

PLANNING APPLICATION NUMBER:P14/1831

Type of approval sought	Full Planning Permission
Ward	Netherton Woodside and St Andrews
Applicant	Mr D. Vaughan
Location:	60, HILL STREET, NETHERTON, DUDLEY, DY2 0NX
Proposal	REMOVAL OF EXISTING FLUE AND INSTALLATION OF EXTRACTION FLUE FOR A PAINT SPRAY BOOTH (RESUBMISSION OF WITHDRAWN APPLICATION P14/1421)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site comprises a single storey workshop building set back approximately 30m from the highway. The site is broadly rectangular in shape with the building closely adjoining the rear and side boundaries of the site with the deep frontage providing access and parking. The original workshop building measures 23m deep and 13.5m wide with a shallow pitched roof that extends 4.7m to its eaves and 6.5m to its ridge. The site rises in level to the rear with the workshop having been built into the embankment. The workshop has a flat roof single storey front extension that projects 9.5m from the front elevation of the original building and which measures 4.2m wide. The front elevation of the workshop is built in red facing brick.
2. The workshop is used as a car accident repair centre. The building has established general industrial use (B2). The current occupier has only recently operated the car repair business from the premises with the most recent uses prior to the current operation being for window and furniture manufacturing, also falling within B2 use.
3. The site is located within a predominantly residential area. The eastern boundary of the site adjoins a pair of modern semi-detached bungalows (No. 66 and 67) and a former industrial building that has planning permission to be converted into

apartments. This former industrial building is unique in its appearance and has a large red brick chimney that stands at least 20m high. Beyond the former industrial building there are other residential properties comprising a semi-detached pair and detached dwelling (No. 63-65). The south-western boundary of the site adjoins a modern detached dwelling (No. 59). Immediately beyond the northern and western boundaries of the site is Hillcrest School and Community College. The staff car park lies adjacent to the western boundary of the site and a 12m wide landscaped area immediately adjoins the northern boundary of the site.

PROPOSAL

4. The proposal seeks the removal of the existing flue and the installation of a new extraction flue for a paint spray booth. The flue would be sited on the western roof plane of the building being set back 21m from the front elevation of the building and set in 4.3m from the western elevation of the building. The proposed flue would extend 3m above the ridge height of the workshop building and would be clad with a material to match the facing brickwork of the front elevation of the building.
5. Planning application P14/1421 was withdrawn on the 4th December 2014 in order for the applicant to resolve concerns with respect to noise and disturbance that could generate from the use of the paint spraying booth and its associated flue and in order to consider measures to improve the appearance of the flue located in a residential area.
6. The latest application includes the provision of a silencer made from galvanised sheet and lagged acoustic foam to be placed immediately above the fan and below the eaves of the building. The external flue would also be clad in a brick skin to match the brickwork on the existing building.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/49/313	Garage for delivery vans.	Approved with conditions	17/11/49
DY/64/582	Erection of warehouse.	Approved with conditions	29/01/63
88/50062	Erection of boundary fence, concrete garage and covered way.	Approved with conditions.	07/03/88

PUBLIC CONSULTATION

7. The application was advertised by way of neighbour notification letters being sent to the occupiers of 35 properties within close proximity to the site and the display of a site notice. The latest date for comments was the 3rd February 2015. At the time of writing, five letters of objection have been received raising the following material planning considerations:

- Noise
- Odour
- Dust
- The use of the paint spraying booth through its odour, the release of paint particles into the air and toxins, will be detrimental to human health.
- The use of the flue would have an adverse impact upon wildlife.
- This scheme is totally unsuitable for its siting next to a school.
- The proposed flue would look unsightly and are overbearing.

