

Marple Area Committee

21st June 2023

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive

<u>ITEM 1</u>	DC087093
<u>SITE ADDRESS</u>	Ludworth Primary School, Lower Fold, Marple Bridge, Stockport, SK6 5DU
<u>PROPOSAL</u>	Retention of existing kitchen ventilation system with associated ductwork and plant to roof of building, to include provision of timber screen fence (Retrospective)
<u>ITEM 2</u>	DC087743
<u>SITE ADDRESS</u>	Lomber Hey Farm, 74 Andrew Lane, High Lane, Stockport, SK6 8HY
<u>PROPOSAL</u>	Change of use of land to outdoor dog exercise area
<u>ITEM 3</u>	DC088104
<u>SITE ADDRESS</u>	Bradshaw Trees Barn, Chatterton Lane, Mellor, Stockport, SK6 5NF
<u>PROPOSAL</u>	Erection of wind turbine to serve dwelling

INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations,

including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

Application Reference	DC/087093
Location:	Ludworth Primary School Lower Fold Marple Bridge Stockport SK6 5DU
PROPOSAL:	Retention of existing kitchen ventilation system with associated ductwork and plant to roof of building, to include provision of timber screen fence (Retrospective)
Type Of Application:	Full Application
Registration Date:	11/11/2022
Expiry Date:	06/01/2023
Case Officer:	Mark Burgess
Applicant:	Stockport Council - Design and Technical Services
Agent:	AHR

DELEGATION/COMMITTEE STATUS

Marple Area Committee – Application referred to Committee due to receipt of more than 4 letters of objection, contrary to the Officer recommendation to grant.

DESCRIPTION OF DEVELOPMENT

Retrospective planning permission is sought for the retention of an existing kitchen ventilation system with associated ductwork and plant to the roof of Ludworth Primary School, Lower Fold, Marple Bridge. The scheme would also include the provision of a timber fence at roof level to screen the ventilation system, ductwork and plant.

The ventilation system is sited above the existing kitchen flat roof, close to the North Eastern site boundary with residential properties on Pear Tree Close. The ventilation system comprises a series of aluminium clad square ducts connected to mechanical extract equipment. The ductwork and equipment includes extraction grilles that allow clean air to be drawn in and exhaust air to be extracted out.

Although not installed to date, it is proposed to install a 1.75 metre high timber close-boarded fence at roof level surrounding the ventilation system, in order to screen the system from the view of surrounding residential properties.

The application is accompanied by the following supporting documents :-

- Design and Access Statement.
- Plant Noise Impact Assessment Report.

The plans and drawings submitted with the application are appended to the report.

SITE AND SURROUNDINGS

The site at Ludworth Primary School is located on the North Western side of Lower Fold in Marple Bridge and comprises the main stone built and pitched roofed original School building to the front (South Eastern) portion of the site and a number of later extensions to the rear (North West). The wider School site comprises parking areas to the North East of the School building, hardstanding to the South West of the School building and a playground to the North West of the School buildings, with playing fields further to the West.

The site is adjoined to the North East by residential properties on Pear Tree Close and to the South West by residential properties on Lower Fold. Levels in and around the School site slope down from North East to South West and from South East to North West.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for Stockport comprises :-

- Policies set out in the Stockport Unitary Development Plan Review (saved UDP) adopted on the 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; and
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (Core Strategy DPD) adopted on the 17th March 2011.

The application site is allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map. The site located within the Marple Bridge Conservation Area and the existing School building is a Locally Listed Building. The following policies are therefore relevant in consideration of the application proposed development :-

Saved UDP policies

- HC1.3 : SPECIAL CONTROL OF DEVELOPMENT IN CONSERVATION AREAS
- CTF1.1 : DEVELOPMENT OF COMMUNITY SERVICES AND FACILITIES
- CDH1.2 : NON RESIDENTIAL DEVELOPMENT IN PREDOMINANTLY RESIDENTIAL AREAS
- CDH1.9 : COMMUNITY FACILITIES IN PREDOMINANTLY RESIDENTIAL AREAS

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGE
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- CS5 : ACCESS TO SERVICES
- AS-2 : IMPROVING INDOOR SPORTS, COMMUNITY AND EDUCATION FACILITIES AND THEIR ACCESSIBILITY

- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in July 2021 by the Ministry of Housing, Communities and Local Government, sets out the Government's planning policies for England and how these are expected to be applied.

