

# PLANNING APPLICATION NUMBER:P13/1640

Type of approval sought	Full Planning Permission
Ward	Belle Vale
Applicant	Hayley Group Plc
Location:	<b>HAYLEY GROUP PLC, SITE 2 (HAYLEY), SHELAH ROAD, HALESOWEN, WEST MIDLANDS, B63 3XL</b>
Proposal	<b>INSTALLATION OF 4 NO. AIR CONDITIONING UNITS AND ASSOCIATED 2 M HIGH ACOUSTIC FENCING (RETROSPECTIVE)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

- 1 The application site consists of a 1970s industrial unit within an area that is characterised by industrial premises and residential properties. In front of the building is a car parking area, with palisade fencing along the front boundary.
- 2 Whilst the locality is mostly industrial there is a 1970s housing estate (Winsford Close) that adjoins the site to the south and east. This is bounded by a close boarded fence and tree planting.

## PROPOSAL

3. This a part retrospective planning application for the provision of four air conditioning condenser units to the side (eastern) elevation to the existing main building at the site. The units are located on a concrete base set in approximately 6m from the boundary with the closest dwelling 7 Winsford Close. The tallest of the units is in the region of 1.6 to 1.7m high.
4. In addition to the retention of the condenser units this application is also for the erection of an acoustic fence around the units. This proposal has been amended as the fence would not initially have fully enclosed the units.

5. A similar application for two units (without the barrier) was refused at Development Control Committee in September of last year due to concerns about the impact on neighbour amenity and visual impact.
6. Following on from the last application the applicants have considered positioning the units in other locations, including the side to the vehicular access, however, they considered the units would impeded access and would be susceptible to damage from forklift trucks etc.
7. They also advise that they have looked at positioning them on the front elevation. But this has been ruled out on visual amenity grounds as well as impact to the car parking arrangements.
8. The chosen location is considered to be appropriate in that does not affect operational areas, and is 5m from the boundary with a screen fence. They also consider the location to be well screened and in terms of noise they consider they have little impact on ambient noise levels. They also note the lack of objection from the Head of Environmental Health and Trading Standards.

## HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
HB/57/653	Industrial development.	Refused	05/02/58
HB/63/417	The use for packaging and manufacturing of cases and Cartons and ancillary purposes and for storage of land	Granted	19/08/63
HB/67/526	Development comprising covered store	Granted	07/08/67
HB/67/859	Storage building.	Granted	08/01/68
HB/71/20	Warehouse and offices phase 1.	Granted	05/03/71
HB/71/21	Warehouses and offices phases ii and iii.	Granted	05/03/71

HB/71/581	Sprinkler water storage tank and pump house	Granted	13/09/71
HB/71/649	Canopy.	Granted	04/11/71
HB/72/338	Change of use.	Refused	09/06/72
HB/73/215	Change of use from warehouse to industrial.	Granted	07/11/73
HB/73/824	Warehouse.	Withdrawn	15/09/73
90/51677	Conversion and change of use of part of existing Warehouse to 2 storey offices.	Granted	17/10/90
94/51828	Installation of pumphouse and water storage tank.	Granted	06/04/95
94/50358	Erection of security fencing and gates re-surfacing of Front yard and shrub planting front of car park.	Granted	11/04/94
97/51541	First floor office extension to be constructed internally With installation of new windows.	Granted	17/11/97
95/51343	Change of use of warehouse to B2 general industrial	Refused	16/11/95
P01/0101	Insertion of two additional windows in front elevation of Building (retrospective).	Granted	19/07/02
P02/1182	Insertion of additional windows to warehouse building facing Shelah Road plus new staff entrance	Granted	19/07/02
P06/0647	Change of use to car park (sui generis) (retrospective)	Granted	6/05/2006
P06/1473	Removal of condition 4 of previous approval P06/0647	Refused	26/09/2006

	which requires the installation of a noise barrier.		
P12/0131	Change of use of warehouse (B8) to office accommodation (B1) with front elevational changes to include new windows and double doors, new gated access and dropped kerb.	Granted	30/4/2012
P12/0297	Enlargement and re-surfacing of existing car park	Granted	29/8/2012
P13/0931	Provision of 2 no air conditioning condenser units (retrospective)	Refused	19/9/2013

- 9 P13/0931 was refused by the Development Control Committee as it was considered the units harmed neighbour and visual amenity.