OTHER CONSULTATION

8. Head of Environmental Health and Trading Standards: Having reviewed the information submitted in support of this resubmission Environmental Safety and Health does not object to the proposal subject to a condition limiting the hours of use of the extraction flue and a condition ensuring that the in-line silencer results in a suitable noise reduction. An informative would also be attached to the consent to make it clear that the recommendation of approval would not preclude any further action being taken by Environmental Safety and Health in accordance with the statutory nuisance provisions of the Environmental Protection Act should a noise nuisance be found to exist following completion of the works. The applicant is also advised to seek a guarantee about the stated performance of the silencer unit from the manufacturer.

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

9. The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. In determining planning applications, paragraphs 196 and 197 of the Framework confirm that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise and that in assessing and determining development proposals that Local Planning Authorities should apply the presumption in favour of sustainable development. Proposed development that accords with an up-to-date Local Plan should be approved.

Planning Practice Guidance

Air Quality

Noise

Use of Planning Conditions

Black Country Core Strategy (2011)

CSP2 Development Outside the Growth Network

ENV 8 Air Quality

Unitary Development Plan (2005)

DD4 Development in Residential Areas

NC1 Biodiversity

EP7 Noise Pollution

ASSESSMENT

10. The main issues are

- Principle
- Residential Amenity
- Visual Impact
- Nature Conservation
- Other Issues

Principle

11. The site lies outside of the Growth Network and Regeneration Corridors associated with the delivery of the regeneration objectives set within the Black Country Core Strategy and was not designated for any particular use within the Dudley Unitary Development Plan. In essence, therefore, there is no formalised land use designation relating to the application site. The commercial use of the site appears long established with the site originally being developed as a garage for delivery vans and then warehousing in the 1940s and 1960s. The use of the site appears to have changed over time with local residents recalling the most recent uses relating to the manufacture of furniture and windows. These previous uses have also been verified by officer's research into the consideration of this application. No planning applications have been received for any changes of use at the site but it seems likely that the site has been used for general industrial use (B2) for some time. The current occupier of the unit running an accident repair centre would fall into the same use class (B2) as the previous uses of the workshop and therefore the Local

Planning Authority is satisfied that no material change of use has occurred at the site.

Residential Amenity

12. The installation of an in-line silencer that would result in a noise reduction of 20dB(A) would result in the noise/sound level from the flue being reduced to a similar level as the existing background noise level (the sound climate in the absence of any sound from the flue). In view of the reduction in noise that would occur with the implementation of the in-line silencer within the flue it would be difficult to substantiate a reason for refusal on noise grounds. Since the in-line silencer would reduce noise levels of the flue to the same level as existing background noise levels local residents would not be adversely affected by the use of the flue in noise terms and the proposed development would therefore be in accordance with saved Policies DD4 and EP7 of the Adopted Dudley Unitary Development Plan.
13. The existing background noise level is a background noise of a typical working day. The 20dB(A) reduction may therefore not be adequate if the flue was operated in the evenings or Sundays when background noise levels can be lower than on a typical day. In order to ensure that the proposed development would not have an adverse impact upon residential amenity during the evenings and on Sundays it is recommended that a condition is put upon the consent to limit the hours of use of the extraction system and flue. A sound level limit condition would also be recommended to ensure that the noise reduction of the silencer is achieved and maintained in order to protect residential amenity. The attachment of these conditions to any consent would satisfactorily protect the residential amenity of the occupiers of the adjoining properties ensuring compliance with saved Policies DD4 and EP7 of the Adopted Dudley Unitary Development Plan.
14. A number of the objections raise concerns with respect to fumes, odour and dust. The existing extraction system has been in operation since April 2014 with no complaints having been received by Environmental Safety and Health relating to these matters. Environmental Safety and Health have frequently visited the site and

not witnessed concerns with respect to fumes, odour or dust. The proposed chimney height would be 3m above the ridge height of the workshop. This would be of a suitable height to achieve the adequate dispersion of paint fumes and odours. It would be difficult to substantiate a reason for refusal based upon the potential impacts of fumes/odour/dust on the evidence to date. The proposed development would not have an adverse impact to residential amenity or health and would be in accordance with saved Policy DD4 of the Adopted Dudley Unitary Development Plan.