In respect of decision-taking, the revised NPPF constitutes a 'material consideration'.

Paragraph 1 states *'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied'*.

Paragraph 2 states *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*.

Paragraph 7 states *'The purpose of the planning system is to contribute to the achievement of sustainable development'*.

Paragraph 8 states *'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) :-*

- a) An economic objective*
- b) A social objective*
- c) An environmental objective'*

Paragraph 11 states *'Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means :-*

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless :-

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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'.

Paragraph 12 states *'.....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’.

Paragraph 38 states ‘Local Planning Authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible’.

Paragraph 47 states ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.

Paragraph 219 states ‘existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

- DC085070 : Discharge of condition 25 of planning permission DC077983 : Discharged – 29/06/2022.
- DC084485 : Discharge of conditions 13 and 15 of planning permission DC077983 : Discharged – 30/03/2022.
- DC084310 : Discharge of condition 22 of planning permission DC077983 : Discharged 09/05/2022.
- DC083436 : Discharge of condition 24 of planning permission DC077983 : Discharged – 29/06/2022.
- DC083110 : Discharge of conditions 3, 4, 5, 6, 8, 9, 10, 11, 15, 26 and 27 of planning permission DC077983 : Pending Consideration.
- DC077983 : Extension to South Western elevation of building to comprise new classroom, entrance, lobby, reception office and entry corridor. External alterations to building to include new and replacement windows and doors. External hard landscaping to include ramps, steps and security fencing. Creation of additional, amended and improved car parking spaces at Brabyns Park Car Park : Granted – 05/10/2021.
- DC048373 : Single storey reception classroom extension : Granted – 13/12/11.

- DC039853 : New ramp and stepped access(es), together with external works including replacement fencing and landscaping (Retrospective) : Granted – 11/09/08.
- DC026555 : Remove/demolish existing mobile units and erect 3 classroom extension along with tarmac area and remedial works : Granted – 10/010/07.
- DC012894 : Installation of 2 no. security gates to front entrance, activity trail and basketball training goal on playing field and provision of wheelchair accessible path to perimeter of playing field : Granted – 03/12/2003.
- DC004111 : Classroom extension (Re-submission of DC002365) : Granted – 25/06/2001.
- DC003655 : Erection of timber storage shed : Granted – 25/06/2001.
- DC002365 : Classroom extension : Granted – 03/01/2001.
- J.64722 : Proposed Nursery Unit : Granted – 20/09/1996.
- J.45785 : Proposed mobile classroom : Granted – 14/07/1989.
- J.37088 : Erection of toilet block : Granted – 18/09/1986.
- J.36489 : Erection of mobile building – classroom : Granted – 24/06/1986.
- J.6960 : School extension and access for Ludworth Infant School : Granted – 12/10/1976.
- J.2900 : Renewal of Planning Consent for proposed new infants school : Withdrawn – 12/09/1975.

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the application and the application was advertised by way of display of notices on site and in the press.

Letters of objection to the application have been received from 5 properties. The main causes for concern raised are summarised below :-

Impact on Residential Amenity

- Noise pollution and disturbance. The new unit sits with a new kitchen extract fan so there are two pieces of machinery on the kitchen roof making noise. The two together were not taken into account in the Noise Impact Assessment.
- The unit has been installed at the closest point possible to residential properties, estimated to be 7-10ft from the boundary.
- The Noise Impact Assessment states that the system emits noise 7dbs higher than what is permitted and sits in the mid-range between having an adverse and significant adverse impact.

