

DELEGATED OFFICER REPORT

Application Ref: F/22/92890

Site Address: 2A-2B HIGH STREET, BOTLEY, SOUTHAMPTON, SO30 2EA

Case Officer: Rachael Morris

Description: Change of use of ground floor flat to kitchen for existing restaurant and takeaway, and roller shutter door

Particular Site Constraints?	Yes ☒	No ☐
- Adjacent to listed buildings - Conservation area - Town, district and local centres - Within the urban edge		

Planning History?	Yes ☒	No ☐
- Z/14364/001/00 - Installation of new shop front – Permit – Jul 1974 - Z/15467/001/00 - change of use from cafe to wine bar/restaurant and ground floor extension – Permit – Jun 1979 - Z/15467/003/00 - change of use of office to coffee bar with internal alterations to re-locate staff W.C – Permit – May 1980 - Z/15467/004/00 - Installation of shop front – Permit – Jun 1985 - A/18/82706 - Display of 1no. externally illuminated fascia sign – Refuse – Jun 2018 - A/18/84411 - Display of 1no. externally illuminated fascia sign – Consent – Jan 2019		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None		
Parish Council:	No Comment		
Environmental Health:	<u>Odour Control:</u> The scheme proposed is to control the odours from the kitchen serving the restaurant. In assessing the suitability of such schemes, we make reference to the EMAQ document 'Control of Odour and Noise from Commercial Kitchen Exhaust Extract Systems'. This outlines an approach to assessing the level of odour control required, gives advice on the information required to support an application for a kitchen extract system, and guidance on the suitability of various abatement techniques for odour and particulate matter emissions from kitchens. No assessment of the potential for odour or particulate matter emissions is included, nor rationale for the proposed choice of abatement technology proposed. The technology proposed is solely an ozone injection type system. No mention of other techniques to be used in conjunction is made in the documents received. Typically for this type of restaurant in this location, we would expect that a high or very high level of control to be required with a two-stage treatment system proposed. Also, the height and orientation of the stack is not optimal (relatively low level and horizontal), considering the layout of buildings and the location of the nearest receptors. Given the relatively short duct lengths proposed there is also no information provided to show that any residual ozone will be reduced to harmless levels in the vented air. As no filtration is shown before the ozone units, we have concerns that entrained water vapour and grease will impair the effectiveness of the odour treatment. Generally, there is very little information to show how the proposed design has been arrived and how it will prevent odours from the kitchen adversely impacting the locality.		

	The application supporting document and report contain conflicting information with regard to the siting and design of the supply air vent to the kitchen and to the model of fans proposed to be used. <u>Noise:</u> As stated above there are differences in the design and equipment that has been modelled in the noise assessment compared to that included in the various plans provided in support of the application. It is difficult then to place too much reliance on this aspect of the report until this matter is clarified and equipment details confirmed. That said we do have other queries regarding the noise assessment. The noise assessment concludes that with acoustic silencers installed and the vents as shown in the report that the impact should be acceptable as it would be 6dBA below the background noise level, however we do not support this conclusion. We are of the view that the background level used is too high, for example the assessment should consider the evening period toward the end of the activity on site, when information provided in the report shows that background levels are at or around 40dBA. Background levels on weekday evenings and Sundays are lower again, making the relative impact higher. The assessment does mention if the existing kitchen extraction at the restaurant was operating during the survey. We also have a number of other queries about how the survey and assessment was carried out. The survey does not consider the potential for noise from the use of the new goods entrance or of breakout noise from the relocated kitchen on the adjacent dwellings. Notwithstanding the fact that the actual plant to be used on site needs to be finalised to allow the noise impact assessment to be finalised. From the information provided it appears that there is a flat above the kitchen extension proposed. Both designs shown for the extraction and inlet air to the kitchen show fans attached directly to the wall of the flat. Also ducting serving the ventilation and extraction system running under the floor. Neither of these, nor kitchen noise has been considered in the noise /vibration assessment. At this time, we have concerns that the proposed extraction control system will not be adequate to control emissions, particularly of odour, and that excess ozone may be emitted from the extract vent. With respect to noise emissions, important details which affect the noise assessment need to be finalised, however the assessment also needs to consider other activities on site and ensure that a reasonable worst case is considered in determining impact / mitigation. <u>01/06/2022</u> <u>Amended plans</u> Looking at the report I've still got reservations that they are underestimating the noise impact of the fan on the upstairs flat, as we don't object to the principle and think it could be attenuated, I'd recommend a condition. The other main issue is noise from the commercial area below the first floor flat breaking through into the flat above, on this point the report advises that the current level of sound insulation between them is unknown and that testing should be carried out to determine the current sound insulation performance. Further, it advises that if the testing shows the insulation performance to be less than 55 dB DnTw, that works should be carried out to enhance the floors performance. We don't disagree with the principle of this and would recommend a condition. <u>18/10/2022</u>
Built Heritage Consultant:	Two aspects relating to this application have been either totally ignored or overlooked. There is to be a by-pass built around Botley to reduce the traffic coming through the village which will probably