Visual Impact

15. The proposed flue would be set back approximately 50m from the highway with limited views in the wider street scene. The flue would be most visible from the rear of no. 59 Hill Street with the occupiers of this property being able to see the flue at it comes out of the roof plane and extends 3m above the ridge of the building. The flue would be positioned approximately 41m from the rear elevation of this neighbouring property. The occupiers of no. 66-67 Hill Street would see the 3m flue projection above the ridge from the rear of their properties. The flue would be sited approximately 21m from the rear of these dwellings. The flue would be clad in a brick skin matching the facing brickwork on the existing workshop building. The brick skin would result in the flue appearing as a traditional chimney of relatively domestic proportions. Given the distance of the proposed flue from the surrounding dwellings and its brick skin cladding, it would not be visually obtrusive or overbearing and would ensure the protection of the immediate outlook from the neighbouring properties thereby being in accordance with saved Policy DD4 of the Adopted Dudley Unitary Development Plan.
16. It should also be noted that there is an existing industrial sized brick built chimney that exceeds 20m in height that immediately adjoins the eastern boundary of the site and that the occupiers of the adjoining residential properties look out onto. In view of the small scale nature of the proposed brick clad flue to the existing workshop that would be positioned to the rear of the site in comparison to the size and scale of the adjoining chimney, it would be difficult to suggest that the proposed flue would have an adverse impact upon the visual amenity of the area or appear

out of context. The proposed flue would not detract from the character of the area and would protect residential amenity thereby being in accordance with saved Policy DD4 of the Adopted Dudley Unitary Development Plan.

Nature Conservation

17. The site adjoins Hillcrest School's car park to the west. The car park was developed in 2008 and involved the loss of a large part of a Site of Local Importance for Nature Conservation (SLINC). The car park and its associated land remain designated as a SLINC despite its redevelopment. The Local Planning Authority is currently undertaking a review of its SLINC designations in order to feed into the evidence base associated with the emerging Dudley Borough Development Strategy. A site falling within a SLINC does not preclude development. The now car park site had become degraded by the invasion of bramble, scrub and Japanese knotweed and was considered botanically poor. The approved scheme sought to enhance that habitat to the north of the school together with retained land to the west of the parking area for nesting birds and foraging bats. The proposed development would not have an adverse impact upon the retained habitat immediately adjoining the site and would be in accordance with saved Policy NC1 of the Adopted Dudley Unitary Development Plan.

Other Issues

18. An objector has stated that the proposed use would be unsuitable next to a school. The previous sections within this report have demonstrated the suitability of the proposed development in terms of residential and visual amenity. The proposed development would not have a differing impact upon school children than local residents and would not have an adverse impact upon health thereby being in accordance with saved Policy DD4 of the Adopted Dudley Unitary Development Plan.

CONCLUSION

19. The proposed flue with the installation of an in-line silencer projecting at least 3m from the ridge of the building would not have an adverse impact upon residential

amenity. Subject to conditions restricting the hours of use of the extraction system and a condition ensuring noise from the flue would not exceed background sound levels; the proposed development would be acceptable from a noise perspective. The height of the flue would ensure that any odour or fumes are dispersed without resulting in harm to residential amenity.

20. The limited height of the flue encased in brick and its significant distance away from immediate neighbours and the wider street scene, as well as its siting within close proximity to a former industrial chimney that stands in excess of 20m in height would ensure that the flue would not appear obtrusive or visually dominant within the overall street scene thereby protecting the character of the area. The proposed development would not have an adverse impact upon wildlife and would be in accordance with the Development Plan.

