

Regulatory Committee

3 December 2019

Proposed kitchen extract ducting and cedar vertical panel screening, Milverton Primary School, Greateed Road, Leamington Spa, CV32 6ES.

WDC/19CC005

Application No.: WDC/19CC005

Advertised date: 10 May 2019

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Registered by: The Strategic Director for Communities on 16 April 2019

Proposal: Proposed kitchen extract ducting and cedar vertical panel screening.

Site & location: Milverton Primary School
Greateed Road, Leamington Spa, CV32 6ES. [Grid ref: 431243.266469].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the proposed kitchen extract ducting and cedar vertical panel screening subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 The planning application seeks consent for the erection of extract ductwork to replace the temporary ventilation system that has been installed as an emergency measure to meet the Gas Regulations and to avoid the closure of the school kitchen facility.
- 1.2 The single storey flat roof kitchen building is 3.4 metres in height. The temporary / emergency ductwork currently in use has a maximum height of 4.27 metres above ground level. The proposed ductwork would have a maximum height of 3.93 metres above ground level, a reduction of 0.32 metre in height.
- 1.3 In order to screen the ducting on the roof from the view from neighbouring residential properties it is proposed to erect a cedar timber screen. The screening would comprise vertical timber planks, 88mm in height, 100mm in width positioned with a 25mm gap between planks with a maximum height of 4.28 metres from ground level. The cladding would be supported from a galvanised steel integrated frame mounted on the roof which would also carry the extract ductwork.
- 1.4 The proposed ductwork would be insulated and clad in butyl rubber.
- 1.5 The proposed development for the replacement flue is itself a temporary measure which is expected to be replaced in the next couple of years by an Air Handling Unit (AHU) for which a further planning application would be necessary.

2. Consultation

- 2.1 **Warwick District Council – Planning:** No comments received
- 2.2 **Warwick District Council - Conservation Officer:** No objection
- 2.2 **Warwick District Council – Environmental Health:** A condition is recommended to be imposed to require the submission of details of the chosen noise mitigation for the proposed kitchen exhaust for approval prior to commencement. An adequate odour assessment is required to be undertaken for Environmental Health to be able to review the application.
- 2.3 **WCC Ecology:** Recommend notes relating to bats and nesting birds be attached to any planning permission granted.
- 2.4 **Royal Leamington Spa Town Council:** No comments received
- 2.5 **Councillor Bill Gifford:** No comments received
- 2.6 3 site notices posted – 09 May 2019

2.7 Press notice posted on - 10 May 2019

2.8 15 nearest residential properties individually notified on 09 May 2019

3. Representations

3.1 Objections have been received from 3 local residents in response to the proposed flue, making the following points:

Visual Impact:

- The plan compromises the integrity of the Conservation Area with an external structure more resembling a piece of space junk than a reasonable adjustment even when screened. The improvement to the extractor should be an internal building change not something added to the roof at a considerable height which was not there previously – there must be internal ducting which served this purpose before the need for the temporary structure.
- If the new extract unit on the roof and the proposed cedar panelled boarding is of such height so there is no visibility of the flue from the first floor bedroom, then I would support the proposal. I think the height of the panelling needs checking.
- The existing flue and supporting structure seem 'over-engineered' and sit elevated on large supports that are unnecessarily high. The proposal appears acceptable with the screening of a flue by a cedar screen, however we would like to see this approach extended to 'box in' the flue and the fan housing which could provide additional acoustic suppression and reduce the noise level of the operation.
- Can a smaller, lower bracket be used to reduce height of the flue?
- The route of the flue down to ground level should be amended to a more direct route shorter route to the edge of the roof and drop to a point away from the school boundary and to the centre of the school kitchen building.

Noise:

- The temporary structure is very noisy, the recently added silencer has reduced the noise but it is still audible inside the house some 30 metres from the structure. I would strongly hope that any repair or change would make no noise.
- A noise limiter must be included in the new proposed installation.
- When operating the structure produces a loud background hum noise and vibrations from the fan structure creating a noise nuisance which is characterised by a persistent loud rumble that can be heard anywhere from our garden and from inside the rear rooms of our house when the windows are open.
- Could a new fan and silencer be fitted and located so it is pointing away from the boundary and our property (in Rugby Road)?
- The operation of the fan should be subject to a condition that secures a satisfactory noise impact and lowering of the current noise and its impact on the surrounding area. Without this there is no means of controlling whether a new silencer is going to achieve any improvement.