## **PUBLIC CONSULTATION**

- 10 2 letters of objection received, following consultation with 27 adjoining neighbours.

Main issues raised:

- Application previously refused by committee
- Additional units installed without permission
- Health issues related to units including Legionella
- Reduction in property value and saleability
- Units need to regularly maintained
- Close to patio area
- Noise from units
- Visible from other properties
- Units should be moved to western elevation of the building
- Sound will be deflected back to the main building by the fence

It should be noted that one of the letters of objection was submitted without an address being provided.

## OTHER CONSULTATION

- 11 Head of Environmental Health and Trading Standards: No objection subject to the imposition of conditions relating to the standard of the fence and for the hours of operation of the units.
- 12 West Midlands Police: Recommend that the fence encloses the units completely, to deter them being the target of opportunist offenders.

## RELEVANT PLANNING POLICY

- National Planning Guidance

National Planning Policy Framework (2012)

- Unitary Development Plan (2005) (Saved Policies)

DD4 Development in Residential Areas

DD5 Development in Industrial Areas

EP7 Noise Pollution

## ASSESSMENT

- 13 The main issues are
  - Policy
  - Design
  - Neighbour Amenity
  - Other Matters

### Policy

- 14 Saved policy DD4 – Development in Residential Areas - of the Dudley Unitary Development Plan states that development proposals should have no impact upon residential amenity and should be appropriate in terms of design and character. Saved Policy DD5 – Development in Industrial Areas, similarly states that any development should “*safeguard the amenity and environmental quality of adjacent residential areas.*”

- 15 Saved Policy EP7 – Noise Pollution – states *that “where development is expected to generate noise, the Council will require proposals to include measures that would minimise noise emissions (and minimise noise intrusion)”*
- 16 It is considered that the installation of air condenser units and an acoustic screen fence would be acceptable in principle.

### Visual Amenity

- 17 The four units are located on the side (eastern) elevation of the main building within the application site. The units are located on the ground and are powder coated in a light pale green colour. The units are comparatively modest when compared to the size of the building.
- 18 From Shelah Road the units at present are comparatively discrete in that the boundary with the neighbour (7 Winsford Close) effectively screens the units when viewed along Shelah Road from the east. The existing building also screens the units when viewed along Shelah Road from the West. However they are visible when viewed from the front of the site.
- 19 The units are partially available above the top of the existing boundary treatment that separates the site from the closest residential properties. In addition there is some tree cover along the boundary which further limits any visual intrusion of the units.
- 20 However, irrespective of this it is now proposed to further screen the units with a two-metre high acoustic fence which would prevent the units from being seen.
- 21 It is therefore considered that there are no justifiable reasons to the refuse this amended application on visual amenity grounds.

### Neighbour Amenity

- 22 The relatively close proximity of the units to neighbouring residential properties is noted and was the principal reason for the refusal of the previous application at the site.
- 23 The Head of Environmental Health and Trading Standards notes the previous application related to two units and this proposal is for four units with the addition of a 2 metre high acoustic fence around all of the units.
- 24 The Head of Environmental Health and Trading Standards notes that the two additional fans would potentially increase the level of noise produced from the site, but with the provision of the acoustic fence any noise from the units would be substantially reduced.
- 25 Furthermore, the Head of Environmental Health and Trading Standards is of the view that the imposition of a condition to prevent the units being used outside of normal office hours and during 'quiet' hours would further reduce the potential for any noise issues affecting the neighbouring properties.

### Other Matters

- 26 Health is a material consideration when determining any planning application and this stance is confirmed by the NPPF. However, issues relating to the maintenance of air conditioning units are covered by other areas of legislation such as health and safety at work. In addition it is understood Legionella (the bacteria associated with Legionnaires Disease is mostly usually associated with water cooled systems. It is understood that the systems used here are air cooled.

