

30/2005/006

EAT DRINK AND BE MERRY PUB COMPANY

INSTALLATION OF AIR INTAKE UNIT ON EXISTING KITCHEN ROOF AND EXTRACT ON WEST ELEVATION, THE WHITE LION PUBLIC HOUSE, BLAGDON HILL.

21112/18265

FULL PERMISSION

PROPOSAL

Permission was granted in April 2004, reference 30/2004/006, for a single storey extension, new entrance, mechanical kitchen extract. Because of the close proximity of the kitchen and mechanical extract to the adjoining property 'Green Hedges', appropriate noise and odour control conditions were imposed on the decision notice. However, whilst the extension and entrance were implemented in accordance with the approved drawings, the mechanical extract was not. An air intake unit and a separate ventilation extract to the rear were constructed without the benefit of permission. A retrospective application was subsequently submitted, and this was refused permission in January 2005, reference 30/2004/026, because of the adverse impact of noise and smell on the neighbouring property. The current application was then submitted, which amended the proposal by boxing the extract and lining it with acoustic foam to assist noise reduction, and by enclosing the air intake unit with a 'dormer' like structure with louvres to the front. The fan is proposed to be fixed with noise stop spring mounts and lined with acoustic foam.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENTAL HEALTH OFFICER recommends conditions which include deadlines for work to be carried out by 23rd May, 2005.

PARISH COUNCIL essential for Environmental Health to agree conditions for sound insulation and odour. If this cannot be agreed then the application should be refused. Visual aspect satisfactory.

6 LETTERS OF OBJECTION have been received raising the following issues:- the extract box should be provided with a set of acoustically treated baffles to minimise airborne noise; the louvered box will do very little to reduce the main cause of noise; the fan motor associated vibration, as well as other electric motor noise are the source of the problem, and just lining the box will not prevent noise levels; no mention has been made of the elimination of noise from commercial refrigerators, freezers and extraneous ventilation fans; smells emanating from the extract are obnoxious; neighbours adjacent to the pub are suffering absolute misery through noise and smell pollution; suggestion has been made that conditions imposed under reference 30/2004/006 be re imposed.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard visual amenity and to protect residential amenity from pollution.

ASSESSMENT

There was not a problem in visual terms with regard to previous applications, and nor is there a problem this time. The sole and contentious issue has consistently been assessment of the impact of noise and smells on the neighbouring properties, and specialist advice with regard to this issue has consistently been provided by the Environmental Health Officer. The Environment Health Officer now advises that permission be granted subject to conditions which include the carrying out of works by the 23rd May, 2005, which closely coincides with the date of compliance with a noise abatement notice. The works that they suggest be carried out, are manifold, and including the following:- (1) an attenuator to the extract fan; (2) lagging the whole length of the ductwork, attenuator and fan; (3) provision of acoustic foam; (4) imposition of kitchen management plan, to include operating times froth e extract system between 9 a.m. - 10 p.m., isolating the fridge from the walls, and no banging and clattering of radios; (5) boxing in the extract duct; (6) building of a dormer window structure to hold the air intake fan sot that it can be mounted horizontally or vertically on noise stopped spring mounts.

Point 5 has clearly already been carried out and forms part of the basis of the current retrospective application, and the points regarding fridge isolation, banging, or clattering of radios, are not aspects that can be controlled by the Local Planning Authority. Accordingly the recommended conditions have been amended slightly to omit the above. The remaining works are achievable, but the recommendation that they be carried out by 23rd May, 2005, which is to tie in with the noise abatement notice, is considered too short a period. I would accordingly recommend that an additional month be given by the Local Planning Authority in order that the works can be properly and effectively carried out.

RECOMMENDATION

Permission be GRANTED subject to noise and odour control conditions.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual or residential amenity and therefore does not conflict with Taunton Dean Local Plan Policies S1 and S2.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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