- Since the installation and commissioning of the system, neighbours have heard a constant hum/vibration/motor noise. This is noticeable throughout the day but particularly at night when background noise and traffic is quieter. Neighbours can hear the noise in their properties and whilst in bed at night, making living in the property unbearable, due to the system being operational 24 hours a day. The constant intrusion makes sleeping impossible at times.
- The installation is having an adverse impact on residents enjoyment of living in the area.
- Negative impact on living conditions.
- The noise has gone on for months and needs to stop.
- The unit does not appear to be a silent/eco type fitting.
- The system does not achieve its stated aims of concealment and noise mitigation due to the gap in the fence and would massively impact the quiet enjoyment of neighbours properties and gardens, due to the overbearing, jarring and intrusive nature of the design.
- There was building work noise whilst the Noise Impact Assessment was carried out, therefore the assessment was not carried out fairly.
- Aside from breaching noise regulations, work is regularly started before the legally specified times.
- Whether or not the fence will effectively offset the negative factors remains to be seen.
- The timber close board fence would not be a reasonable solution, given the poor acoustic properties of wood.
- The proposed gap in the fence would have an impact on the proposed noise mitigation. The noise would be reflected and amplified by the fence and then directed towards neighbouring properties through the gap, making the problem even worse.
- The proposed gap in the fence will allow the exhaust vents to be visible as residents when they exit the back doors which are elevated. It would also be visible from Lower Fold, thus negating the claim for the unit to be concealed.
- Residential properties are in direct line of the inlet and outlet grilles of the installation.
- The application mentions that the installation has been positioned so as not to face the surrounding residential properties. Due to their orientation they are visible from residential properties rooms and gardens.
- It is frustrating, as if the system had been designed better and sited so as to point in the opposite direction, the grilles would face open fields and woodland and would have very little noise impact.

- The fence would loom over and dominate the area. The proposed gap will only exacerbate the feeling of intrusion the fence will project.
- Given the close proximity of the unit to residential properties, concerns are raised regarding air quality being emitted to neighbouring properties gardens, which aggravates residents with vulnerable health conditions.
- Due to the siting and proximity to residential properties, gas flow emanating from the installation will directly impact on residential properties.
- The proposed 6ft fence on top of a 10ft building will cause overshadowing and impact light entering neighbours gardens in the summer and winter. The South facing aspect of neighbours gardens means that during the day, the sun is directly above the school. A 14ft high fence, 5 metres from the boundary will cast a shadow, impacting the enjoyment of residents gardens and leaving rooms where neighbour spend the majority of time in unnecessary darkness. This will be much worse in winter with the lower level of the sun.

Impact on Visual Amenity

- The ventilation system has been mounted on top of the existing kitchen roof. The ventilation system is utilitarian in its appearance and, given that the site is within an Article 4 (2) Direction Conservation Area and Ludworth School is an early 20th Century building of architectural and historic interest, the large industrial grey/black ventilation system is totally out of character and presents a negative impact on the environment.
- Although the kitchen roof is to the side of the School, it can clearly be seen from the front elevation.
- The unit is ugly, humongous, unsightly, an eyesore, has a detrimental effect on the local area and is not in keeping with the area.
- The installation is utilitarian in its appearance and the dimensions and scale would not look out of place on a large office complex and would be better characterised as a commercial installation.
- The ductwork is self-coloured galvanised double skinned steel construction which belies the fact that half of it has been covered in some sort of black mastic waterproof covering and the rest is the original galvanised look.
- Unfair that the unit has been installed without approval or consultation and has been positioned in such a way that it is as close as possible to neighbouring properties. Questions as to whether any thought was given to its position. Surely there could have been better options.
- The unit is in direct eye line of neighbouring properties and takes up the total view from neighbours windows and gardens, dominating the entire view from the rear of neighbouring properties. Detrimental effect and negative visual impact on the neighbours who have to look at it from their homes. Who would want to look at a spaceship monstrosity on the roof of a School when people have chosen to live in the area due to the lovely views.

- The proposal to erect fencing to hide the ducting is going to make it look worse.
- The proposal is to enclose the roof with a treated softwood fence to match the existing buildings fascias. There are a variety of different coloured finishes to the exterior of the building, therefore it is unclear which finish is being matched. Either way, the visual impact of putting a 6ft high shed on top of a 8ft brick wall is deeply disturbing and not in keeping with the Marple Bridge Conservation Area.
- An elevated wooden construction is going to be impacted by weather much more than one at ground level. What guarantees are there to how it will look in 2, 4 or 10 years time?
- The Design and Access Statement states that the 'ventilation system and associated ductwork will be entirely concealed'. The submitted plans show a fence with a gap above the newly built caretakers office.

