

DELEGATED OFFICER REPORT

Application Ref: F/23/95805

Site Address: The Brewery Bar, 10 Winchester Street, Botley, Southampton, SO30 2AA

Case Officer: Summer Sharpe

Description: Installation of kitchen extraction system.

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - Botley Conservation Area - Solent mitigation & disturbance zone - Great crested newt zone - Grade II Listed Building (immediately south) - Surface water flooding (north) - TPO 97-E (ash) (north) (was not in situ at the date of the site visit)		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
C/07/59581	Erection of single storey smoking shelter	Permitted (May 2007)
N/14363/005/00	Notification of intent to fell ash tree	Consent to Tree Works (December 1994)
A/14363/004/00	Display of wall mounted panel hanging sign and fascia sign (illuminated)	Consent to Display the Advert (March 1990)
Z/14363/002/00	Erection of single storey extension for storage purposes	Permitted (September 1981)

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	<u>3no. Objections summarised as follows:</u> (a) noise pollution, (b) unsightly (in Conservation Area), and (c) concern about hours of use.		
Parish Council:	No comments.		
Environmental Health:	<u>Comments 8 March 2023 (following additional information):</u> I can confirm that the information provided on noise and odour is satisfactory and that I have no objection to the proposed development on the basis that the kitchen extraction system is installed, maintained and cleaned as per the submitted details. <u>Comments 5 October 2023:</u> The proposals for the installation of a kitchen extract on the roof of the single storey extension of the building has the potential to cause odour and noise impacts to nearby residential dwellings. We would highlight that dwelling to the south is less than 10 meters form the proposed extract system. Whilst the application provides data sheets for filters, fans, etc. and shows the layout of the ductwork and location of extract and intake vents serving the restaurant, it does not provide information to demonstrate that the approach taken will ensure odour impacts are minimised. To this end we would direct the applicant to the report produced by EMAQ entitled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (and in particular Appendices 2 and 3) which provides advice on the assessment of odour and noise from such installations and guidelines for selecting appropriate equipment to mitigate odours. The guidance advises that the preference should be for exhausts to vent above roof ridge, and that where that cannot		

	be achieved that it is likely that additional mitigation measures will be necessary to ensure odours are adequately managed. Appendix 2 outlines the information to be supplied to support the application and appendix 3 a risk assessment to assist with the identification of appropriate mitigation measures for odour control. With respect to noise, arising from the proposed extract exhaust and air inlet, there is no assessment of noise impact, and no information to demonstrate that any significant noise impacts will be avoided, or show how adverse impacts will be minimised to nearby noise sensitive receptors. Consequently, for the reasons given above we are unable to support the application at this time.
Hampshire Highways:	No objection to the proposals from a highway perspective. The proposed extractor system is retained within the confines of the existing built structure to the rear of the property, and has no affect on visibility, movement or parking.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), S2 (approach to new development), S8 (Historic environment), DM1 (General development), DM8 (Pollution), DM11 (Nature Conservation), DM12 (Heritage assets), DM14 (Parking), DM21 (New retail development), DM22 (Changes of use in retail frontages), and DM36 (Community, leisure and cultural facilities).

Supplementary Planning Documents:

Quality Places; Botley Conservation Area.

Site Visit	Yes ☒	No ☐
14 September 2023.		

Assessment:

Site & Surroundings

The application site comprises an established Public House (PH) located to the east of Winchester Street (B3354). The application site is served by parking provisions to the immediate north of the PH. It is also noted that the PH has been extended, including a rear extension for inside/ outside use.

To the north, south and west of the application site are residential properties. The site and wider surroundings also fall within the Botley Conservation Area, and to the immediate south is a Grade II Listed Building.

Proposal

The application proposes the installation of kitchen extraction system. This is proposed to be located above the existing single storey element to the east of the host building. This would be situated 0.4m away from the two-storey wall of the host building, and would measure approx. 3.1m in length and would measure approx. 1m in height. This would be galvanised steel.

Principle

The application site falls within the urban edge, whereby the principle of development; extending/ altering a building within an existing use is considered to be acceptable, however, would be subject to the following considerations. Further, Policy S8 seeks the continued conservation and/ or enhancement of the Boroughs Heritage assets.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting. Policy DM12 stipulates that development of a heritage asset would only be permitted where the proposals do not harm or detract from the significance or special interest of the asset.

The application site also falls within the “Botley” Conservation Area. Thus triggering Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires the local planning authority, or as the case may be, the Secretary of State, pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Due to the nature of the proposals, they would have a fairly utilitarian appearance. It is also noted that the proposals are bigger than the existing extraction equipment and would be visible from the car park serving the PH, however, this alone is not necessarily considered to be harmful.

As a result of the siting and appearance of the proposals, and surrounding Conservation Area, the proposals are considered to impact upon the heritage asset, therefore paragraphs 205-206 of the NPPF would be engaged. These paragraphs introduce the term ‘less than substantial harm’. Paragraph 207 then goes on to note that *‘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...’*

The proposals would provide a suitable extraction system, being able to serve the existing PH, allowing its continued use/ function, which is considered to be a considerable positive of the proposals, and contributes towards public benefits. Furthermore Policies DM22 and DM36 of the Local Plan seek to retain existing viable units, as the loss/ change of use could have an adverse impact upon the protected retail centres. The proposals would ensure that the existing PH can continuing functioning, and therefore in this specific instance, the public benefits would be considered to outweigh any potential harm to the Conservation Area.

The proposals are therefore considered to preserve the character and appearance of the wider surrounding Conservation Area. As a result, the proposals are considered to accord with the abovementioned policies, Legislation and the contents of the NPPF.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

Due to the nature of the proposals, the Council's Environmental Health Officer (EHO) has been consulted, originally they raised an objection and concern with regard to noise and odour and their impact upon the closest neighbouring amenities.

Following the receipt of additional information and amendments, the Council's EHO is specifically agreeable to the content within the following documents: Environmental Noise Assessment Report (October 2023) and EMAQ Odour Assessment (February 2024) both received 5 March 2024. Subject to compliance with these documents they would be satisfied.

In terms of physical structure, it is noted that the proposals would be visible from some public vantage points, however, this is more of a design consideration which has been addressed within the above section.

The proposals are therefore considered to be acceptable in this regard, subject to conditions.

Highway Safety & Parking

Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety / traffic management. The Residential Parking SPD sets out the relevant parking provisions for dwellinghouses, which are dependent upon the amount of bedrooms.

Due to the nature of the proposals, the Local Highways Authority (LHA) have been consulted, whereby they have raised no objection. The proposals are therefore considered to be acceptable in this regard.

Equalities Act:

Section 149 of the Equalities Act 2021 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.

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 and development plan 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 Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF and Policies, S1, DM2, and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

Conclusion:

The application is recommended for approval subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