals would result in a limited visual impact which would be outweighed by the public benefit of addressing the pollution from the kitchen. The proposal complies with local and national policies in terms of visual impact and the impact on heritage assets and also with s.66 of the Act.</p> |
| <p>Environmental Impact (original consultation)</p> <p>The application makes no reference to ambient/operating noise levels particularly at night as this is a residential area.</p> <p>Although the Brewery has confirmed the noise level will drop from 63 to 51 dB we are not confident that this is a sufficient drop to eliminate all noise pollution from our house and garden. Additionally there is insufficient information regarding the constant smell pollution which invades our property as the application only states carbon filters will be added to reduce smells. There has been odour pollution for 10 hours a day since 28th July 2014 and the application does not give confidence due to the lack of information provided.</p> <p>(re-consultation)</p> <p>In principle support the latest proposal and have high hopes it will solve the long term on-going and</p> | <p>The revised proposals have been formulated following negotiations with the applicant in order to adequately address the noise and odour issues from the commercial kitchen.</p> <p>Environmental Health support the proposal as it would achieve an acceptable level of noise attenuation and the proposal complies with the odour control guidelines for commercial kitchens.</p> <p>Conditions can be imposed requiring details of the odour and noise neutralising plant and once approved this shall be installed and be in full working order within a month of being agreed. Once installed no cooking shall take place unless the approved equipment is operational and effective to suppress the emission of fumes or smells to the level of the approved scheme. An odour management plan can also be required which will set out the cleaning, maintenance and filter</p> |

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| <p>unacceptable issues with noise and smell pollution from the kitchen and the current ventilation system which was installed in July 2014 without any planning permission or consultation. Our support is subject to the data which has been provided to and accepted by Environmental Health being accurate and therefore the new ventilation system being inaudible from our home and garden and also eliminating the kitchen smells from our home and garden.</p> <p>Seek reassurance that all sound and odour limits imposed by the Council will be adhered to and our support is contingent upon the sharing of independent data of regular testing of the noise and smell emissions of the proposal; we suggest monthly for the first three months and then six monthly for the following two years. Should this data demonstrate that levels are higher than those accepted by Environmental Health we would want commitment for corrective measures to be implemented in a timely manner i.e. two weeks.</p> | <p>replacement policies and this shall be complied with throughout the duration of the use of the commercial kitchen.</p> <p>It is not considered regular testing post installation is however feasible. Noise generated should remain consistent over time and should not be unduly harmful to the amenity of occupiers of neighbouring properties. Testing for odour is difficult; however the Council can rely on adherence to a maintenance schedule required by condition to ensure the abatement plants efficacy over time.</p> <p>As such it is considered the proposal would now be acceptable in terms of residential amenity and complies with Policies OS1 and BE1 of the Local Plan.</p> |
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Other material considerations (not raised through consultation or representation)

| Consideration | Assessment of Head of Regulatory Services |
|---|--|
| <p>Application of Development Plan and other planning policy</p> <p><u>Policies OS1 and BE1</u> allow for development within Village Envelopes providing that:-</p> <ul style="list-style-type: none"> • the form, character and appearance of the settlement is not adversely affected; • the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality; • the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and, • satisfactory access and parking provision can be made available. <p><u>Policy BE1</u> allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> • The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing; • The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight; • Adequate space around and between dwellings is provided. | <p>The site lies within the village envelope. The main issues to be considered under these policies are the visual impact and impact on the residential amenity of neighbouring properties. These are discussed above.</p> |

Conclusion

The application seeks approval for the provision of an extraction fan to run internally into the roof void discharging into an external flue to the rear roof slope. The existing extraction louvre on the side elevation would be removed and replaced with stone to match. This amended scheme would provide a satisfactory solution to the noise and odour issues that have existed for a number of months from the commercial kitchen and are supported by Environmental Health, subject to conditions. Visually the removal of the existing extraction fan is welcomed and would enhance the side elevation of the grade II* listed building. The proposed extraction would result in a small terminal on the rear roof slope which would have a limited impact on the building and the less than substantial harm would be outweighed by the clear public benefit of addressing the noise and odour issues. It is therefore recommended the application be approved, subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be built in accordance with the following plans: 16037/MJK:02 Rev A Proposed Roof Plan and Internal Roof Plan, Ductwork System and Attenuation Layout, 16037/MJK:01 Rev A Proposed Side Elevation, Proposed Ground Floor Plan and Proposed First Floor Plan, 16037/MJK:03 Rev A Proposed Extract System and 1:1250 Location Plan.
3. Within one month of the date of this permission, details of odour and noise neutralising plant shall be submitted to the Local Planning Authority. Within one month of the Local Planning Authority approving the submission in writing the approved equipment shall be installed and be in full working order. No cooking of food shall be carried out from the commercial premises unless the approved equipment is operational and fully effective to suppress the emission of fumes and smells to the level of the approved scheme.
4. Within one month of the date of this permission, an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include cleaning, maintenance and filter replacement policies. The cooking from the commercial premises shall be carried out in accordance with these approved details throughout the duration of the operation.
5. Before the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.
 - a) Samples of the stone to be used to replace the extraction fan on the side elevation of the building;
 - b) Details of the proposed bond and coursing to be used for the stone;
 - c) Details of the mortar mix (an appropriate lime based mortar is expected);
 - d) Details of the method of cleaning to remove the oil staining below the existing extraction fan;
 - e) Details of the discharge terminal;
 - f) A timetable for the removal of the existing extraction fan and replacement with stone.

Reasons:

1. To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the Local Planning Authority to review the consent if a further application is made.
2. For the avoidance of doubt.
3. To safeguard the residential amenities and living conditions of nearby residents.
4. To safeguard the residential amenities and living conditions of nearby residents.
5. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the building and in the interests of visual amenity.

Officer to contact: **Mr Joe Mitson**

Date: 16.10.2015