

# PLANNING APPLICATION NUMBER:P09/1676

|                         |   |
|-------------------------|---|
| Type of approval sought | Full Planning Permission  |
| Ward                    | Lye & Wollescote  |
| Applicant               | Mr Saiful Islam   |
| Location:               | <b>HARRY'S OF LYE, 178 - 179, HIGH STREET, LYE, STOURBRIDGE, WEST MIDLANDS, DY9 8LH</b> |
| Proposal                | <b>REPOSITIONING OF EXTRACTION FLUE</b>   |
| Recommendation Summary: | <b>APPROVE SUBJECT TO CONDITIONS</b>  |

## SITE AND SURROUNDINGS

1. The application site is a hot food take away occupying a plot of 173m<sup>2</sup> and is set within Lye town centre. The application property is an L shaped two storey building with an existing extract flue sited to the rear of the property within the corner of the L footprint. It projects above the eaves by approximately 1.5m.
2. The application site is bound to the north west by a hot food take away. To the south east is Church Road, a narrow public highway with no pedestrian footpath. To the rear of the site is an access to communal car park associated with this row of commercial units. Beyond this is an access drive to residential properties and then 3d Church Road. This residential unit is a bungalow and sits perpendicular to the application site, fronting Church Road.

## PROPOSAL

3. This application seeks approval for the relocation of the extract flue. The relocation would also involve the upgrading of the existing flue system. The proposed flue would be located 7m from the rear elevation of the existing building and existing flue on the side of the building opposite Church Road. It would extend above the eaves by 1m and be of a higher specification with regards to odour and a comparable specification with regards to vibration and noise.

## HISTORY

4.

| <b>APPLICATION No.</b> | <b>PROPOSAL</b>   | <b>DECISION</b>          | <b>DATE</b> |
|------------------------|---|--------------------------|-------------|
| SB/56/171              | CHANGE OF USE FROM DWELLING HOUSE TO GUEST HOUSE.   | Approved with Conditions | 10/08/56    |
| SB/52/137              | USE OF PREMISES AS HOUSE FURNISHER SHOP   | Approved with Conditions | 12/08/52    |
| SB/63/27               | CONVERSION OF NOS. 178 & 179 HIGH STREET LYE INTO A WINE AND SPIRITS SHOP AND RETAIL SHOP RESPECTIVELY.     | Approved with Conditions | 04/03/63    |
| SB/72/214              | CHANGE OF USE FROM STORES TO MEETING ROOM FOR RELIGIOUS PURPOSES.   | Approved                 | 08/06/72    |
| SB/70/419              | CHANGE OF USE FROM WINE AND SPIRIT STORES TO USE OF FIRST FLOOR ROOMS FOR UPHOLSTERING COVERING AND REPAIRS | Refused                  | 11/11/70    |
| SB/63/63               | ALTERATION TO PROPERTY TO FORM SHOPS AND FLATS OVER.  | Approved                 | 26/03/63    |
| SB/64/14/S             | ILLUMINATED BOX SIGN FIXED TO BRICKWORK ABOVE DOORWAY.  | Approved with Conditions | 20/05/64    |
| P00/50680              | CHANGE OF USE TO CLASS A3 - TRADITIONAL ALE WINE AND FOOD PUBLIC HOUSE.                                     | Approved with Conditions | 25/09/00    |

|           |  |                          |            |
|-----------|--|--------------------------|------------|
| P00/51697 | ELEVATIONAL ALTERATIONS AND REFURBISHMENT TO FACILITATE APPROVED A3 PUBLIC HOUSE (REF: P00/50680) INCORPORATING FIRST FLOOR EXTENSION TO FACILITATE FIRE ESCAPE AND TO HOUSE THE PLANT ROOM. | Approved with Conditions | 16/11/00   |
| P00/51708 | DISPLAY OF ILLUMINATED FASCIA SIGNS HANGING SIGN MENU CASE AND AMENITY BOARDS.   | Approved with Conditions | 16/11/00   |
| P05/1580  | Variation of condition No. 1 of planning approval P00/50680 to extend the time period for development to be begun for a one year.  | Approved                 | 26/09/2005 |
| P06/1606  | Single storey rear extension and new shop front  | Approved with Conditions | 16/01/2007 |

## **PUBLIC CONSULTATION**

5. Two letters have been received from local residents. Their objections relate to the following:
  - Moving the flue closer to residential properties would have an adverse impact upon these properties by way of odour and noise
6. A Ward Councillor for Lye and Wollescote has formally objected to the scheme due to the potential impact on local residents.

