
West Malling West Malling And Leybourne	568037 157850	4 October 2007	(A) TM/06/03538/FL (B) TM/06/03537/LB
--	----------------------	-----------------------	--

Proposal: (A) Erection of kitchen extract duct extension to rear of building
(B) Listed Building Application: Erection of kitchen extract duct extension to rear of building

Location: 40 High Street West Malling Kent ME19 6QR
Applicant: Pinch Limited

1. Description:

- 1.1 The application seeks planning permission and listed building consent for the installation of a kitchen extract duct and associated air purification system to the rear of 40 High Street, West Malling.
- 1.2 The proposal comprises a system of ducting which would exit the building via an existing vent opening, the ducting would extend vertically and curve on to run horizontally along the top of a leaded flat section of roof. The ducting would then turn to the east where a Purified Air ESP 6000 E unit is proposed, measuring 900mm wide, 1260mm high and 660mm deep. The ducting would continue along the leaded flat roof to the east (away from King Street to the rear) and then turn to the south to run along the rear of the main building. A 500mm long noise attenuator is then proposed and an O.N. 100 Odour Neutraliser, before the ducting rises vertically along the north face of an existing chimney. The discharge duct is to be fitted with a high velocity exhaust cowl and bird mesh to cover the outlet. The top of the cowl is to be level with the top of the chimney. All the ducting and equipment will be finished matt black.

2. The Site:

- 2.1 The property is a Grade II Listed property which is known as "Pinch" and, following a change of use granted last year, is operating as a restaurant. The property's frontage and main entrance lies on the High Street, though the property, through various additions, extends almost to King Street to the rear (west).
- 2.2 The flat roof proposed to take the majority of the ducting and associated equipment, is located above a first floor room, and accordingly sits at eaves height to the rear of the main roof of the building. This section of the roofscape is enclosed by the main roof of Pinch to the east, neighbouring property to the north, and west, and the remaining built form to the south is the roofscape of lower sections of Pinch, with other neighbouring buildings beyond, further to the south.
- 2.3 There is a system of temporary ducting which is large conical flexible piping with a shiny silver finish. This ducting runs from the ventilation opening, also proposed to serve the proposed development, and runs vertically across the flat roof, along to

the east and partially up the roof slope. This temporary measure did not require planning or listed building consent.

3. Planning History (most relevant):

TM/92/00900/LB Grant With Conditions 3 March 1993

Listed Building Application; internal alterations

TM/92/10249/FUL Grant With Conditions 8 May 1992

Change of use from public house (Class A3) to offices (Class B1) at ground floor level above rear addition and flat at first and second floor levels of main building.

TM/97/01155/FL Grant With Conditions 12 September 1997

change of use of ground floor and cellar from offices to retail (A1) and craft workshop (B1(C))

TM/97/01392/LB Grant With Conditions 14 November 1997

Listed Building Application: Removal of floodlights, repainting of existing hanging sign, non-illuminated fascia sign and 2 signs flanking front door along with repainting of doors, hoods, plinth and doorcase.

TM/98/01770/FL Grant With Conditions 26 March 1999

erection of conservatory and wall

TM/98/01771/LB Grant With Conditions 26 March 1999

Listed Building Application: demolition of store building, erection of conservatory, wall and associated internal alterations

TM/05/02901/LB Grant With Conditions 6 February 2006

Listed Building Application: Change of use from retail to restaurant; removal and replacement of internal walls; enlargement of basement stair; extension of rear roof; demolition and replacement of rear extension

TM/05/02905/FL Grant With Conditions 6 February 2006

Change of use from retail to restaurant; removal and replacement of internal walls; enlargement of basement stair; extension of rear roof; demolition and

replacement of rear extension

TM/06/00860/LB Grant With Conditions 8 May 2006

Listed Building Application: Internal alterations

TM/06/00967/LB Grant 8 May 2006

Listed Building Application: Paint front elevation magnolia (retrospective)

TM/06/01342/FL Grant With Conditions 15 June 2006

Variation of conditions 2 and 3 of planning permission TM/05/02905/FL (change of use from retail to restaurant; removal and replacement of internal walls; enlargement of basement stair; extension of rear roof; demolition and replacement of rear extension) to allow food to be sold on a take-away basis and variation of opening hours

TM/06/03122/LB Approved 16 March 2007

Listed Building Application: New door to chimney breast and new stud wall to bar area. Lobby to disabled toilet, lantern light removed rear ground extension. Black escape stair to King Street and raised timber deck to be attached to neighbouring party wall. Courtyard. Plant for climate control and drinks systems fitted within bin store. Access to bin store from Courtyard removed. Triangular window to end wall of new dining area to be solid oak frame.