## **CONCLUSION**

- 27 The development is considered to be acceptable in terms of visual amenity due to its location, size and colour treatment. In addition the unit is considered to be acceptable in terms of noise, regarding adjoining residential properties.

Consideration has been given to Saved Policies DD4 Development in Residential Areas DD5 Development in Industrial Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan.

## RECOMMENDATION

28 It is recommended that the application be APPROVED subject to the following conditions:

### Notes to Applicant/Informative

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Conditions and/or reasons:

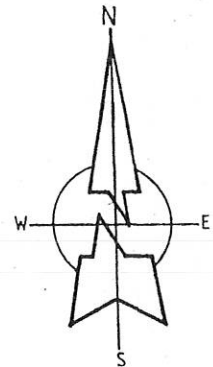
1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2648-100A
2. The units hereby approved shall not be operated before 0700 hours or after 1900 Monday to Friday, before 0700 hours or after 1300 hours on Saturdays and not at all on Sundays and Public Holidays.
3. An acoustic barrier and gates shall be constructed in accordance with the plans detailed in drawing number 2648-100A submitted with the application. The barrier and gates shall be of minimum height of 2 metres and minimum surface density of 10kg/m<sup>2</sup>. All works which form part of the approved scheme shall be completed within 3 months of this decision. The barrier shall be retained and maintained throughout the life of the development.





# Site / Location Plan

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**Client:** Hayley Group Plc.

