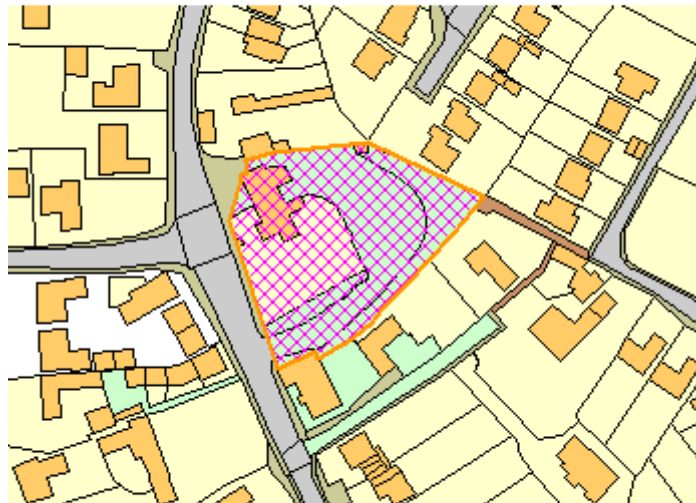


**Reference:** 14/00894/FUL  
**Date submitted:** 15 December 2014  
**Applicant:** Anthony Sheward – Marstons  
**Location:** Nags Head Inn, 20 Main Street, Harby  
**Proposal:** Addition of an external chimney for the extractor fan



**Introduction:-**

The application comprises the construction of a chimney surrounding the existing extractor fan. The metal fan has been fitted without planning permission or listed building consent on the northern elevation of the building and projects beyond the side elevation of the pub. The proposal seeks to cover this with an external chimney and would be measure 5.55 metres in height and have a width of 600mm. The external materials have not been specified.

**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.

14/00912/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:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Clawson, Hose &amp; Harby Parish Council</b> – objects as there is no detail in the application about materials to be used, construction, noise and grease disposal and the chimney would protrude 700mm into the access drive causing problems for pedestrians and vehicles.</p>	<p>Noted. Issues are addressed below.</p>

<p><b>Environmental Health</b> – 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 and chimney. 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 that the extraction fan and chimney is acceptable in terms of residential amenity and it is recommended the application be refused on these grounds.</p>
<p><b>LCC Footpaths Officer</b> – Footpath G34 runs adjacent to the Nags Head. No objection but recommend informatives relating to keeping the footpath clear.</p>	<p>Noted. Informatives can be added in the event of permission being granted.</p>

## Representations

A site notice was posted and neighbouring properties consulted. Two letters have been received raising the following:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Visual Impact/Heritage Impact</b>  The information contained within the application is extremely limited and concerned the chimney would be wholly detrimental to the character and appearance of the Nags Head especially as it is set within a prominent and highly visible part of the building. There is no description or clarification of the materials or colour of the proposed chimney and cannot be sure it would be in keeping with the appearance and materials of the rest of the building. No information is given regarding the colour and materials of the chimney, could be stainless steel or brick built.</p> <p>The proposal is an absolute eyesore, totally without sympathy for what is probably the oldest inhabited building in the village and it makes no attempt to blend with the appearance of the structure.</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>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.</p> <p>The current proposal seeks to build a chimney to surround the fan. Limited information has been provided to justify the proposal or provide detailed information on design and materials. It is considered the size, location and appearance of the chimney would be harmful to the character and appearance of the listed building by virtue of introducing an unsympathetic feature onto the building, on a prominent elevation. Historic fabric may also be damaged through the construction of the chimney onto the gable wall.</p> <p>It is considered there would be less than substantial harm caused to the listed building by the proposed chimney. 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 proposed is the least harmful to the listed building or the only 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 chimney 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><b>Environmental Impact</b>  The fan has to be operational whenever cooking is taking place, this is now Monday 5.30pm-9.30pm, Tuesday to Friday noon-2.30pm and 5.30pm to 9.30pm, Saturday noon-09.30pm and Sunday noon-4pm. The fan starts up as soon as cooking begins, before actual food service hours and sometimes as early as 8.30am on Sundays. There is no reference in the application to the soundproofing properties of this installation readings are required, provided by an expert, to give confidence that the problems caused by the current fan would be solved by this proposal, concerned this application may potentially increase the noise pollution as the risk of reverberation within the chimney.</p> <p>The application is not supported by any information assessing air quality associated with the fan and the only reference is that compared to the current situation the “chimney should help to rectify the problem”. Require readings provided by an expert to give confidence that the problems caused by the current fan would be solved by this application.</p>	<p>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 and chimney is acceptable in terms of residential amenity and it is recommended the application be refused on these grounds.</p>
<p><b>Public/Highway Safety</b>  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. The increased protrusion of the unit would create additional risk caused by vehicles entering the pub via this entrance, many drivers enter the car park very quickly adjacent to the neighbouring access and the chimney would force cars closer to the access serving the dwelling. Also concerned the reduced access width makes access for refuse vehicles even tighter.</p>	<p>Noted. Although the chimney would project 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><b>Other</b>  There are a number of inaccuracies in the application; the installation date was 28<sup>th</sup> July not 28<sup>th</sup> 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>

**Other material considerations (not raised through consultation or representation)**

Consideration	Assessment of Head of Regulatory Services
<p><b>Application of Development Plan and other planning policy</b></p> <p><u>Policies OS1 and BE1</u> allow for development within Village Envelopes providing that:-</p> <ul style="list-style-type: none"> <li>• the form, character and appearance of the settlement is not adversely affected;</li> <li>• the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;</li> <li>• the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,</li> <li>• satisfactory access and parking provision can be made available.</li> </ul> <p><u>Policy BE1</u> allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> <li>• The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing;</li> <li>• The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight;</li> <li>• Adequate space around and between dwellings is provided.</li> </ul>	<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 a chimney to surround the extraction fan on the side of the building. The building is grade II\* and the chimney 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 that 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 and chimney 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 chimney, 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 chimney 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 chimney (and extraction fan within) 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: 03.02.2015**