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# COMMITTEE SITE VISIT

App No. 18/03244/APP

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**Proposal:** Retention of flue and cowl  
Lucca 20 High Street Wendover  
Buckinghamshire HP22 6EA

**At the previous Committee Meeting:** 4th April 2019  
**Officers Recommendation:**

**Late Items:**

Members attention was drawn to the speakers item circulated.

**Public Speakers:**

The Committee was addressed by 3 objectors, who raised the following material objections:

- The visits from the environmental health officer(s) are all historic visits and that it needs to be reassessed.
- The EHO officer has not been in the house of the neighbouring property(ies) - since the noise of the flue has been turned down due to a noise abatement notice.
- The EHO accepts there are smells associated with the operations but that these are not constant.
- The new system should be compliant with the required filters, height and noise; the location of the flue is on the outrigger and not on the main building therefore sits below the eaves of the main building.
- Smells can last up to half an hour or more
- Did not experience any issues with the old flue (no noise or smells were produced to impact on quality of life).
- New system is very noise intrusive and smells can linger for more than half an hour
- The proposal has significant impact on residential amenity and enjoyment of gardens associated with adjacent properties
- The EHO has not been to assess the noise of an evening (as the operational use continues till 23:00hours) which gets louder as time goes on.

The Committee was addressed by the applicant, who raised the following points:

- Background was provided on the history of the site and change of ownership which is now in use as a Restaurant & Bar (Lucas) – BLA (landlord) has owned the property since 1999
- Explained that they have sought to work with EH to resolve issues.
- EH had issues with the noise and odours being produced from the Restaurant and as a result one of the tenants upgraded the extractor fan without an application which resulted in enforcement investigations and potential indication of action in 2018
- When the landlord was made aware of this upgrade he changed it to its present system
- There was not a fan associated with the old flue and there is a requirement to comply with legislation and regulations.

- Landlord tried to rectify the issues with the system so it complied with national policy
- Emphasised that this flue is necessary for this type of use and local businesses
- States that complaints about the smells from the flues go back 10 years from the records at AVDC but all complaints have always gone to the EHO and not to the landlord directly
- The high setting on the current system has been disabled to address the previous noise complaints so that the fan can now only be turned up to 62 decibels and at the lower level of 58 decibels.
- Considers that the background noise (particularly road noise) can be heard over the fan

**Site Visit:** Tuesday 9 April 2019 At: 13:00

**Those Attending:** Members: Cllrs Fealey, Mrs Brandis and Town

Local Member: Cllr Strachan

Apologies: Cllr Bond, Newcombe, Mrs Glover and Renshell

Officers: Claire Bayley, Daniel Ray and Neil Green  
(Environmental Health Officer)

**Features inspected:**

Members initially viewed the rear of the site from the opposite side of the highway (on the corner of Back Street and Holland Close), noting the position of the flue and cowl, the relationship of the site to the conservation area, the listed properties, adjacent uses, neighbouring properties and wider street scene in general. Members proceeded to enter the application site rear courtyard. Members viewed the relationship of the flue to the adjacent residential property and observed the operational flue in its context. The environmental health officer identified the relevant features and discussed the history of site investigations and locations of monitoring.

Members entered the rear garden of Old Pear Tree Cottage 24 High Street, the adjacent residential property. Members entered the kitchen of the property to observe any noise and odours associated with the flue and assessed the application from the rear garden of the property noting the relationship of the property, to the application site and the boundary treatment.

Members proceeded to walk along Back Street (to the east of the application site), noting the mixture of uses present and similar features on adjacent properties and considered the proposal from outside Pear Tree Cottage, Back Street. Members noted any noise and odours associated with the operational flue. Members then returned along Back Street and viewed the application from Holland Close, again noting the visual impact and any associated noise or odours from the flue.

**Discussion:**

Members noted that the site inspection was useful as it assisted Members with a greater understanding of the proposal.

Three Members noted that had the application not been retrospective, it would have been likely that the flue would have been required to be installed to different standards (namely higher in form – which should exceed the ridge line and potentially with a different cowl). It was noted that the limited height of the flue and its design was resulting in smells and noise being pushed downwards compounding the issues associated with its operation.

Three Members considered that the noise associated with the operational flue was too high (particularly when there was no background traffic noise) and likely to be louder in the evening. Two Members, however, noted that the noise levels from within the kitchen were at adequate levels.

Three Members noted the odours associated with the operations were evident in the locality, and considered that these smells were intrusive and unacceptable, harmful to amenity and enjoyment of the locality

One Member considered that the flue was acceptable and noise levels within neighbouring garden and the locality were compliant with standards, noting that the EHO advise indicates that the proposal is adequate. Furthermore, the Member noted the other venues to both sides and opposite and that the property is positioned within a busy high street. This Member indicated that they support the officer recommendation.