	reduce the amount of sound and there is an existing flue system, presumably extract, on the flat roof already – is the proposal in addition to this or instead of it? It is noticed that the north elevation of the extract kit is shown lower than the other three elevations of it; this should be corrected (drawing by CKDirect Ltd.) From the perspective of the setting of listed buildings this application is for two elements, the ventilation ducts and a shuttered entrance, both at the rear of the building which is overlooked by probably the oldest building in the village, No. 8 Winchester Street dating from 1610, a timber framed house with a jettied first floor and to the side of No.3 Winchester Street forming the northern boundary of the application site. The setting of these two listed buildings is already compromised by the extract duct for No.1 High Street, so typical of ventilation ducting of this nature which is never a pretty sight, and these are all unfortunately of no exception. The ideal from the listed buildings setting viewpoint would be for all the ducting to be within the building. If this is not possible an alternative would be for it to be sited on the western elevation which would mean a slight extension of the horizontal ducting to bring it clear of the first-floor walkway. A poor third alternative would be to cloak the installation in a tile hanging to match the elevation. The shutter and its box should be finished in white to match the wall not a basic industrial galvanised monstrosity. As seen from Winchester Street this kitchen ventilation installation will be less than 3 metres from the side of No.3 Winchester Street and therefore harm its setting, never mind the aspect of No.8 Winchester Street which already has to put up with one that somehow got through the net previously. Object. <u>13/06/2022</u> <u>Amended plans</u> This is infinitely preferable to the first iteration but there is no mention of the shutter finish that I mentioned previously. On the basis of the shutter being finished in white and not left galvanised, no objection. <u>19/08/2022</u>
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Site Visit:	Yes ☒	No ☐
Details: 20/06/2022		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM11, DM12, DM14 and DM22. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
The development is considered acceptable and complies with saved Policies DM1, DM11, DM12, DM14 and DM22 from the 2016-2036 local plan, in that:

Principle

- The development is within the urban edge where the principle of development is acceptable.
- Situated on the northern side of the eastern end of The Square, this property is within the Botley Conservation Area with numerous listed buildings in close proximity to it. In the draft re-appraisal of the conservation area done in 2017 The Square and its surrounding buildings were classed as being in Zone 2 with Winchester Street and its environs, immediately behind forming Zone 4.
- As mentioned in the planning statement, No.3 Winchester Street immediately behind, No.8 Winchester Street across the road to the east and The Bugle public house along the row to the west are all listed Grade II. In addition to this Nos.5 and 7 Winchester Street are also listed as are Nos. 2 and 4 Winchester Street to the south-east at the front and Nos. 1 and 3 High Street immediately opposite together with Nos. 13 to 16 Mill Hill within sight from the front to the east of the High Street.
- Other buildings in the immediate vicinity are noted as making a positive contribution to the area including Nos. 6, 10, 14 and 16 Winchester Street, all within sight of the rear of the application property. Slightly further afield but all within 100metres are another seven listed buildings and also seven properties making a positive contribution to the conservation area.
- This property, both front and rear, is at the core of this important conservation area, which is one of the oldest settlements in the Borough. The recently adopted Local Plan states in Policy DM12 that 'Development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset and sustains and enhances its special character and qualities.'
- Policy DM22 states that within the ground floor of the core shopping zone, primary and secondary shopping frontages of Eastleigh town centre and the district centres and frontages of the local centres and neighbourhood parades, a change of use or redevelopment involving the loss of a Class E use, community or leisure/cultural uses under Classes E and F; or sui generis uses including pubs, drinking establishments and hot food takeaways; must demonstrate that: a. the new use retains an active ground floor frontage; b. it does not adversely affect amenity of an area or the appearance of the frontage; and c. it does not have a negative impact on the provision of services or on the sustainability of a key shopping area.

Design and layout

- The design of the change of use of ground floor flat to kitchen for existing restaurant and takeaway, and roller shutter door is suited to the host building in terms of its form, scale and appearance.
- The design and layout respect the character and appearance of the locality.
- There are not any policies within the adopted local plan that protect existing residential properties from being converted. In addition, as the application only involves the loss of a single dwelling this is not expected to have a significant impact on housing supply and the application would support an existing ground floor frontage which is supported by policy DM22.
- The development would accord with policy DM22 in that the shop frontage of the restaurant/hot food takeaway will retain an active frontage, will not adversely affect the appearance of the frontage and would not negatively impact the key shopping area.
- The Built Heritage Consultant does not have an objection upon receipt of the amended plans which removed the proposed flues. These have been replaced by a box fan in an existing window. This no objection is on the provision that the proposed roller shutter door is finished in white and not left galvanized.
- The council's Environmental Health team requires more information based on sound to the existing residential units above and have requested this via condition prior to the kitchen coming into first use.

Other material considerations

- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.
- The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Recommendation:	PERMIT ☒	REFUSE ☐
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Comments ...
