

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3rd March 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

**S/1917/09/F and S/1918/09/LB – BASSINGBOURN CUM KNEESWORTH
Installation of Kitchen Extraction System and External Extraction Flue
At 51 Old North Road for Mr H Khan**

Recommendation: Approval

Date for Determination: 17th February 2010

Members will visit this site on 3rd March 2010.

Notes:

This Application has been reported to the Planning Committee for determination as the recommendation to approve conflicts with the recommendation of the Parish Council and at the request of Cllr Cathcart.

Site and Proposed Development

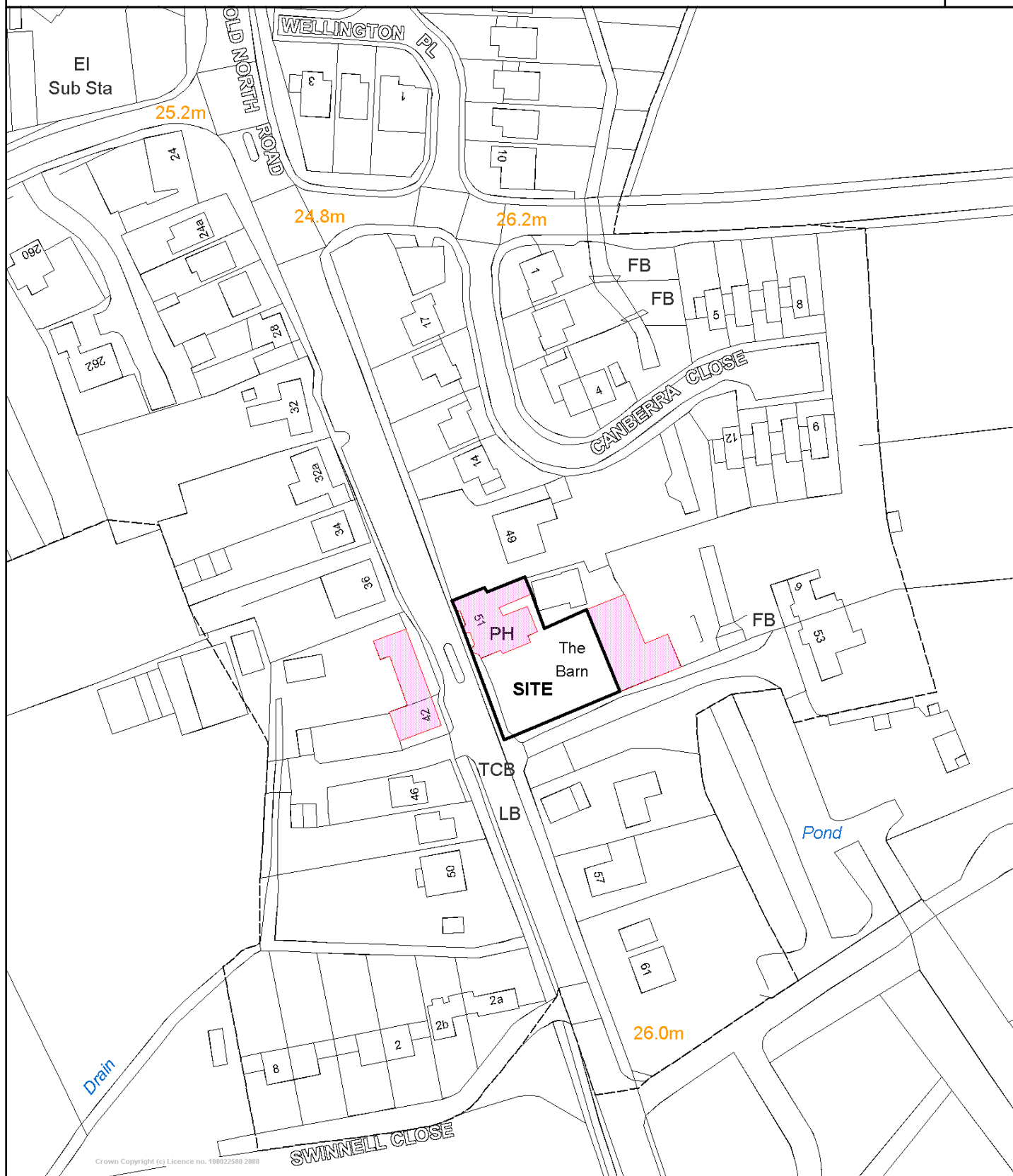
1. The application site is the former Red Lion Public House, now the Yuva restaurant, which is a Grade II Listed Building. The building, formerly a farmhouse, dates from the 17th Century, with later 19th and 20th Century alterations. The main building fronts the Old North Road and has two storey and single storey extensions to the rear. There is an access off the main road on the South side of the building serving the restaurant car park.
2. The planning and Listed Building Consent applications seek permission for the installation of a kitchen extraction system to be routed up through the building internally and extracting through the South roof slope of the two storey rear extension as well as the installation of a new curved external flue.