TM/06/03123/FL Approved 16 March 2007

New door to chimney breast and new stud wall to bar area. Lobby to disabled WC, lantern light removed rear ground extension. Black escape stair to King Street and raised timber deck to be attached to party wall, courtyard. Plant for climate control and drinks systems fitted in bin store. Access to bin store from courtyard removed. Triangular window to end wall of new dining area to be solid oak frame.

4. Consultees:

(A) TM/06/03538/FL:

4.1 PC: No objections.

4.2 DHH: These comments supersede my previous comments dated 17th October 2007. In those comments I advised that the applicant should be required to supply written confirmation from the suppliers of the odour abatement equipment (Purified Air) to the effect that the proposed electrostatic precipitator (ESP) unit will work as

required to abate cooking odours and that, should the supplier consider that an odour neutraliser unit is necessary, he should also confirm that the configuration of the equipment is appropriate.

4.2.1 The amended details comprise a letter from Purified Air dated 19th November 2007 to Brian Page Associates which provides the required confirmation and two plans, reference 355/02 rev G and 355/05 rev C of the proposed installation.

4.2.2 I am satisfied that the design of the extract ventilation system now accords with current good practice as set out in DEFRA guidance and that it incorporates appropriate measures to mitigate noise and odour emissions.

4.2.3 I recommend the submitted details be approved.

4.3 Private Reps: (21/0S/0X/2R + Press and Site Notices)

4.3.1 Objections received from two neighbours though more than one letter has been received from one of the contributors. Objections have been raised on the following grounds (in summary):

- Concerns that the extract duct will not just be galvanised steel and will blend in with the existing buildings.
- Most extract systems create noise, we hope that this would be kept to a minimum and there would be some kind of filter system to stop the unpleasant smell of cooking.
- Visibility of air conditioning units from habitable rooms of 38 King Street, which are also ugly and unsightly in a Conservation Area.
- Unacceptable problems from odour to adjacent building which serves a solicitors company, including smells and activation of their fire alarm. This also results in the occupiers not wanting to open their windows due to the fumes. This remains the case even since the installation of temporary ducting.
- Concerns that the proposed ducting might not be sufficiently adequate or high to deal with the vapours/odours.
- The new proposals are considered an improvement on the existing though enquire whether the new ducting should extend to ridge level as there are concerns that the fumes will still be trapped in the centre area between the buildings and continue to prevent the opening of windows.
- Would the new system proposed give rise to undue noise from the high velocity exhaust?

(B) TM/06/03537/LB:

4.4 PC: No objections.

4.5 Private Reps (21/0S/2R/0X + Press and Site Notices)

4.5.1 One objector has written in twice and those letters are also on the planning application and therefore reported above. The other objector has raised the following concerns:

- The overall appearance needs to blend in with the surrounding area,
- The potential for this extraction unit to cause excessive and annoying noise,
- There will be unpleasant odours emanating from the duct,
- Presence of air conditioning units at the rear.

4.6 Listed Building Societies: No response.

5. Determining Issues:

5.1 The main determining issues in this case are the acceptability of the proposed extraction system to deal with odour and whether that system would give rise to undue levels of noise. In addition, it must be considered whether the proposed system would have a detrimental impact on visual and residential amenity.

5.2 As the property is a Listed Building the proposal is required to preserve or enhance the fabric and setting of the building in line with Planning Policy Guidance Note 15: Planning and the Historic Environment. PPG15 also relates to development in or affecting Conservation Areas and proposals must preserve or enhance the special character and appearance of the Conservation Area.

5.3 The proposed ducting shows the installation of an Electrostatic Precipitator (ESP) system which cleans the grease and hydrocarbons (smoke) from air extracted from the kitchen. In addition, a Odour Neutraliser system is provided to further reduce cooking smells from the extracted air, prior to it being released into the atmosphere. An attenuator is also proposed to mitigate noise from the system.

5.4 The supplier has stated that the dual system (ESP and Neutraliser) is sufficient to cope with the extraction, treatment and release of air in this enclosed space. The ESP 6000 is said to be capable of handling 2.8 cubic metres of air per second which equates to the system operating at approximately 57% of design. It is claimed that the ESP 6000, working in conjunction with the Odour Neutraliser will “drastically reduce the odour emissions from the proposed high level discharge

duct.”