**Site Address:** Hayley Group, Site 2 Shelah Road, Halesowen, West Midlands. B63 3XL

**Scale:** 1:1250

**Job No.** 2648      **Dwg. No.** 03

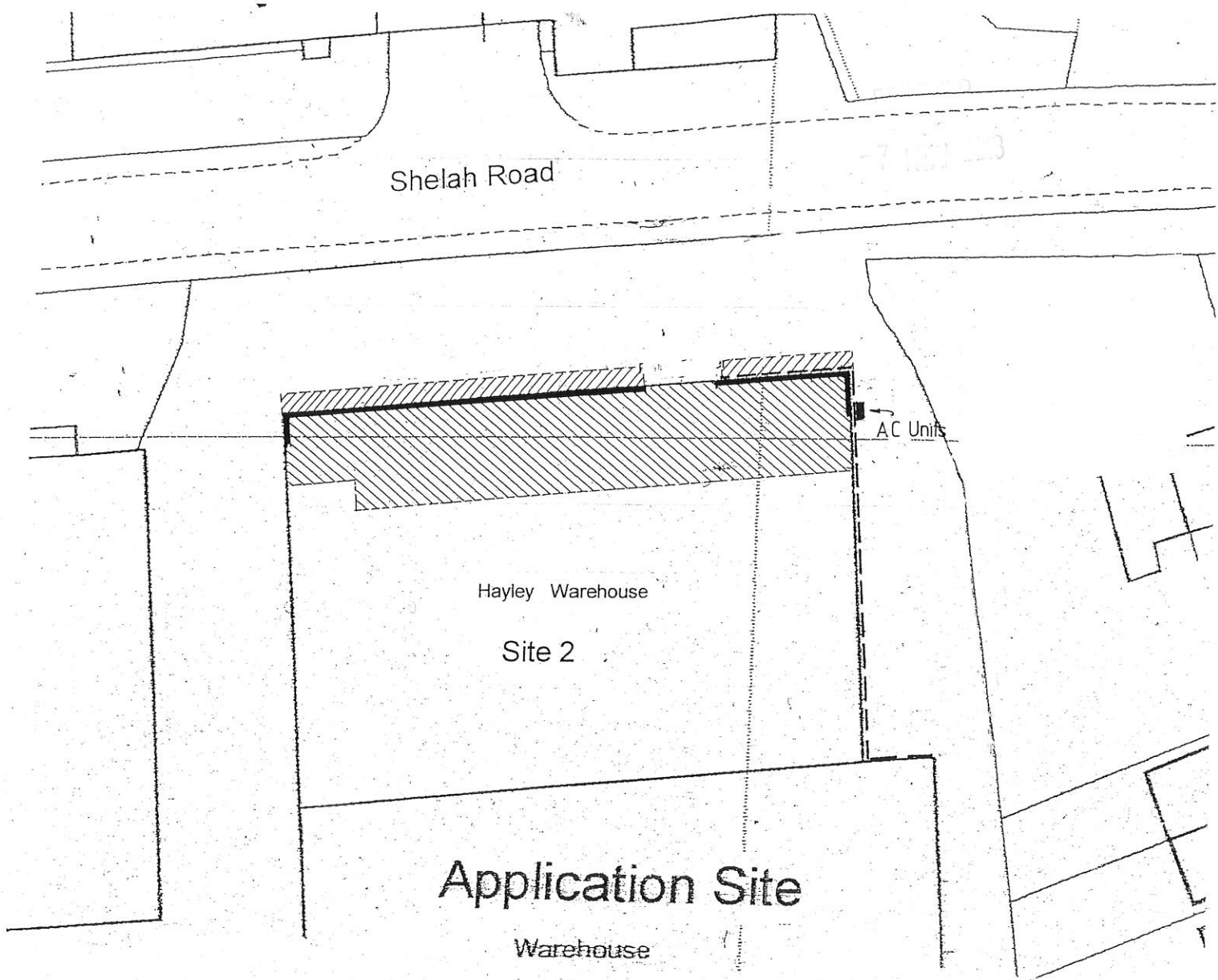
## Halas Design Ltd

173 Lower High Street,  
Stourbridge,  
West Midlands,  
DY8 1TG

Office: 01527 872255 / 0121 459 6996

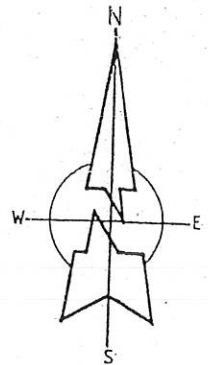
Mobile 07980 145 997

E-Mail : Halasdesignltd@AOL.COM