Lack of/Incorrect/Inconsistent Information submitted with the application

- The Design and Access Statement states that the unit should be off the flat roof by 200mm – it is currently considerably higher than this.
- The application states that residential properties are approximately 15 metres away from the installation which is a gross exaggeration of the distances involved. The residential properties are separated from the back wall of the kitchen by a narrow access passage. The distance is 5 metres at most and nowhere near the 15 metres stated.
- In terms of the Noise Assessment, it only references the position of a Kitchen Extract Fan (KEF). There is no position indicated for the Air Handling Unit (AHU), which is the main reason for the retrospective planning application. Furthermore, there is only 2 mentions of the AHU (section 7.6 and section 8.2) and the reason for the noise assessment is clearly stated in section 7.1 as "...the purpose of establishing specific noise levels associated with the Kitchen Extract Fan". There is no mention of the AHU at all.
- The positioning of the measuring devices all relate to the KEF. Given the KEF is not the real target of the planning application, what impact does that have to the validity of the report?
- The Noise Report states that the noise levels were corrected for other noise sources at the site such as the existing AHU. Would the committee agree that in order for the test to be fair and be able to isolate where a potential noise breach is coming from, a fair test would have been to run the KEF in isolation, followed by the AHU in isolation, and then both units together to give an overall picture? That way, individual noise mitigation could have been applied to both had it been deemed necessary.
- The description of the AHU as being 'existing' poses an interesting question as to what exactly were the terms of reference the audio company were instructed to conduct the survey? Why has the construction company not felt it necessary to include the AHU in the site survey? Was it even switched on during the tests? There is no mention of the specific make and model of the AHU in any of the documentation to allow published noise levels to be

assessed. Maybe it is a whisper quiet model that is widely accepted to produce no discernible noise pollution?

- The lack of model number or information about performance or even what it is beyond AHU means it is difficult to predict what the impact of the unit will be under different conditions. How does the noise levels change under different conditions that may occur throughout the year? The load in September will be very different to December, April, June etc.
- The test was done whilst temporary construction work was being undertaken on site. This work has now finished and one would assume the background noise levels have reduced. Has the report in any way mitigated the ongoing reduction in background noise which would only increase the impact of the noise from the unit.
- The report clearly indicates the KEF breaches the emissions limit by 7dB and says mitigation measures have been proposed. What are the mitigation measures? They are not detailed clearly in the report. If it is the installation of the fence, where are the specifications of the fence that demonstrate its design and construction materials will actually achieve any sort of acoustic mitigation?
- There is a lack of detail about the design specifications and proposed construction material. There has been a lack of consultation with neighbours regarding the design and 6ft appears to be an arbitrary height. The application states the AHU is on 200mm legs, both a visual assessment and a review of the scale plans show this to be an underestimate of how high the unit actual is off the roof. Again, it just adds to the feeling that little concern or consideration for the impact of initially installing this unit was shown and this has carried on with the same lack of care, design or planning going into the mitigation.
- Prior to the construction work at the school, there was an existing exhaust fan where the AHU now is. This was similar in size and construction to the new KEF mentioned in the plan, along with two small 'mushroom' style ventilation ports. During construction, the existing fan was 'upgraded' and replaced with a slightly bigger until and the KEF was also installed with the two mushroom units being removed. Concerns that there was a signed off plan that said, an additional extraction unit was required. This was installed to leave two similar extraction units on the roof - presumably suitable and rated to cope with the conditions in the school kitchen as they presented at that time. What has changed with the intentions for the Ludworth School kitchen that has required the installation of a much bigger AHU than the upgraded one that was installed? Is there a plan to use the kitchen much more heavily and for an extended period of time that would require an upgraded unit to be installed to cope e.g. as a centralised kitchen to provide meals for other schools in the area, which would increase traffic and noise massively and impact on our quality of life.

Other issues

- Disgusted that a Council run School fails to follow the planning rules that all other residents of Stockport have to adopt in getting planning permission before work begins. It is a joke that retrospective planning permission has been put in after the work has already been done.

