

Regulatory Committee – 8 June 2021

Proposed installation of an Air Handling Unit with associated ductwork and cladding – Milverton School, Greatheed Road, Leamington Spa, CV32 6ES

WDC/21CC002

Application No.: WDC/21CC002

Advertised date: 5 March 2021

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Registered by: The Strategic Director for Communities on 10 February 2021

Proposal: Proposed installation of a replacement Air Handling Unit (AHU), associated ductwork and extension to screen cladding.

Site & location: Milverton Primary School,
Greatheed 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 installation of a replacement Air Handling Unit (AHU) with associated ductwork and extension to screen cladding 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 installation of kitchen supply ductwork (AHU) and the extension to screen cladding to screen the ventilation system that was installed previously in 2019 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 proposed ductwork would have a maximum height of 3.93 metres above ground level.
- 1.3 In order to screen the AHU and additional supply ducting from the view from neighbouring residential properties it is proposed to erect further cedar timber screening. The screening would comprise vertical timber planks, which would be approximately 4.4 metres in height. 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.

2. Consultation

- 2.1 **Warwick District Council – Planning:** No comments received.
 - 2.2 **Warwick District Council - Environmental Health:** No objection.
 - 2.3 **Royal Leamington Spa Town Council:** No comments received.
 - 2.4 **Councillor Jeff Clarke:** No comments received
 - 2.5 **Warwick District Council - Conservation:** No objection. Based on the information submitted with the application, we have no comments to make on the work proposed at this stage. It should be noted this does not in any way signify either our approval or disapproval of the proposals.
 - 2.6 **Warwick District Council – Ecology:** A bat note and a nesting bird note should be attached to any permission granted.
- 2.2 3 Site notices posted – 5th March 2021
- 2.4 9 nearest residential properties individually notified on 5th March 2021

3. Representations

3.1 No comments or objections have been received.

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). There was also a planning application at the school site which was for the increase in width of the Rugby Road pedestrian access from 0.7 to 1.6 metres.

4.2 Planning permission was granted in December 2019 (Ref: WDC19CC005) for the installation of extract ductwork to replace the temporary ventilation system that had been installed as an emergency measure to meet the Gas Regulations and to avoid the closure of the school kitchen facility. The application included the erection of timber cladding to screen the plant on the kitchen roof.,

4.3 Since the planning consent granted in 2019 an Air Handling Unit (AHU) has been installed to replace the previous extraction plant positioned to the side of the kitchen. As a result, the current application is partially retrospective.

5. Assessment and Observations

Location

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 **Paragraph 11** of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
 - (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
 - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.4 **Paragraph 12** goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.5 **Paragraph 48** explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.
- 5.6 In this case, there is a development plan in place, the Warwick District Local Plan (2011 – 2029) adopted in September 2017, which has relevant policies that are considered to be up to date so far as they relate to this proposal. The application should therefore be determined (as required by Section 38(6) of the Planning and Compulsory

Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

5.7 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.

5.8 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.

5.9 The Development Plan Warwick District Adopted Local Plan (2011 – 2029)

The following policies of the Local Plan are considered to be of particular relevance for this proposal.

5.10 **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.

5.11 **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.

5.12 **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.

5.13 **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.

5.14 **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.

- 5.15 **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.
- 5.16 **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

5.17 Amenity and Environmental Issues

- 5.18 The current proposal is for the installation of additional 'supply' ductwork on the kitchen roof and an extension to the width of the timber screen cladding erected following the 2019 consent. The ductwork previously approved and installed is 'extract' ductwork.
- 5.19 Due to the low heights of the kitchen roof, it hasn't been possible to position the supply ductwork inside the kitchen. Therefore, the ductwork would need to be positioned on the roof of the kitchen and the extension of timber cladding would screen this from neighbouring properties. The additional timber screening is proposed to be erected around part of the southern and western perimeter of the kitchen building and would screen views from neighbouring houses in order to reduce the visual impact.
- 5.20 The proposed supply ductwork and 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.
- 5.21 The application is supported by a Noise Impact Assessment. The 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 supply and extract 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 the level of noise from the fan would be expected to fall below the typical prevailing background noise levels experienced in adjacent garden areas.

The consultation response from the Warwick District Environmental Health Officer states no objection.

- 5.23 An Odour Survey and Odour Assessment was submitted at the request of planning officers in line with conditions from the 2019 application. The revised version of the document provided by the applicant in May 2021 states that the odour levels would be acceptable. The consultation response from the Warwick District Environmental Health Officer states no objection.

Heritage

- 5.25 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.
- 5.26 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.
- 5.27 The appearance of a silver coloured flue system would not be considered acceptable in design as it has an adverse impact on the visual appearance of the Conservation Area and the amenity of neighbouring residents.
- 5.28 The additional supply ductwork would be clad in black butyl rubber to reduce the visual impact. The additional cedar cladding proposed to be erected around the edge of the kitchen building would screen the view of the ductwork from the neighbouring houses. The Conservation Officer at Warwick District Council advised that there was no objection to the application.

5.29 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 and the utilitarian appearance of the kitchen building and the surrounding garages, the erection of the additional timber screen would have a beneficial effect by screening the appearance of the alterations to the building and in this way would preserve the overall character and appearance of the Conservation Area in this location.

6. Conclusions

- 6.1 The proposed installation of the supply ductwork and the installation of the AHU are necessary for safety reasons. The extension to the existing timber screening would reduce the visual impact of the development on neighbouring occupiers.
- 6.2 The designs of the proposed plant and additional cladding are considered together to preserve the appearance of the Conservation Area. The proposed development is therefore considered to comply with the NPPF and policies BE1, HE1 and HE2 of the Local Plan.
- 6.3 The design and specification of the supply ductwork 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 supply ductwork 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/21CC002
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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