# Site Plan

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**Project:**

**Client:** Hayley Group Plc.

**Site Address:** Site 2, Shelah Road, Halesowen. B63 3XL

**Scale:** 1:500

**Job No.** 2648 **Dwg. No.** 07

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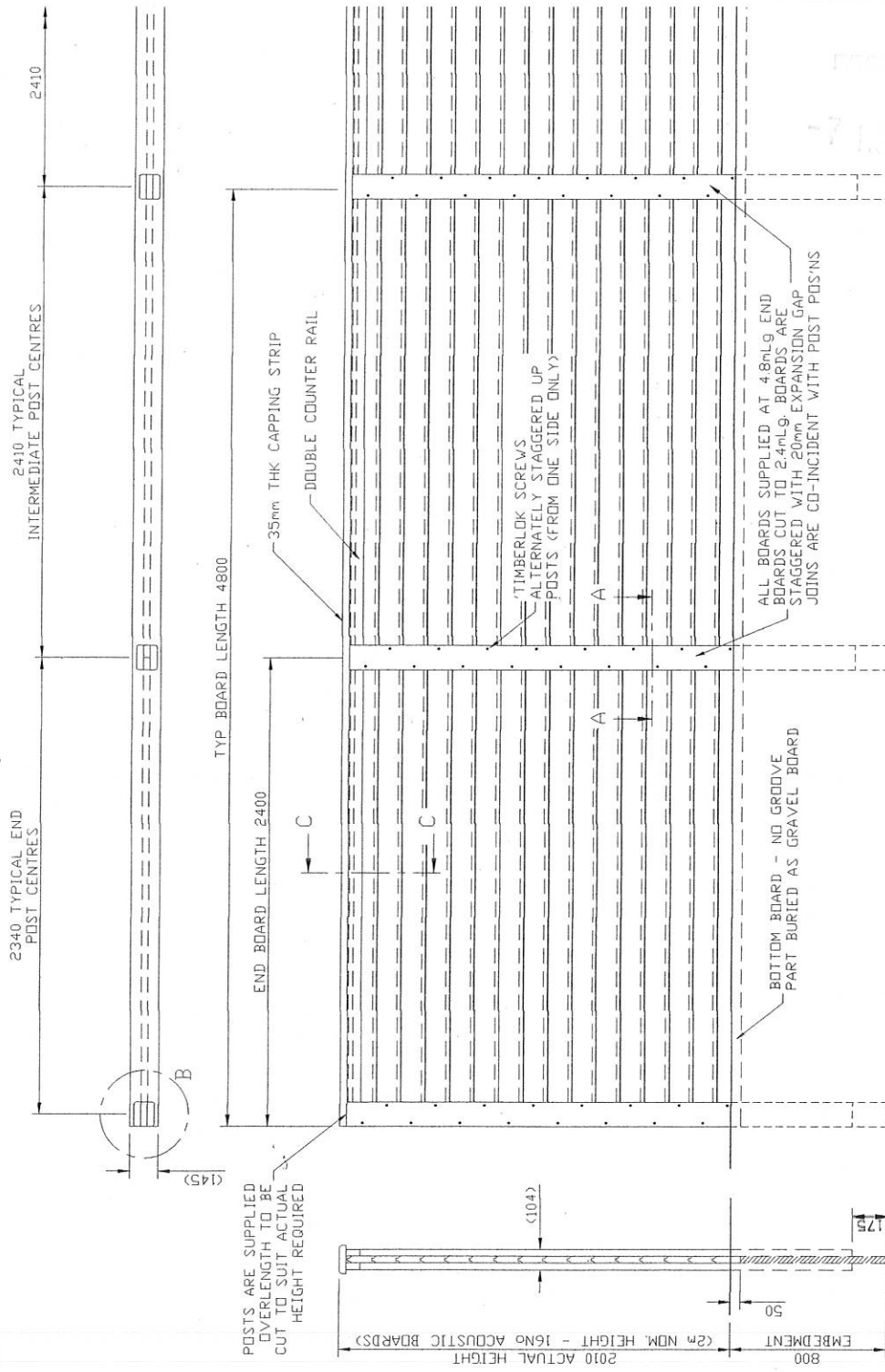
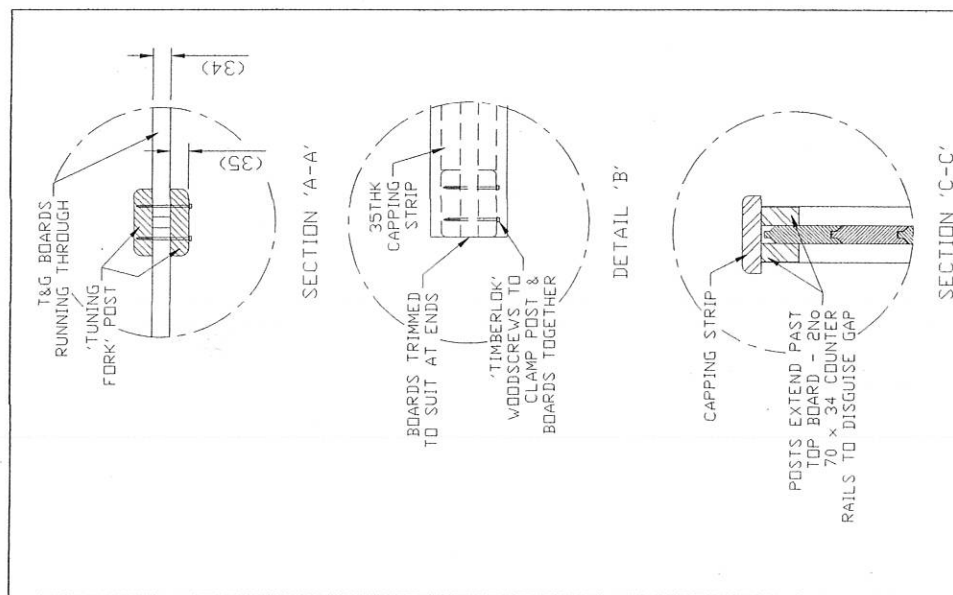
E-Mail : Halasdesignltd@AOL.COM

