

Planning Committee: 04 December 2019

Item Number: 7

Application No: [W 19 / 0674](#)

Town/Parish Council: Warwick

Registration Date: 24/05/19

Case Officer: Rebecca Compton

Expiry Date: 19/07/19

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6 Jury Street, Warwick, CV34 4EW

Installation of replacement of kitchen extraction system FOR Warwick District Council

This application is being presented to Planning Committee as Warwick District Council owns the building and is the applicant.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of the report.

RELEVANT PLANNING HISTORY

W77/0049 - Use of vacant offices as tea rooms - Granted

W77/0419 - Display of fascia sign (0.53m x 1.5m) and projecting sign (0.46m x 0.84m) - Granted

W89/1400/LB - Demolition of kitchen and erection of extension to tearooms and new kitchen - Granted

W90/1071/LB - Erection of rear kitchen extension - Granted

W04/2203 - Internal alterations including revised floor and new stud partition wall - Granted

W06/0615/LB - Display of a hanging sign on front of property (Retrospective application) - Granted

W07/1482/LB - Retention of retractable awnings to cover patio dining area at rear (Retrospective application) - Refused

W09/0399/LB - Retention of structure over rear patio (Retrospective application) - Granted

W/14/0507/LB - Installation of flue extraction equipment - Granted

W/15/1629/LB - Installation of extraction equipment - Granted

W/15/1697 - Installation of extraction equipment - Granted. Subsequently quashed by High Court judgement.

THE SITE AND ITS LOCATION

The application property is an attractive Grade II Listed Building situated on the South-West side of Jury Street within Warwick Town Centre and the Warwick Conservation Area. It is currently in use as a Spanish restaurant. The existing extraction unit is located on the rear face of the existing modern extension and overhangs onto the car park to the rear. The existing extraction currently discharges cooking odours at a low level with little to no odour control. The current unit lacks the appropriate control of odour and therefore has adverse impacts to the occupiers of the surrounding buildings and also the wider area.

DETAILS OF THE DEVELOPMENT

The application proposes the installation of a new extraction flue to the rear of the property on a modern extension after the removal of the existing extraction unit which is considered to be unfit for purpose.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Health and Community Protection – Safer Communities Section: No objection, subject to conditions to secure acceptable levels of noise and odour control.

ASSESSMENT

Impact on Amenity

The Council's Environmental Health Officer notes that the proposed replacement kitchen extraction system would provide a point of termination at roof height at the rear of the property and has confirmed that this would represent an improvement over the existing kitchen extraction arrangements where cooking odours are currently discharged horizontally at a low level with little-to-no odour control. He further comments that the installation of a vertical flue and additional duct length will also allow the installation of additional odour abatement measures to further mitigate the release of cooking odours from the premises.

The proposed flue will be relocating the discharge point to roof level by installing a vertical flue and a new extraction fan unit. By installing a new fan unit, there is the potential for noise disturbance to be caused to nearby residential dwellings and other noise sensitive commercial uses. A noise assessment has been submitted and the Environmental Health Officer is satisfied that noise levels would

be acceptable. A condition is proposed to be added to any approval granted to ensure that this can be suitably controlled

Environmental Health have worked closely with the applicant when considering other design solutions and have commented that the current proposal is the most effective in terms of mitigating the levels of noise and odour.

Subject to conditions, the proposal is considered to represent an improvement over the existing extraction in terms of its ability to effectively control cooking odours and noise levels are considered to be acceptable. The proposal will therefore have an acceptable level of impact to the adjacent neighbouring properties in accordance with Policy BE3.

Design and impact on the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to a designated heritage asset, unless it is necessary to achieve public benefits that would outweigh the harm.

The Conservation Officer has raised concerns regarding this proposal based on the size and height of the flue which would be highly visible from the rear elevation and considers that it would be harmful to the character and appearance of the Conservation Area, although the level of harm would be less than substantial.

The applicant has put forward a strong justification for the size and siting of the flue on the grounds that it would replace an existing harmful extraction unit and the proposed flue would effectively manage the levels of odour and noise. Furthermore, the proposed flue has been sited so as to minimise the impact on the Listed Building; the flue is located to the rear on a modern addition adjacent to an existing parapet wall and the flue will extend upward in a gap between the application building and the neighbouring building so as to not obscure the rear elevation of either building. The flue will be powder coated black and the design is an improvement on the existing extraction unit.

The harm to the listed building and the Conservation Area would be less than substantial, however, it is considered that the proposal would be an improvement on the existing extraction unit and would provide a public benefit in terms of

replacing a harmful extraction unit that has little or no odour control. The proposal is therefore considered to satisfy the requirements of Policy HE1 and para 196 of the NPPF.

Conclusion

Based on the requirement for a replacement extraction unit and the proposed design being the most appropriate in terms of controlling the levels of noise and odour whilst minimising the potential impacts on the listed building and the conservation area, the proposal is considered acceptable.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing CATA-002B1 & CATA-003C and Kitchen Ventilation quotation by Caterquip Ventilation submitted on 22nd May 2019 and approved drawing AT/6JC/02 submitted on 24 May 2019, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The flue hereby approved shall be powder coated in black prior to first use and maintained as such in perpetuity. **REASON:** To ensure the development respects the character of the Conservation Area in accordance with Policy HE1 and BE1 of the Warwick District Local Plan 2011-2029.
- 4 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