Concurrent Planning Applications

3. In addition to this application, retrospective planning and Listed Building Consent applications have also been submitted for the installation of Air Conditioning units at the premises and a planning application has been submitted for the change of use of the premises to include a hot food takeaway use in addition to the existing restaurant use. These applications have also been referred to the Planning Committee for consideration.

Relevant Planning History

4. **S/1892/07/LB** - Listed Building Consent was granted for internal and external alterations for the installation of kitchen extract system, ducted through first floor airing cupboard and terminating in a new dormer faced with horizontal louvers.
5. **S/1004/08/LB** – Listed Building Consent was granted for internal and external alterations including removal of partition and blocking of rear doorway.



Reproduced from the 2008 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/1250 Date 18/2/2010

Centre = 534554 E 244345 N

March 2010 Planning Committee

6. **S/1275/08/LB** – Listed Building Consent was granted for alterations and replacement signage.

Other Relevant Information

7. Statutory Abatement Notices were served on the applicant in January 2009 relating to the odour created by the premises which were considered to cause an unacceptable nuisance to the owner of 49 Old North Road.

Planning Policy

8. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

DP/1 – Sustainable Development
DP/2 – Design of New Development
DP/3 – Development Criteria
CH/3 – Listed Buildings
CH/5 – Conservations Areas
NE/15 – Noise Pollution
NE/16 – Emissions

Circulars

9. **Circular 11/95** (The Use of Conditions in Planning Permissions) – Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
10. **Circular 05/2005** (Planning Obligations) – Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects.

Consultation

11. **Bassingbourn Parish Council** – has recommended refusal on the grounds that the proposed development would spoil the external appearance of the Listed Building and that there is no evidence within the application to guarantee that odour emissions would be reduced.
12. **SCDC Environmental Health Manager** – does not object to the application and states that the extraction system and flue, with the addition filters, UV filters and relocation of the extraction point would mitigate the statutory nuisance and reduce the odour emitted by the premises and noise from the existing extraction system to acceptable levels. The proposed system would significantly improve the existing situation and have the positive effect of protecting public health in the immediate area.
13. **SCDC Conservation Manager** – notes that the relocation of the extraction system and installation of an external flue would result in the loss of some historic fabric and the flue would be visible from the public domain. However, the amount of historic fabric lost would be small and the flue would be relatively well screened from view by the main roof of the property. The conclusion reached is that, on balance, the application should be supported as although there would be a small amount of harm to the listed building, the benefits of a new extraction system in terms of residential amenity would be sufficient to outweigh the harm to the listed building.

Representations

14. Three representations have been received from occupiers of neighbouring residential properties.
15. Solicitors acting on behalf of the owner of **49 Old North Road** directly to the North of the site object to the application on the following grounds:
 - (a) The system has not been designed in accordance with the relevant Defra guidance.
 - (b) The information provided within the application is inadequate in terms of the 'air stream parameters' which, if deficient, could worsen matters for the owner of No. 49.
 - (c) Technical information relating to engineering details is lacking, making assessment of ventilation and velocity rates, necessary duct works and fans, and dispersion patterns impossible.
 - (d) The stack height is deficient, expel direction is downwards and is too close to neighbouring properties.
16. The representation concludes that the lack of information precludes the proper consideration of the efficacy of the extraction system. Concern is also expressed regarding the necessity of regular maintenance of the extraction system and explicit conditions relating to that issue are requested in the event of the application being successful.
17. The owners of **57 Old North Road** have raised concern regarding the fact that the flue faces their property, and that in directing odour away from the neighbour to the North, their own property may be more adversely affected.
18. The owners of **55 Old North Road** raise concern over the proposed extraction system and the fact that the flue now faces South which is in the direction of No. 55 which would lead to an increase in the odour noticeable at the property. They are also concerned that this would affect the value and saleability of the property.
19. They request that a risk assessment is carried out in advance of determination of the application to assess the likely impact on neighbouring properties. They do not believe the proposal reflects the need for stack dispersion. They also question how any changes to the system would be monitored and maintenance guaranteed.