- Cannot believe that this has been allowed to go ahead. Who authorised this without any authorised consent? The head teacher and local diocese should be held accountable as they have a duty of care to local neighbours who have to live with this.
- The whole thing smacks of somebody going ahead and doing something, spending taxpayers money and not giving a second thought to supposed rules and regulations as they know they have contacts and will get this signed off regardless.
- The system should be switched off and ventilation gained from fresh air intake via windows until a decision has been made.
- It should be removed from its current position entirely and relocated to an area where it is not close to residential properties and then concealed.
- The best option is to remove it from the roof and fit the unit onto a side wall.
- It would be far better to move the unit elsewhere on the school where it is not visible and negate the need to install the fence in the first place.
- What will happen in the event of high winds? Are residents going to be faced with additional noise in high winds from a fence 14ft in the air? How will it cope with the wind load, given the unusual installation location?
- Repairs and maintenance of the fence would add additional costs to the school budget as painting and staining will require specialist access teams to carry out the work at height.
- Some residents purchased their properties with knowledge of the plans for works at the School. However, the plans did not show the installation of a ventilation system on the roof above the kitchen. This was not part of the original core project deliverables and has been added to the scope of works once works has already begun. The planning consent for the main works did not include the installation of the kitchen ventilation system. If residents had been aware of this development, they may have decided not to purchase their property.
- Surely this will have a negative impact on the value of neighbouring properties and compensation needs to be paid to residents. Valuations from Estate Agents are required.
- Local residents have suffered enough from recent developments in and around the school.
- Something urgently needs to be done to correct this eyesore.
- The Committee should refuse the planning application for the whole unit and re-instate the roof back to the original design of two kitchen exhaust systems.

CONSULTEE RESPONSES

Conservation Officer

Ludworth Primary School is located within the Marple Bridge Conservation Area and is included on the Council's list of buildings of local architectural and historic value.

The proposed alterations involve a flat roofed building of modern construction that is no architectural or historic interest. It is set back from the road frontage and, subject to the application of a suitable stained finish, the installation of a high level timber screen to conceal newly installed rooftop plant and ducting will have a very minimal impact upon the special character and appearance of the Conservation Area or setting of the locally listed building.

Environmental Health Officer (Noise and Amenity)

The NIA by Hann Tucker, Plant Noise Impact Assessment Report 30197/PNA1 30 September 2022. The extract fan has been installed alongside the air handling unit on the kitchen roof, without any attenuation measures in place.

The extract fan is controlled manually and may be turned on at the start of the school day and has potential to run continuously until it is switched off after lunch at approximately 13:30 hrs.

- Daytime hours: Fan may run for a full hour every hour.
- Night-time hours: Fan will not operate

The outcome of the applicants BS4142 NIA, is that the levels of plant noise at the nearest noise sensitive receptor are 7 dB above the plant noise limits and that additional mitigation will be required in order to achieve the plant noise limit. To achieve this the extract fan will need to be attenuated, such that the noise level measured at 1m from the discharge grille of the fan does not exceed the following: Limiting Noise Level of 68 dB at 1m from Grille. At section 8.4, the NIA consultant - advises that the specification of the extract fan and the limiting noise levels at 1m are provided to a reputable attenuator supplier who will be able to specify a suitable attenuator.

EH COMMENT - PLANT NOISE LIMIT USED IN APPLICANTS NIA

The NIA has used SMBC 5dB below background for plant noise. In the past, this service has recommended this criteria for rating level from all fixed plant and machinery (when operating simultaneously):

- 10dB below background sound level, at any time when measured at nearest noise sensitive receptor.
- And, in cases where 10dB below background sound level is too onerous to achieve – providing there is adequate justification - 5 dB below the existing background sound level may be acceptable.

The above was the BS4142 (1997) noise assessment brief, used by Stockport MBC, that planners (were familiar with and made wording/ understanding planning conditions less problematic). It makes for a more stringent target. But none the less is a target.

However, BS 4142, 2019 update (BS2014+A1:2019, '*Methods for Rating and Assessing Industrial and Commercial Sound*') is less stringent and refer to 'equal to or below background'; to allow for assessment in accordance to the standard – where the rating level does not exceed the background sound level, this is an

indication of the specific sound source having a low impact, The current edition (2019) of BS 4142, recognises the importance of the context in which a sound occurs (similar to how EH undertake statutory noise nuisance assessments).

Assessment of the impacts (section 11, BS 4142, 2019)

The significance of sound of an industrial and/or commercial nature depends upon both:

- (i) the margin by which the rating level of the specific sound source **EXCEEDS** the background sound level and the
- (ii) **CONTEXT** in which the sound occurs.

(i) EXCEEDS Background sound level

Rating level – Background sound level	=	specific sound impact
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The greater this difference, the greater the magnitude of the impact.