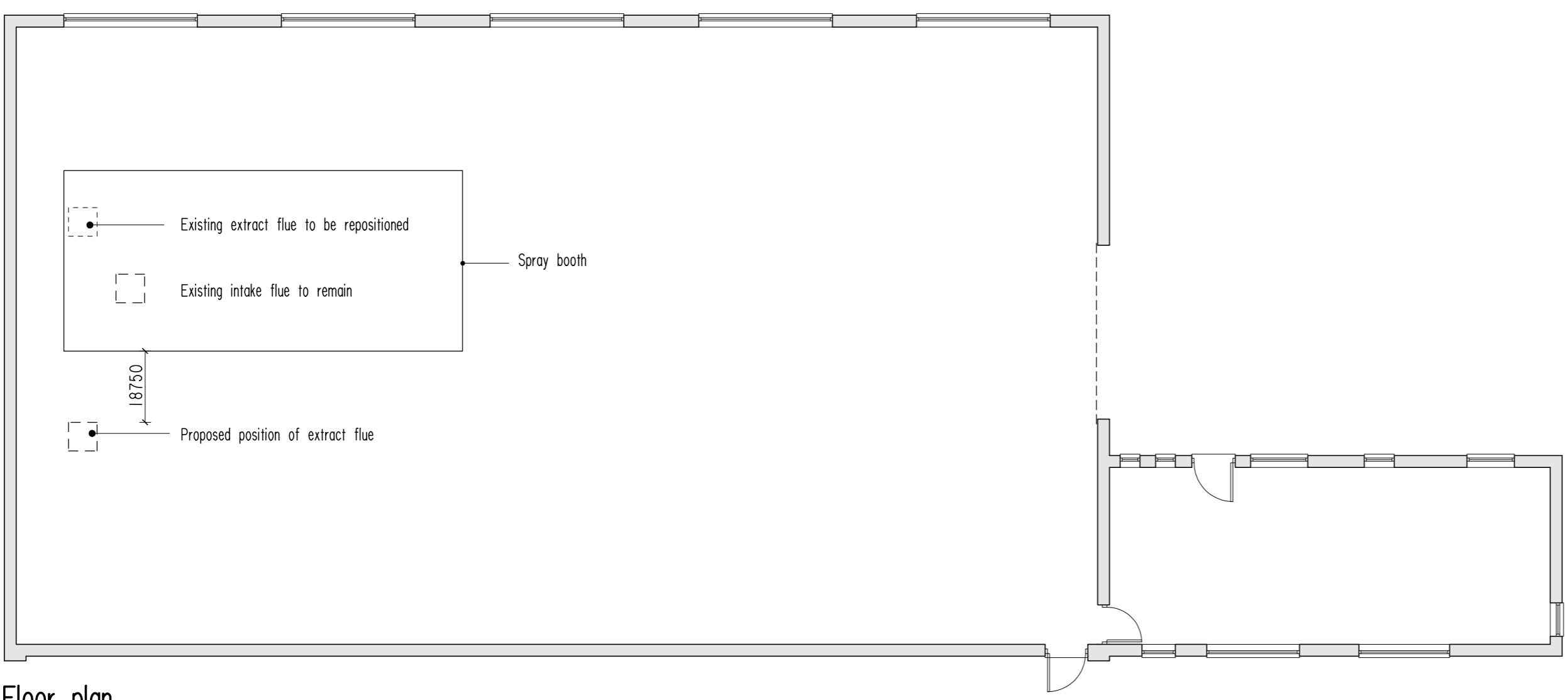
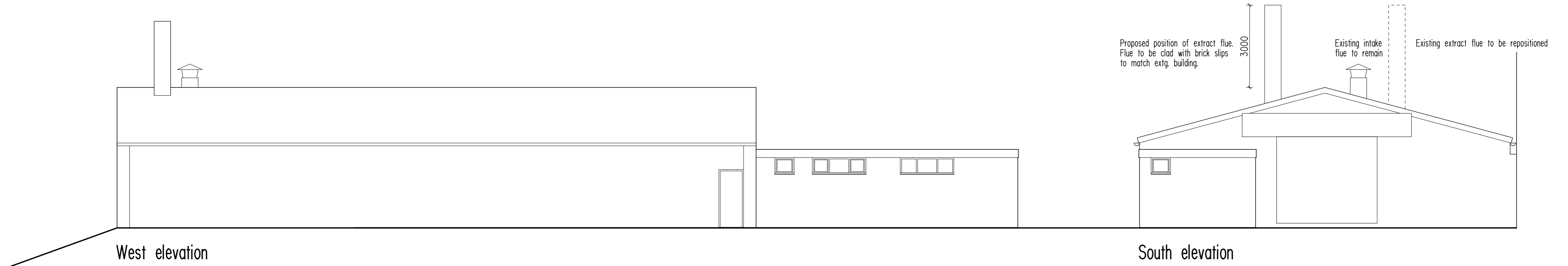
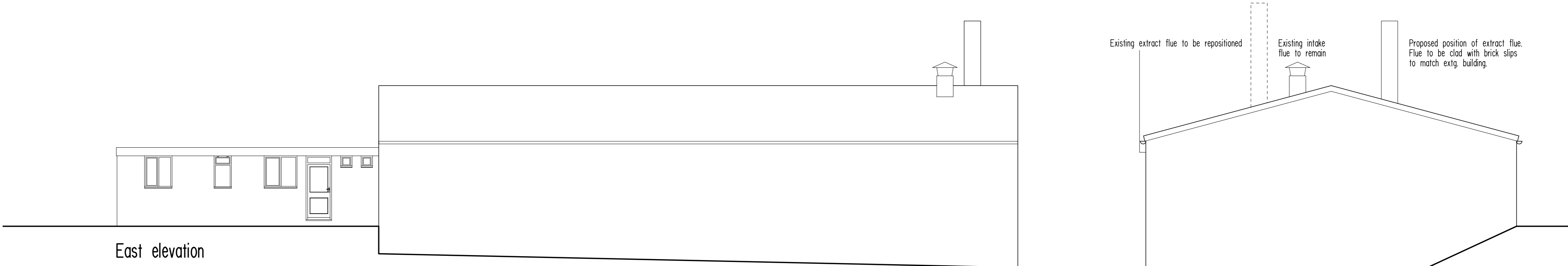
RECOMMENDATION