- 5.5 Although the proposed siting for the extraction system and ducting is located at a high level on the building, it remains in a space largely enclosed by the roofs of this and neighbouring buildings. The proposed ducting is to terminate at the same height as the chimney, and is thus designed to respect the visual impact of the proposal on the locality and the building. The system must therefore be capable of operating sufficiently at this height if it is to alleviate the odour issues currently experienced by neighbours.
- 5.6 DHH has confirmed that he is now satisfied that the system proposed would adequately eliminate and disperse odours to the relevant DEFRA standard and overcome amenity concerns in relation to odour and fumes. In addition, the design of the system is not considered to give rise to undue levels of noise and sufficient attenuation is proposed to mitigate any adverse levels of noise generated by the unit.
- 5.7 The proposal, due to its high level, would not be highly visible from public vantage points at street level. The only section of the ducting that would be visible from the street would be the ducting attached to the side of the chimney, which would be partially visible from King Street to the west. The ducting is proposed to be finished in a matt black powder coating, which would lessen any impact visually. I do not therefore consider that the proposed kitchen extract duct would have a detrimental impact on visual amenity of the streetscene. For the same reasons, I consider that the proposal would preserve the character and appearance of the Conservation Area.
- 5.8 The proposal would, however, be highly visible from private vantage points. The ducting and associated equipment would be visible from inside the Pinch and from rear and flank windows of The Red House, which is used as offices for a solicitors firm. From inside the Pinch the first vertical section of the extract duct would be visible from a small window serving a staircase. Similarly, two flank windows of The Red House which serve landing areas and stairs would have views of the ducting. One rear office window on The Red House also has views over the flat roof section which is to take the proposal.
- 5.9 These private vantage points already experience the visual impact of the temporary ducting outlined above. Accordingly, I would consider the proposed extraction and ducting system to be an improvement visually as it proposes smaller ducting which would be finished in a matt black. Although the ESP 6000 E purification system is a large piece of equipment and no such equipment is currently installed in this location, the benefit to the air and noise quality to the occupants would, in my view, outweigh the visual impact of the additional equipment at this high level.

- 5.10 As the proposed ducting would exit the building at an existing vent opening, the impact on the fabric of the building is minor. There would be small scale fixings of the ducting, ESP and Odour Neutraliser to the flat roof and the vertical ducting up the north face of the chimney. These fixings would be minor and, accordingly, I do not therefore consider that the fabric of the building would be unduly harmed through intervention.
- 5.11 Although the proposal would constitute an alien feature physically attached to the fabric of the building, it would not (other than the vertical section of ducting attached to the chimney) be visible from public vantage points and as such, I consider the proposal would preserve the setting of the listed building.
- 5.12 In light of the above considerations, I consider the proposal to accord with policy QL1 of the Kent and Medway Structure Plan 2006, policy CP24 of the Tonbridge and Malling Core Strategy 2007, and Planning Policy Guidance Note 15: Planning and the Historic Environment. This proposal represents an acceptable technical and visual solution to an issue that has been of concern to neighbouring occupiers and others for some time. I therefore recommend approval.

6. Recommendation:

(A) TM/06/03538/FL:

- 6.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 04.10.2007, Letter dated 19.11.2007, Letter PURIFIED AIR dated 19.11.07, Details ESP 6000 E received on 21.11.2007, Letter dated 27.10.2006, Facsimile dated 31.10.2006, Letter dated 10.01.2007, Elevations 1082.01A received on 30.10.2006, Site Plan received on 03.11.2006, Letter dated 05.11.2007, Letter dated 15.05.2007, Elevations 355/05 Rev C received on 21.11.2007, Plans and Sections 355/02 Rev G received on 21.11.2007, subject to:

Conditions

1. A condition requiring the scheme to be installed within a specified time period (details to be set out in a supplementary report).
2. The system of ducting and associated equipment shall be finished in a matt black as outlined in facsimile received on 31.10.2006.

Reason: In the interests of visual amenity.

3. The kitchen extract duct, ESP 6000 E and O.N. Odour Neutraliser hereby approved, shall be in operation at all times whilst food is being cooked within the premises.

Reason: In the interest of amenity.

4. A noise limitation condition, the detailed wording to be set out in a supplementary report.

(B) TM/06/03537/LB :

- 6.2 **Grant Listed Building Consent** in accordance with the following submitted details: Letter dated 04.10.2007, Letter dated 19.11.2007, Letter PURIFIED AIR dated 19.11.07, Details ESP 6000 E received on 21.11.2007, Letter dated 27.10.2006, Facsimile dated 31.10.2006, Letter dated 10.01.2007, Elevations 1082.01A received on 30.10.2006, Site Plan received on 03.11.2006, Letter dated 15.05.2007, Elevations 355/05 Rev C received on 21.11.2007, Plans and Sections 355/02 Rev G received on 21.11.2007.

Contact: Lucy Stainton