Odour:

- Smell has been a problem since the installation of the temporary unit. This needs to be taken into account when designing the new installation. Having worked in the catering sector I suggest that improved filtration is added to the design of the fans.
- The flue feeds into fan/disperser contained in a box which is located immediately opposite our property and blows cooking smells directly into our garage.

Conservation Area:

- The application supporting documents fail to deal with the special requirements of the site being in the Leamington Conservation Area. (An amended version of the Design and Access Statement was submitted to address this issue)
- 3.2 On receipt of the Revised version of the Odour Survey and Odour Assessment a further consultation was undertaken with neighbours. In response a neighbour commented:
- The report introduces the principle of two potential solutions, Scenario 1 and Scenario 2 and I cannot now understand what the proposed flue solution is likely to be.

- The odour survey work was conducted in September 2019 and relates to a single day between 10:00 and 12 noon. This fails to recognise that the local odour conditions are very variable according to the lunchtime menu at the school. On some days the odour is undetectable and on other days the food smells can be very distinct, intrusive and sometimes unpleasant. It varies quite considerably.

4. Previous Planning History

- 4.1 There have been two applications approved for the expansion of the school, on each occasion to provide two additional classrooms, (Ref: W/91/0633 and W93/CC006).
- 4.2 The most recent planning application at the school site was for the increase in width of the Rugby Road pedestrian access from 0.7 to 1.6 metres.

Site and Surroundings

- 5.1 Milverton Primary School is located in a largely residential area between Rugby Road (A445) and Greatheed Road on the northern area of Leamington Spa. The site is within the Leamington Conservation Area.
- 5.2 The application relates to the single storey white painted brick built building in use as the school kitchen. The building is located at the western side of the school site, set back into the site to the rear of the school building facing onto Greatheed Road. The south-east facing wall of the kitchen faces onto the rear vehicular access which runs between the rear of the houses in Rugby Road; the school and the rear of the houses in Greatheed Road.

Planning Policy

The National Planning Policy Framework

- 5.3 The National Planning Policy Framework (NPPF) seeks to approve applications for sustainable development where possible and states that local planning authorities should look for solutions rather than problems. In meeting development needs the NPPF acknowledges the importance of minimising adverse effects on the local and natural environment.

- 5.4 Section 12 of the NPPF sets out policies for achieving well designed places. Paragraph 127 sets out means by which planning policies and decisions should ensure that developments meet these aims including:
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.5 Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 196 states that where a development 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 including, where appropriate, securing its optimum viable use.
- 5.6 In considering applications for planning permission in Conservation Areas Local Planning Authorities are required by law (by the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character of the Conservation Area.

The Development Plan

- 5.7 Section 38(6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the Development Plan 'unless material considerations indicate otherwise'.
- 5.8 The planning application must therefore be judged against the policies of the development plan, in this case the Warwick District Local Plan 2011 - 2029 adopted in September 2017. The following policies are considered to be of particular relevance for this proposal.
- 5.9 **DS5 Presumption in Favour of Sustainable Development:** states that the planning authority will work proactively with applicants to find solutions that mean proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 5.10 **SC0 Sustainable Communities:** requires development to be of high quality and protect and where possible enhance the historic environment and particularly designated heritage assets such as conservation areas.

- 5.11 **BE1 Layout and Design:** requires development to positively contribute to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they respect surrounding buildings in terms of scale, height form and massing and adopt appropriate materials and details.
- 5.12 **BE3 Amenity:** requires that new developments have an acceptable impact on local amenity including the impact of noise disturbance, visual intrusion or the impact of odour.
- 5.13 **HE1 Designated Heritage Assets and their setting:** states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.14 **HE2 Conservation Areas:** states that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. The supporting text to this policy states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.
- 5.15 **NE5 Protection of Natural Resources:** states that development proposals will be permitted provided that they ensure the district's natural resources remain safe, protected and prudently used. Development proposals will be expected to demonstrate that they:
- a) do not give rise to soil contamination, or air, noise radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

Analysis

Amenity and Environmental Issues

- 5.16 The planning application was submitted following complaints reported to Warwick District Council Planning Enforcement Officers by local residents shortly after the erection of the emergency flue in February 2019. The complaints raised related to the appearance of the flue; the impact on the view from the neighbouring houses and the impact on the appearance of the Conservation Area. Subsequently comments were made about the noise generated by operation of the venting system and the smells emitting from the plant.