21. It is recommended that the application be APPROVED subject to conditions.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 14:88:01 A
3. The unauthorised flue without the benefit of planning permission, as shown on Drawing no. 14:88:01 A shall be removed by the 31st March 2015.
4. The rating level of sound emitted from the extraction system as shown on Drawing no. 14:88:01 A shall not exceed the background sound level between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the sound levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.
5. The extraction flue hereby approved shall not be operated before 0800 hours or after 1800 Monday to Saturday and not at all on Sundays and Public Holidays.

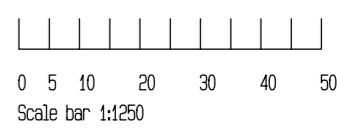
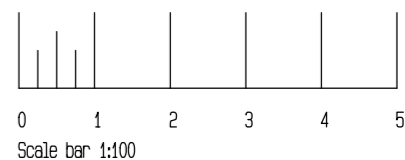
6. The flue as shown on approved Drawing no. 14:88:01 A shall be enclosed in a material to closely resemble the facing brick on the front elevation of the workshop. The brick skin shall remain in place for the lifetime of the development.



Floor plan



Location plan



A : 03/02/15 : Flue height amended.
Revisions:

SMV Accident Repair Specialists
PROPOSED ALTERATIONS
60-61 HILL STREET
NETHERTON
REVISED PROPOSALS
14:88:01A

Scale 1:100 1:1250
Date December 2014

MFL Design

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5 Glynn Crescent,
Halesowen,
West Midlands,
B63 2PZ
Tel. 01384 561334



Do not scale. Figured dimensions only to be taken from drawing.
The contractor is to visit the site and be responsible
for taking & checking dimensions relative to this work.