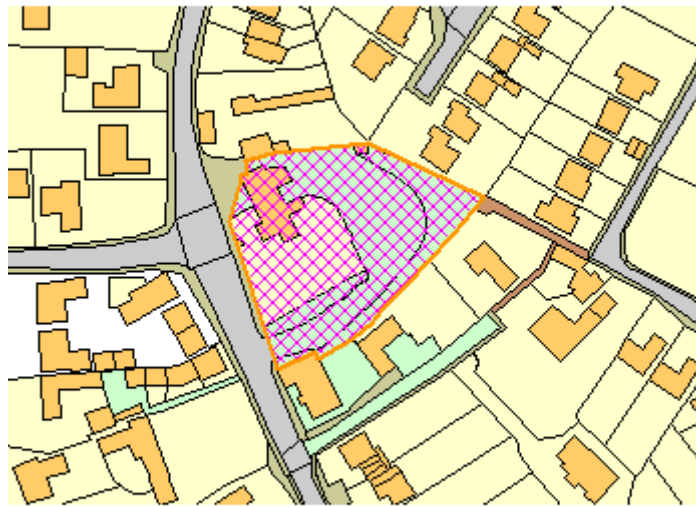


Reference: 14/00912/LBC
Date submitted: 17th November 2014
Applicant: Anthony Sheward – Marstons
Location: Nags Head Inn, 20 Main Street, Harby
Proposal: Construction of a chimney to surround an existing extractor fan.



Introduction:-

The application comprises the construction of a chimney surrounding the existing extractor fan. The metal fan has been fitted on the northern elevation of the building and projects beyond the side elevation of the pub and the proposal seeks to cover this with an external chimney. The chimney 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 impact on the character and appearance of the listed building and on the fabric of the building.**

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

Members will recall that this item was deferred at the last meeting on 29th January 2015 to allow the application to be considered alongside the corresponding planning application. 14/00894/FUL is reported on this agenda.

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.

Development Plan Policies:

Melton Local Plan (saved policies):

There are no relevant policies.

National Planning Policy Framework:

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 |
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| <p>Harby Parish Council – objects on the grounds that in the application there is no detail given 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 delivery vehicles.</p> | <p>The submission is a listed building application and therefore issues of noise and grease disposal and access are considerations for the corresponding planning application which has been submitted but is currently invalid.</p> <p>The absence of details of the proposed materials is noted and discussed further below.</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> |

Representations

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

| Representation | Assessment of Head of Regulatory Services |
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| <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 chimney would be wholly detrimental to the character and appearance of the building set within a prominent and highly visible part, of a design totally out of keeping with the appearance. As no detail of materials or colour is given cannot be sure they will be in keeping and therefore have substantial concerns the proposal would not comply with the NPPF. 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. Cannot assess the visual impact on the building which is highly visible approaching the village from Colston Lane. 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 architectural and historic interest 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 no details of materials or external finished colour of the proposed chimney have been provided, nor any detailed design drawings, it is not considered the proposal would be visually acceptable. The proposed size, location and appearance of the chimney are harmful to the character and appearance of the listed building by virtue of introducing an unsympathetic and large 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>It is considered the proposal would lead to substantial harm to the listed building given the size, design and location of the proposed chimney. Paragraph 132 of the NPPF states such harm should be exceptional and paragraph 133 states consent</p> |

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| | <p>should be refused unless the harm is necessary to achieve substantial public benefits that outweigh that harm.</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 method that could satisfactorily deal with the smell and odour from the kitchen. Furthermore, limited justification has been provided in support of the proposed chimney. 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 significant 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. This is an issue for the corresponding planning application and is beyond the scope of this listed building application.</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. This is an issue for the corresponding planning application and is beyond the scope of this listed building application.</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>Noted. This is an issue for the corresponding planning application and is beyond the scope of this listed building application.</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.</p> | <p>Noted. This is an issue for the corresponding planning application and is beyond the scope of this listed building application.</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> |

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| <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> |
| <p>This will improve the existing situation and reduce noise levels to surrounding properties, it will also improve the conditions within the public areas as well as the kitchen working conditions during opening hours.</p> | <p>Noted. This is an issue for the corresponding planning application and is beyond the scope of this listed building application.</p> |

Conclusion

The application seeks approval for a chimney on the side of the building. The building is grade II* and the chimney is considered, by reason of the location, appearance, size and design, to be unsympathetic and harmful to the character and appearance of the listed building. Under the NPPF it is deemed the proposal would result in substantial harm and 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. Accordingly the application is recommended for refusal on the grounds of harm to the listed building.

RECOMMENDATION:- Refuse on the following grounds:

1. The chimney, by reason of siting, appearance, design and size, 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 substantial harm caused by the chimney would be outweighed by any public benefits and as such the proposal is considered contrary to the NPPF (paragraphs 132-134) which seek to ensure development is sympathetic to the character and appearance of listed buildings and to ensure the protection heritage assets.

Officer to contact: **Mr Joe Mitson**

Date: 12.01.2015