- 5.17 The temporary / emergency flue was installed to serve the kitchen facilities at the school when the previous system was condemned as unsafe. The scheme subject of this planning application seeks consent for the replacement of the emergency flue with an appropriate solution. However, the current proposal is itself a temporary solution prior to the installation of an air handling unit (AHU) which is expected to be the subject of a further planning application in the near future.
- 5.18 The proposed development is for the replacement flue to be routed across the roof of the kitchen, but in a more direct line than the emergency flue installed currently, with the benefit that the height of the structure would be slightly lower. Timber screening is proposed to be erected around part of the southern and western perimeter of the kitchen building and would screen views of the flue from neighbouring houses in order to reduce the visual impact.
- 5.19 The proposed replacement flue and the screening would be seen from the neighbouring residential properties and would have an impact on the visual amenity of neighbouring residential properties. However the impact on the visual amenity is not considered to be detrimental to a degree that would result in a recommendation of refusal.
- 5.20 A Noise Impact Assessment was provided to support the planning application at the request of the Warwick District Council (WDC) Environmental Health Officer (EHO).
- 5.21 The kitchen fan exhaust is currently located at ground level adjacent to the south-west corner of the kitchen building. The exhaust faces towards the service road and the garages and rear gardens of residential properties to the south of the school. The proposed development would also have the exhaust at ground level but re-directed towards the north.
- 5.22 The noise assessment outlined that noise monitoring was conducted at the school site to establish the typical prevailing background noise levels between 08:00 and 13:00 hours when there was no noise of children playing and no noise from the extractor fan. The assessment concluded that when implemented, the noise control measures of the proposed fan exhaust system would enable a 'low impact' outcome to be achieved in the nearby residential gardens and at the facades of the closest houses. It would be anticipated that noise generated could be heard but would not cause any change in quality of life.
- 5.23 The Noise Assessment was accepted by the WDC EHO subject to a condition requiring the applicant to submit details of the chosen noise mitigation for the proposed kitchen exhaust for approval prior to commencement.

- 5.24 An Odour Survey and Odour Assessment was submitted at the request of the WDC EHO. The revised version of the document provided by the applicant in November set out the significance of odour from the current temporary ventilation system and two proposed ventilation exhaust systems Scenario 1 and Scenario 2.
- 5.25 The details subject of this planning application are those of Scenario 2 in the assessment, with the outlet of the kitchen ventilation exhaust fan positioned at ground level. (Scenario 1 would be the proposal to be presented as a planning application in the future). WDC EHO reviewed the content of the whole document. It was advised that the odour control system in either Scenario 1 or Scenario 2 would be acceptable to prevent odour issues and recommended a pre-commencement condition be attached to any consent granted requiring the installation of plant in accordance with the submitted details.

Heritage

- 5.26 The application site is located within Area 25 (Rugby Road) of the Leamington Spa Conservation Area which includes residential dwellings and the school buildings in the vicinity of Rugby Road. There are no listed buildings within the immediate vicinity of the application site, the closest listed buildings which are not seen in the context of the school kitchen are located over 140 metres to the south-west.
- 5.27 The character and appearance of the Leamington Spa Conservation Area in the immediate vicinity of the application site is made up of a mixture of utilitarian buildings, predominantly flat roof garages and out buildings in a variety of designs and materials. The rear access road in general and the kitchen building in particular, are not seen from a public vantage point, although they may be viewed from the rear elevations of the surrounding residential dwellings. The kitchen building subject of this application is a modern, white painted, flat roofed building; also utilitarian in appearance and character and of no architectural merit.
- 5.28 The appearance of the silver coloured flue installed as an emergency measure is not considered to be acceptable in design as it has an adverse impact on the visual appearance of the Conservation Area and the amenity of neighbouring residents.
- 5.29 The proposed replacement flue would be slightly lower in height than the existing structure and clad in black butyl rubber to reduce the visual impact. The cedar cladding proposed to be erected around the edge of the kitchen building would screen the view of the flue from the neighbouring houses. The Conservation Officer at Warwick District Council advised that there was no objection to the application.