Planning Comments

20. The main planning considerations in this case are the impact on residential amenity of neighbouring properties and the impact on the Listed Building and visual amenity of area.

Residential amenity

21. At present the current extraction system is causing a statutory nuisance to the neighbouring property to the North. The statutory nuisance is judged under the Environmental Protection Act. The system proposed in this application is intended to provide a high level of filtration of kitchen odours using several types of filters and also offer a higher point of discharge of the emissions which is not directly in the vicinity of neighbouring properties. Whilst the application has been

submitted as an attempt to resolve the statutory nuisance caused by the premises, the application for the extraction system and the flue has been considered in terms of whether or not its use would cause any significant harm to the residential amenity of any neighbouring properties not just in terms of whether it would abate the existing statutory nuisance.

22. The view of the Environmental Health Team is that the proposed extraction system and flue would adequately filter the odour emitted by the kitchen to such a level and extract it from the building at a point which would mean that the impact of the use of the kitchen on the amenity of residential properties in the immediate vicinity of the premises would be acceptable and would not impact on the amenity of neighbours or their enjoyment of their homes or gardens.
23. The use of the system will not result in zero odour being present in the emissions from the flue, however it is considered that the use of the combination of pad filters, bag filters and an UV filter would reduce the odour present in the emissions to an acceptable level. The higher position of the flue, which is not in direct proximity to neighbouring properties will result in an acceptable level of dilution of the odours in the atmosphere.
24. Some concern has been raised by neighbours to the South of the premises that the extraction point is closer to their properties than at present and that they currently can already smell odours from the premises in their properties. They are concerned that the position of the flue closer to them will worsen the impact. However, it is considered the improved filtering provided by the proposed system as well as the higher point of extraction would more than offset the relocation of the flue closer to those homes. It is not considered that the proposed system would result in any significant harm to the residential amenity of those neighbours.
25. In terms of the impact on the property to the North, which currently suffers from the statutory nuisance, it is considered that the location of the flue, as well as the proposed filters would result in an acceptable level of filtering and dispersion of the emissions from the kitchen. Both the air quality consultants and the Council's own Environmental Health Team are of the view that the proposed system would result in a very significant reduction in the current level of odour emitted and that this level would not only be below what would be considered a statutory nuisance under Environmental Protection legislation, but also at a level which would cause no significant harm to the residential amenity of that neighbour.
26. Although concern has been raised regarding the level of technical detail provided in the application in terms of the extraction system, and whilst those concerns are noted, the Council's Environmental Health Team are of the view that the information is adequate in allowing them to assess the likely impact, and their conclusion is that the system would result in an acceptable impact on the residential amenity of all properties in the area.
27. Both the applicant's professional consultants and the Council's Environmental Health Team note the need for routine maintenance of the system and that such maintenance will dictate its effectiveness in the future. It is therefore considered necessary to condition the system be maintained in accordance with the manufacturers and or installers recommendations as part of a scheme to be agreed with the Local Planning Authority.

Impact on Listed Building and visual amenity of area

28. The proposed extraction system would result in the loss of some historic fabric and the flue would project through the roof of the two storey rear element and

would be partially visible from the A1198 to the East when approaching the site from the South. The Council's Conservation staff have given serious consideration to the acceptability of such impacts and the conclusion reached is that the application should be supported, notwithstanding its impact on the Listed Building. Although there would be some harm to the Listed Building, it is considered that it is appropriate to compromise on this impact as the benefits which would result from the system would outweigh the harm to the building.

29. The proposed flue would be visible from the South of the site, however it would largely be seen against the back drop of the roof of the existing two storey rear element and it is not considered that it would be so incongruous as to result in any significant harm to the visual amenity of the area.

Recommendation

30. Taking all relevant matters in to consideration it is recommended that the application be granted subject to the following conditions:

Conditions

1. Standard 3 year Condition
2. Plans
3. Filters to be fitted in accordance with details contained in application
4. Maintenance of system in accordance with an agreed scheme
5. No damage to listed building during works
6. Roof tiles retained for future repairs
7. Mortars, renders and plasters to be approved by LPA
8. Works to timbers to be approved by LPA

Background Papers: the following background papers were used in the preparation of this report:

- East of England Plan 2008
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)

Contact Officer: Dan Smith - Planning Officer
Telephone: (01954) 713162