

Application Number:	2023/0623/FUL
Site Address:	56 Boultham Park Road, Lincoln
Target Date:	12th July 2024
Agent Name:	NARTS Planning Department
Applicant Name:	Mrs Meryem Erol
Proposal:	Alterations to ground floor rear window to incorporate an extraction system.

Background - Site Location and Description

The application is for an alteration to a ground floor rear window to 56 Boultham Park Road to incorporate a window vent in association with a new extraction system within the premises. The building was previously used as a shop and has an authorised use of Class E. A previous application was refused for a change of use to hot food take away (Sui Generis) (2021/0038/FUL). The applicant has stated that the use would not change and would be operated under E (b) - Sale of food and drink for consumption (mostly) on the premises.

The application property was previously a shoe shop but is currently empty. To the north of the property is No. 54 Boultham Park Road, a residential property which has a single storey link at ground floor to the application property. To the south is a detached shop (Use Class E) at ground floor which appears to have a flat at first floor. The properties behind the application site and directly opposite the property are in residential.

The area is predominantly residential with the exception of the application property, the shop to the south and the car sales garage further north on the opposite side of the road.

Site History

Reference:	Description	Status	Decision Date:
2021/0038/FUL	Change of use from shoe shop (use class A1) to hot food takeaway (use class Sui Generis) and associated external alterations including new shopfront, installation of external staircase and extraction flue to rear.	Refused	19th March 2021

Case Officer Site Visit

Undertaken on 4 April 2025.

Policies Referred to

- Policy S53: Design and Amenity

Issues

- Local and National Planning Policy
- Impact on Residential Amenity

- Impact on Visual Amenity

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	No objections

Public Consultation Responses

Name	Address
Terry & Jenny Connell	54 Boutham Park Road Lincoln Lincolnshire LN6 7BB
Councillor Liz Bushell	
Mr Gary Hewson	152 Boutham Park Road Lincoln Lincolnshire LN6 7TF
Mrs Lorraine Smith	2 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
Mrs Lorraine Smith	2 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
Ms Nadine Middleton	9 Ellison Place Lincoln Lincolnshire LN6 7GY
Mr Kev Clarke	9 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
	Flat 58 Boutham Park Road Lincoln Lincolnshire LN6 7BB
Mrs Karen Phillip	77 Boutham Park Road Lincoln Lincolnshire LN6 7SB

Consideration

Planning Policy

Paragraph 85 of the National Planning Policy Framework (NPPF) states that decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 198 states that, Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy S53 'Design and Amenity' of the Central Lincolnshire Local Plan (CLLP) is permissive of extensions to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. In relation to both the construction and life of the development, the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Residential Amenity

The application has attracted a number of concerns and objections from local residents. The representations include concerns regarding odour and noise which are material planning considerations relating to the current proposal although some objections have also included potential issues with the proposed use namely, increased footfall and vehicular activity, lack of parking and the use being inappropriate for the residential area.

The application relates solely to the window vent and associated kitchen extraction therefore impacts from any potential use of the building are outside the scope of this application.

Noise and Odour assessments have been submitted in relation to the new system.

Noise

The proposed extraction system has been revised during the application through negotiation and consultation with Planning and Environmental Health Officers to ensure noise levels are in accordance with national guidance. The noise assessment has been undertaken in accordance with BS4142 and the report concluded that noise levels from the extraction system will not have a significant impact at nearby dwellings. The noise assessment provides a comprehensive mitigation strategy and, providing that this strategy is fully implemented and maintained, then sound levels from the extraction system are capable of being controlled to achieve relevant criteria. The noise information has been assessed by the City Council's Pollution Control Officer who has recommended conditions to ensure the

system is installed in accordance with the submitted information and is verified. The verification will be required to be submitted to the City Council before the use commences.

Odour

An Odour Assessment has also been submitted with the application. It identifies that the extraction system requires a 'very high level' of odour control and provides options, for achieving this level of control.

The City Council's Pollution Control Officer has stated that, the proposed system should be capable of meeting the requirements of the relevant guidance, provided that it is correctly installed and maintained. However, the chosen system is not to be used in conjunction with solid fuel appliances therefore a condition is proposed which would ensure that the solid fuel appliances would not be used.

Whilst the extraction system as detailed within the application is capable of appropriately dealing with a 'very high level' of odour and filtering it appropriately, a condition is also proposed to further protect local amenity by ensuring the system is only operated between the hours of 8am and 11pm.

It considered that the appropriate information has been submitted to show that the extraction system meets the requirements of the Emissions Monitoring and Air Quality+ - Control of Odour and Noise from Commercial Kitchen Exhaust Systems. On this basis it is therefore concluded that the extraction system as proposed would not give rise to undue fume or noise levels in accordance with Policy S53 of the Central Lincolnshire Local Plan.

Visual Amenity

The application seeks consent for an alteration to the ground floor rear window to include a vent to allow extraction. This modification has already been undertaken. It is a minor alteration and positioned to the rear, there are limited public views of the proposal, it is therefore considered that the character of the area would not be unacceptably harmed in accordance with Policy S53 of the Central Lincolnshire Local Plan.

Conclusion

The application has been accompanied by robust noise and odour assessments, showing appropriate mitigation. The system proposed, subject to conditions would not have a detrimental impact on the amenity of neighbouring uses in accordance with policies S53 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Application Determined within Target Date

Yes – with extension of time during negotiations.

Recommendation

That the application is Granted Conditionally.

Standard Conditions

01) The development shall be implemented within 3 years

- 02) The development shall be undertaken in accordance with the approved drawings

Conditions to be Discharged Before Use is Implemented

- 03) The kitchen extract system mitigation measures detailed in applicant's acoustic report (ref. 'Noise Impact Assessment of Revised Proposed Kitchen Extract System at Restaurant with Hot Food Takeaway Facility, 56 Boultham Park Road, Lincoln', prepared by S. & D. Garritt Ltd, dated 17th December 2024); odour assessment report (ref. '56 Boultham Park, Lincoln', prepared by Purified Air, dated 5th March 2025); and drawing ref. 22.07.D1 - 'Existing and Proposed Plans R3' shall be implemented prior to the commissioning of the kitchen extract system. The Planning Authority must be given two weeks written notification of commencement of the mitigation scheme works.

Following the completion of works a verification report documenting the installation of the approved mitigation shall be submitted to and approved by the Planning Authority. The verification report shall clearly demonstrate that the installed mitigation measures achieve the assessment criteria contained in the submitted noise and odour assessments detailed above.

The approved mitigation measures shall remain in place and operated and maintained in accordance with the manufacturers' instructions thereafter.

Reason: In order to protect residential amenity of neighbouring properties.

Conditions to be Adhered to At All Times

- 04) The extraction system shall only be permitted to be operated between the hours of 8.00am and 11.00pm.

Reason: In order to protect residential amenity of neighbouring properties.

- 05) The approved kitchen extraction shall not be used to extract fumes and odours associated with solid fuel cooking appliances.

Reason: In order to protect residential amenity of neighbouring properties.