- A difference of around +10 Db (TWICE (OR HALF) AS LOUD) or more is likely to be an indication of a significant adverse impact, depending on the context.
- A difference of around +5 dB (AUDIBLE DIFFERENCE/CLEARLY NOTICEABLE) is likely to be an indication of an adverse impact, depending on the context.
- The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact.
- Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

Taking the noise results at page 9 of the NIA:

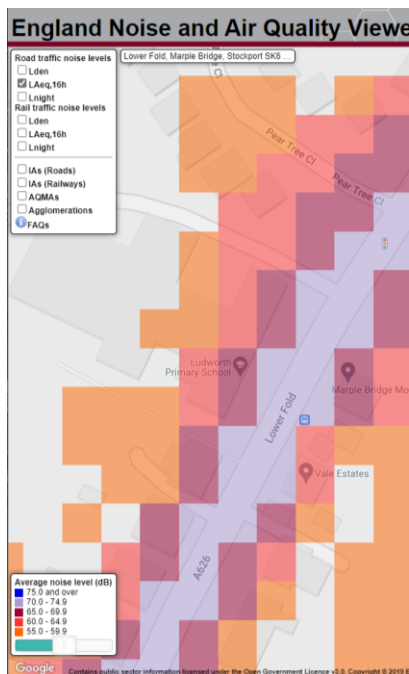
Rating level – Background sound level	=	specific sound impact
$50 - 48 = 2$		

The plant sound rating level exceeds the background sound level by 2dB.

It is widely accepted that the minimum change in noise level which is perceptible to humans is 3dB, a change of 1dB is not perceptible; therefore a change of 2dB will not be noticeable to the listener/resident and unlikely to give rise to negative impact. Further this service has received no noise complaints concerning the operation of the plant at this location.

(ii) CONTEXT

This service considers the context of the site as an existing school/commercial kitchen activity. Ludworth Primary School and residents located at junction of Pear Tree Close and Lower Fold A626, are located within daytime road traffic noise contour areas.



The extract fan is controlled manually and may be turned on at the start of the school day and has potential to run continuously until it is switched off after lunch at approximately 13:30 hrs.

- Daytime hours: Fan may run for a full hour every hour.
- Night-time hours: Fan will not operate

EH ASSESSMENT SUMMARY

In light of the fact that this is a retrospective application that has received no noise/odour complaint, this service has re-assessed the applicants BS4142 NIA to the 2019 version and not the previous SMBC plant rating level 5dB below background.

The plant sound rating level exceeds the background sound level by 2dB. After accounting for context, this service concludes that no noise mitigation measures are required.

To overcome objections on grounds of visual impact, erection of a screen/barrier (no acoustic fence required). Which may require planning approval consideration.

ANALYSIS

Siting, Design, Impact on Visual Amenity and Impact on Heritage Assets

The application site is located within the Marple Bridge Conservation Area and the existing School building is included on the Councils list of buildings of local architectural and historic value (Locally Listed Building). The detailed comments received to the application from the Council Conservation Officer are contained within the Consultee Responses section above.

Whilst the Conservation Officer acknowledges the heritage assets which the site is subject to, it is noted that the development for which retrospective planning permission is sought has been installed on a flat roofed building of modern construction that has no architectural or historic interest and is set back from the road frontage. The Conservation Officer notes the proposal to install a high-level

timber screen to conceal the rooftop planting and ducting, with the application of a suitable stained finish to be secured by condition.

In view of the above, in the absence of objections from the Conservation Officer and subject to the imposition of a condition to require the provision of the proposed timber screen, it is considered that the development would have a minimal impact upon the special character and appearance of the Marple Bridge Conservation Area or the setting of the Locally Listed Building. On this basis, the proposal is considered to comply with saved UDP policy HC1.3 and Core Strategy DPD policies SIE-1 and SIE-3, from a heritage and visual amenity perspective.

Impact on Residential Amenity

The neighbour objections raised to the application on the grounds of the impact of the development on residential amenity, by reason of noise, disturbance, air quality and overshadowing are noted and acknowledged. A Noise Impact Assessment Report has been submitted in support of the application. The detailed comments received to the application from the Council Environmental Health Officer are contained within the Consultee Responses section above. The Environmental Health Officer has considered the development in terms of its impact on the nearest noise sensitive receptors, which includes the surrounding residential properties on Pear Tree Close and Lower Fold.

