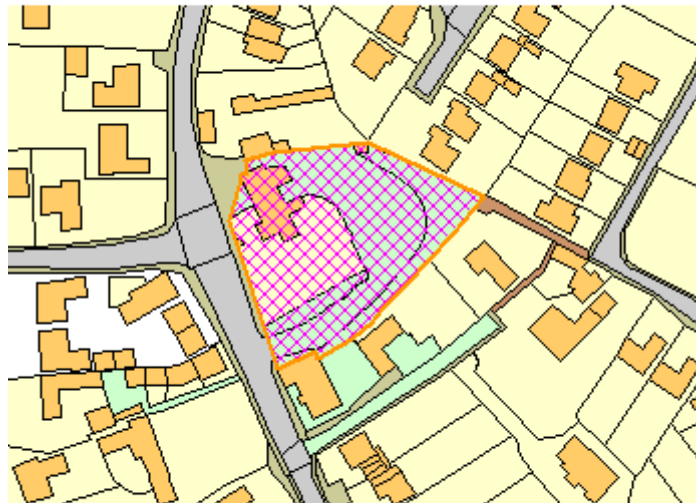


Reference: 14/00776/FUL
Date submitted: 24 October 2014
Applicant: Anthony Sheward – Marstons
Location: Nags Head Inn, 20 Main Street, Harby
Proposal: Retrospective application for larger extraction fan



Introduction:-

The application is retrospective and comprises a replacement extraction fan for the commercial kitchen. The metal fan has been fitted on the northern elevation of the building and projects beyond the side elevation of the pub.

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 call in 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.

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

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

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Harby Parish Council – objects as believes Enforcement and Environmental Health have been involved in these applications and that subsequently Marston PLC is intending to submit a further application which is more in keeping with the building and suitable for the environment.</p>	<p>Environmental Health have been consulted on the applications and have confirmed that there are potential alternative methods of extraction to that proposed. A further application to build a chimney around the extraction has been received and is pending a decision.</p>

<p>English Heritage – do not offer any comments on this occasion, the application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.</p>	<p>Noted.</p>
<p>Environmental Health – in order to consider the material impact of the proposed kitchen extraction fan additional information is required. In terms of noise this requires the manufacturer and model of the external extraction, the acoustic specifications of the external extract i.e. sound power data and the proposed hours of operation. In terms of odour this requires the approximate number of covers in a typical day of trading, the type of food being served and the grease/odour filtration systems installed.</p>	<p>The Agent has been requested to provide further information in order to allow a full assessment of the extraction fan. No further information has been received and without additional details it has not been demonstrated that the levels of odour and/or noise would not impart an unacceptable odour/noise situation or could be mitigated by way of a condition. As such it has not been demonstrated the extraction fan is acceptable in terms of residential amenity and it is recommended the application be refused on these grounds.</p>

Representations

A site notice was posted, the application was advertised and neighbouring properties consulted. Two letters have been received, one objecting and one in support.

Representation	Assessment of Head of Regulatory Services
<p>Visual Impact/Heritage Impact The Nags Head dates back to the 15th century and has hardly changed since the 1950's until this unit was added to the side of the building. The unit is wholly detrimental to the character and appearance of the building set within a prominent and highly visible part, of a design and materials totally out of keeping with the appearance and materials of the rest of the building. The supporting information is inadequate in terms of its assessment of the proposal upon the character, appearance and setting of the listed building and does not provide a comprehensive assessment of the historic value of the heritage asset or set out a clear statement of the impact of the fan on the listed building. The elevation drawings are incorrect as the whole unit is 76cm by 76cm and protrudes by 66cm and is 66cm high, not 60cm wide or high as shown on the plans.</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 building and its setting (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>The extraction fan has been fitted and comprises a 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. It is considered the size, location, appearance and materials of the fan are harmful to the character and appearance of the listed building by virtue of introducing an unsympathetic feature onto the building. As there was a fan in place before it is not considered there has been a significant loss of historic fabric.</p> <p>However, it is considered there has been less than substantial harm caused to the listed building by the insertion of the extraction fan. In such cases the harm must be weighed against the public benefits of the proposal including securing its optimum viable use.</p> <p>Although it is acknowledged an extraction unit is required for the pub kitchen no justification has been provided to demonstrate the option carried out is the least harmful to the listed building or the only</p>