DO NOT SCALE - IF IN DOUBT ASK

**NOTES**

- MAT'L'S - TIMBER TREATED WITH 'JAKCURE' PROCESS
- ACOUSTIC BOTTOM BOARD - 146 x 34 THK (125 Nom. FACE)
- ACOUSTIC T&G BOARDS - 146 x 34 THK (125 Nom. FACE)
- TIMBER BATTEN - 100 x 50 THK SAWN FINISH
- CAPPING RAIL - 145 x 34 THK PAR
- POST SIDES - 125 x 34 THK PAR
- COUNTER RAIL - 70 x 34 THK PAR

ALL FIXINGS ARE GALVANISED OR STAINLESS STEEL



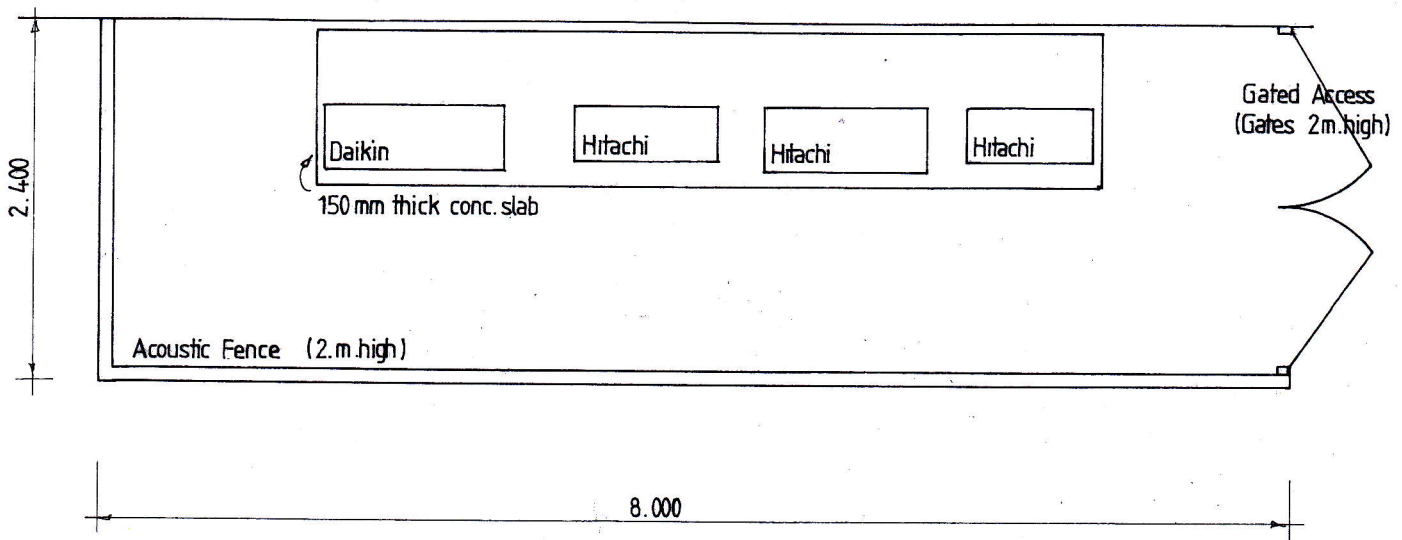
VIEWED FROM OUTSIDE

**Jacksons**  
**FINE FENCING**

Stowing Common  
 Near Ashford,  
 KENT. TN25 6BN  
 Telephone : 01233 750393  
 Fax: 01233 750403  
 Int. Tel : +44 (0)1233 750393

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Drawn JR		Date 16/01/05		Checked		Size A3		Scale 1:25 U.O.S.		ACK No.	
TITLE		DETAIL OF JAKOUSTIC FENCING SYSTEM - 2.0mH		CUSTOMER		Drawing No.		06 J7/01043		Sheet 1 - 2mH	
DATE		07/01/08		UPDATE		DATE		04/03/06		SYSTEM CHANGE	
DATE		16/01/06		ORIGINAL ISSUE		DATE		16/01/06		ORIGINAL ISSUE	



# Plan

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**Project:** Air Conditioning Units

**Client:** Hayley Group.

**Site:** Hayley - Site 2, Shelah Road, Halesowen.

**Scale:** 1:50

**Date:** Nov. 2013 **Job No.** 2648 - 100A'

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-7 OCT 2013