- 5.30 As stated above it is a legal requirement in considering a planning application in a Conservation Area that the development should preserve or enhance the character of that Conservation Area. It is considered that given the functional character of the rear access road; the utilitarian appearance of the kitchen building and the surrounding garages, the erection of the timber screen would have a beneficial effect by screening the appearance of the alterations to the building and in this way and would preserve the overall character and appearance of the Conservation Area in this location.

Environmental Implications

- 5.31 Environmental implications are addressed throughout this report. The benefit of the proposed development for the environment would be the reduction in noise levels and odour emissions from the school kitchen which are currently being experienced as a result of the poor filtration on the flue installed as an emergency solution.

6. Conclusions

- 6.1 The flue currently operating on the school kitchen building was fitted as an emergency measure in order to prevent the closure of the school facility but has an unacceptable impact in terms of appearance and as a result of the noise and odours generated by its operation.
- 6.2 The design of the proposed replacement structure is considered on balance to preserve the appearance of the Conservation Area. The proposed development is therefore considered to comply with the NPPF and policies BE1, BE3 and HE2 of the Local Plan.
- 6.3 The design and specification of the replacement flue has satisfied the requirements of the District Council Environmental Health Officer in relation to the noise and odour impact of the proposed development on neighbouring residents. and is considered to comply with the requirements of policies BE3 and NE5 of the Local Plan.
- 6.4 The proposed replacement flue is considered to accord with the policies of the NPPF and the development plan for the reasons above and is recommended for approval subject to the following conditions.

7. Supporting Documents

7.1 Submitted Planning Application – Planning reference WDC/19CC005

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

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Application No: WDC/19CC005
Milverton School, Greatheed Road, Leamington Spa
Proposed kitchen extract ducting and cedar vertical panel cladding

Regulatory Committee 03 December 2019
 Scale 1:1250 Drawn by: SP Dept: Communities

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APPENDIX A

Appendix B

Proposed kitchen extract ducting and cedar vertical panel screening, Milverton Primary School, Greatheed Road, Leamington Spa, CV32 6ES.

WDC/19CC005

Planning Conditions.

1. The development hereby approved shall commence no later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be implemented in accordance with the details shown on drawings numbered 121880M02 Rev A and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to secure a satisfactory standard of development.

3. The development hereby permitted shall not commence until details of the timber cladding and external colour samples to be used for the development have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in strict accordance with the approved details and thereafter retained and maintained in accordance with those approved details unless the County Planning Authority gives prior written approval to any subsequent variations.

Reason: To ensure the satisfactory appearance of the completed works.

4. The development hereby approved shall not commence until the details of the chosen noise mitigation for the proposed kitchen exhaust have been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in strict accordance with the approved details and thereafter retained and maintained in accordance with those approved details unless the County Planning Authority gives prior written approval to any subsequent variations.

Reason: In the interests of the amenity of local residents.

5. The development hereby approved shall be implemented in strict accordance with the details of the odour control system Scenario 2 as detailed in the Odour Survey and Odour Assessment dated November 2019 either:
1. ESP module 630mm x 1020mm x 640mm (h x w x l) followed by a carbon filter enclosure (0.4 seconds dwell time) with a size of 2100mm x 1850mm x 1200mm (h x w x l).
 2. ESP module 630mm x 1020mm x 640mm (h x w x l) followed by UV ozone module 350mm x 636mm x 1570mm (h x w x l) (to be ducted into the air stream).

The system shall thereafter be retained and maintained in accordance with the approved details unless the County Planning Authority gives prior written approval to any subsequent variations.

Reason: In the interests of the amenity of local residents.

Development Plan Policies Relevant to the Decision.

Warwick District Local Plan 2011 - 2029

Policy DS5 - Presumption in Favour of Sustainable Development

Policy SC0 - Sustainable Communities

Policy BE1 - Layout and Design

Policy BE3 - Amenity

Policy HE1 - Designated Heritage Assets and their setting

Policy HE2 – Conservation Areas

Policy NE5 - Protection of Natural Resources

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019.

Notes

Nesting Bird note:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

Bat Note:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Habitat Regulations 1994 (as amended 2007), making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.