	<p>method that could satisfactorily deal with the smell and odour from the kitchen. The submitted Heritage Statement does not adequately assess the importance of the heritage asset or assess the impact of the proposal on the asset. Whilst the continued use of the building as a pub is welcomed it is considered this could take place without such a fan causing harm to the character and appearance of this grade II* listed building. As such in this case it is not considered the benefit to the public outweighs the harm to the listed building and the proposal is recommended for refusal on heritage grounds.</p>
<p>Environmental Impact Dirty fat is dripping out of the fan and running down the stone wall of the building leaving unsightly marks down the building and potentially ruining the stone with further damage likely in the future.</p>	<p>Noted. It is considered this relates to the use of the extraction fan rather than the unit itself.</p>
<p>Public/Highway Safety The unit protrudes 37cm from the building and the bottom of the unit is 1.55m from the ground meaning the unit is at around head height for an average height person which would be a significant health and safety risk especially as it is relatively near a blind corner, pedestrians could walk into the unit and cause injury and this area is not lit at night.</p>	<p>Noted. Although the unit projects beyond the side elevation of the building it does so on private land and it is considered there is sufficient space remaining between the side of the building and the boundary to maintain adequate access without the risk of harm to pedestrians.</p>
<p>Noise Pollution The fan has to be operational whenever cooking is taking place and can be on as early as 0830 on Sunday mornings. The application is not supported by any information which assesses the noise or air quality associated with the fan meaning there is no way of assessing the impact on local amenities. The fan is extremely noisy and can be heard in the adjacent dwelling and can operate until 2200. The noise is ongoing and affects the enjoyment of the dwelling.</p> <p>The new fan should relate to noise levels in the area and discharge of cooking smells related to neighbours. As volume, increased time usage for cooking and type of cooking has increased at the pub it is assumed that the new fan arrangement takes account of this.</p>	<p>Noted. As the additional information requested has not been submitted a convincing case has not been made to demonstrate the fan has a satisfactory impact on the amenities of neighbouring properties in terms of noise. Based on the information submitted therefore the proposal is recommended for refusal.</p>
<p>Odour Pollution The application is not supported by any information assessing the air quality associated with the fan and cooking smells are present in the neighbouring garden and most parts of the front of the dwelling when the fan is operational. This is especially prevalent in the Summer months when windows have to be closed. The new fan should relate to noise levels in the area and discharge of cooking smells related to neighbours. As volume, increased time usage for cooking and type of cooking has increased at the pub under the new management it is assumed the new fan arrangement takes account of this.</p>	<p>Noted. As the additional information requested has not been submitted a convincing case has not been made to demonstrate the fan has a satisfactory impact on the amenities of neighbouring properties in terms of odour. Based on the information submitted therefore the proposal is recommended for refusal.</p>
<p>Health & Safety When the fan is turned down following concerns raised by neighbours this creates an uncomfortable working environment in the pub kitchen and an alternative must be found by the brewery.</p>	<p>Noted. This relates to the working operations of the business and is not a planning matter.</p>

<p>Other There are a number of inaccuracies in the application; the installation date was 28th July not 28th August, the window that appears next to the fan is a further fan and the OS plan is out of date and does not show the properties opposite.</p>	<p>Noted. The issues raised do not prevent a decision being taken on the application.</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 is retrospective and seeks approval for an extraction fan on the side of the building. The building is grade II* and the fan is considered, by reason of the location, appearance, size and materials, to be unsympathetic and harmful to the character and appearance of the listed building. Under the NPPF it is deemed the proposal has less than substantial harm but this is not outweighed by the public benefit. The application is considered contrary to the aims of the NPPF which seeks to conserve historic assets and saved Local Plan Policies OS1 and BE1. Accordingly the application is recommended for refusal on the grounds of harm to the listed building. Furthermore, a convincing case has not been made to demonstrate the fan would be acceptable in terms of residential amenity through noise and odour pollution and based on the information submitted it is recommended the application be refused on these grounds.

RECOMMENDATION:- Refuse on the following grounds:

1. The extraction fan, by reason of siting, appearance, design and materials, is considered harmful to the character and appearance of the grade II* listed building. A convincing case has not been made to demonstrate that the

less than substantial harm caused by the fan would be outweighed by any public benefits and as such the proposal is considered contrary to policies OS1 and BE1 of the Melton Local Plan 1999 and the NPPF (paragraphs 132-134) which seek to ensure development is sympathetic to the character and appearance of buildings and the surroundings and to ensure the protection heritage assets.

2. Based on the information submitted insufficient details have been provided to demonstrate that the extraction fan could operate without undue harm to the residential amenities of occupiers of neighbouring properties through noise and/or odour pollution. As such the proposal is considered contrary to policies OS1 and BE1 of the Melton Local Plan 1999 and the NPPF (paragraph 17) which seek to ensure development does not have an adverse impact on the residential amenities of neighbouring properties.

Officer to contact: **Mr Joe Mitson**

Date: 12.01.2015