The Environmental Health Officer notes that the extract fan has been installed alongside the Air Handling Unit (AHU) on the kitchen roof of the School, without any noise attenuation measures in place. The extract fan is controlled manually and may be turned on at the start of the School day and has the potential to run continuously until it is switched off after lunch at approximately 13.30. During night-time hours, the extract fan will not operate.

The submitted Noise Impact Assessment Report confirms that the level of plant noise at the nearest sensitive receptor is 7dB above the plant noise limits and, on this basis, additional mitigation will be required in order to achieve the plant noise limit by way of an attenuator.

Notwithstanding the above, the Environmental Health Officer notes that the submitted Noise Impact Assessment Report and recommended mitigation has been produced on the basis of a previous 1997 version of BS4142 '*Methods for Rating and Assessing Industrial and Commercial Sound*', which was more stringent than the current 2019 version of BS4142 '*Methods for Rating and Assessing Industrial and Commercial Sound*', which is less stringent. Assessment of impacts from the current 2019 version of BS4142 states that the significance of sound depends upon the margin by which the rating level of the specific sound source exceeds the background sound level (Rating Level – Background Sound Level = Specific Sound Impact) and the context in which the sound occurs. The lower the rating level is relative to the measured sound level, the less likely it is that the specific sound source will have an adverse impact of a significant adverse impact.

On the basis of the noise results contained within the submitted Noise Impact Assessment Report, the Environmental Health Officer notes the following :-

- Rating Level = 50dB;
- Background Sound Level = 48dB;
- Specific Sound Impact = 2dB.

In view of the above, the plant sound rating of the development exceeds the background sound level by 2dB. It is widely acceptable that the minimum change in noise level which is perceptible to humans is 3dB. As such, the Environmental Health Officer considers that the change of 2dB will not be noticeable to the residents and is unlikely to give rise to negative impact. On this basis, the Environmental Health Officer concludes that the noise impacts of the development are acceptable.

Notwithstanding the above, the neighbour objections raised to the application on the grounds of noise and disturbance are noted and acknowledged. As highlighted previously within the report, the provision of a timber screen is required for visual amenity and heritage reasons. Members, should they see fit, may wish to recommend the imposition of a condition to require this to be an acoustic fence, in order to further mitigate any adverse noise impacts resulting from the development.

The kitchen ventilation system/ductwork/plant and associated proposed timber screen fence is/would be sited a minimum of 6.0 metres from the boundaries of and minimum of 12.0 metres from the original, principal, habitable room windows of the neighbouring properties on Pear Tree Close. Whilst the overall height of the development and siting to the South of these properties is acknowledged, due to the retained separation from the boundaries and windows of these properties, it is considered that residential amenity would not be unduly harmed by reason of overshadowing, over-dominance, visual intrusion or loss of outlook.

In summary, the neighbour objections raised to the application on the grounds of noise, disturbance, pollution, overshadowing, over-dominance, visual intrusion and loss of outlook are noted and acknowledged. However, on the basis of the submitted information and in the absence of objections from the Environmental Health Officer, it is considered that the development can be accommodated on the site without causing undue harm to the amenity of surrounding residential properties, in accordance with saved UDP policies CTF1.1, CDH1.2 and CDH1.9 and Core Strategy DPD policies CS8, SIE-1 and SIE-3.

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

The application seeks retrospective planning permission for the retention of an existing kitchen ventilation system with associated ductwork and plant to the roof of Ludworth Primary School, Lower Fold, Marple Bridge. The scheme would include the provision of a timber fence at roof level to screen the ventilation system, ductwork and plant.

The neighbour objections raised to the application are noted and acknowledged. However, in the absence of objections from the Conservation Officer and subject to conditional control, it is considered that the development would have a minimal impact upon the special character and appearance of the Marple Bridge Conservation Area or the setting of the Locally Listed Building. Furthermore, in the absence of objections from the Environmental Health Officer, it is considered that the development would not result in undue loss of residential amenity to neighbouring properties, by reason of noise, disturbance, pollution, overshadowing, over-dominance, visual intrusion or loss of outlook.

In view of the above, the development for which retrospective planning permission is sought is considered to comply with relevant saved UDP and Core Strategy DPD policies. In considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised to the application, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

Grant