## **OTHER CONSULTATION**

7. Head of Environmental Health and Trading Standards – No objections subject to conditions related to complete accordance with the technical specification submitted and restricting background noise levels.

## RELEVANT PLANNING POLICY

### 8. Adopted UDP (October 2005)

DD4 Development in Residential Areas

EP7 Noise Pollution

## ASSESSMENT

### 9. Key issues:

- Impact on the street scene and host building
- Impact on residential amenity

Impact on the street scene and host building

10. The proposed flue would be sited to the rear of the building and would not be visible from the street scene. The proposed flue would be sited in a different location to that of the existing and the design is reasonably comparable. The height of the proposed flue would be less than that of the existing by approximately 0.5m. In this regard it is considered that the proposed flue would have a neutral impact on the host building. In this respect the proposed extract flue would be in accordance with the requirements of Policy DD4 – Development in Residential Areas of the Adopted UDP (October 2005).

Impact on residential amenity

11. Based on information provided by the Head of Environmental Health Department it is noted that there have been odour complaints related to the application site. It is however his opinion that these odours are associated with fugitive emissions from the premises rather than from the flue. The proposed flue would be closer to the existing dwellings to the rear of the property by 7m than the existing. The nearest property to the rear is number 3d Church Road. This property sits perpendicular to the application site and is screened from the site by a 1.8m high concrete panel fence. Further to this there is an access road and car park access between the application

site and 3d Church Road. The separation distance between the side gable of this residential property and proposed flue would be approximately 24m. Whilst it is accepted that the proposed flue would be within closer proximity to the neighbouring domestic dwellings than the existing flue, the separation distance is considered sufficient to not result in reduced outlook from these properties. Further, because of the higher specification of the proposed flue with regards to odour when compared to the existing flue combined with conditions suggested by Environmental Health related to noise, it is considered to result in a development that would have no greater impact in relation to loss of residential amenity than that of the existing situation. In this regard the proposed extract flue would comply with the requirements of Policies DD4 – Development in Residential Areas and Policy EP7 – Noise Pollution of the Adopted UDP (October 2005).

## CONCLUSION

12. The extract flue would have no detrimental impact on the neighbouring properties or the street scene due to its location and the fact that it is a replacement as apposed to a new installation. An appropriate condition related to noise can be added to any approval to ensure the amenity of the surrounding occupiers is protected.

## RECOMMENDATION

13. It is recommended that the application be approved subject to the following conditions:

### Reason for Approval:

The extract flue would have no detrimental impact on the neighbouring properties or the street scene due to its location and fact that it is a replacement as apposed to a new installation. An appropriate condition related to noise can be added to the approval to ensure the amenity of the surrounding occupiers is protected.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan and to all relevant material considerations including supplementary planning guidance

The above is a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Note for Applicant

*The development hereby permitted shall be in accordance with the drawings received in these offices on the 10<sup>th</sup> December 2009 and referenced drawing number 1 and 2 and document referred to as 'Specification' unless otherwise agreed in writing by the Local Planning Authority.*

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 operation of the fixed plant and/or machinery associated with the extraction system shall not cause background noise levels at any nearby dwelling to be exceeded by a Noise Rating Level of more than 5 dB(A), as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.
3. The method of extraction and treatment of cooking odours shall be installed and maintained in accordance with the scheme submitted as part of the application hereby approved, specifically the details of which are contained within the document titled 'specification' and diagrams 1 and 2. The termination height of the extraction flue shall be not be less than 1 metre above the eaves of the roof as outlined on the elevation drawings hereby approved. The installed scheme shall be retained and maintained in accordance with the manufacturers instructions for the duration of the development.



Position location plan



RECEIVED  
10 DEC 2009  
DIRECTORATE OF  
INVESTIGATION





# Unique Catering

EQUIPMENT Co.

UNIQUE BUILDINGS, 14 WITTON ROAD,  
ASTON, BIRMINGHAM, B6 5NY  
TEL: 0121-551-3636 FAX: 0121-551-6857  
EMAIL: fab-eng@unique-catering.com

**Client:** HARRYS OF LYE,  
178-179 HIGH STREET,  
STOURBRIDGE,

**Project:** PROPOSED  
EXTERNAL FLUE PLAN

**Scale:** 1/100

**Drawing no:** 1

**Job no:** N/A

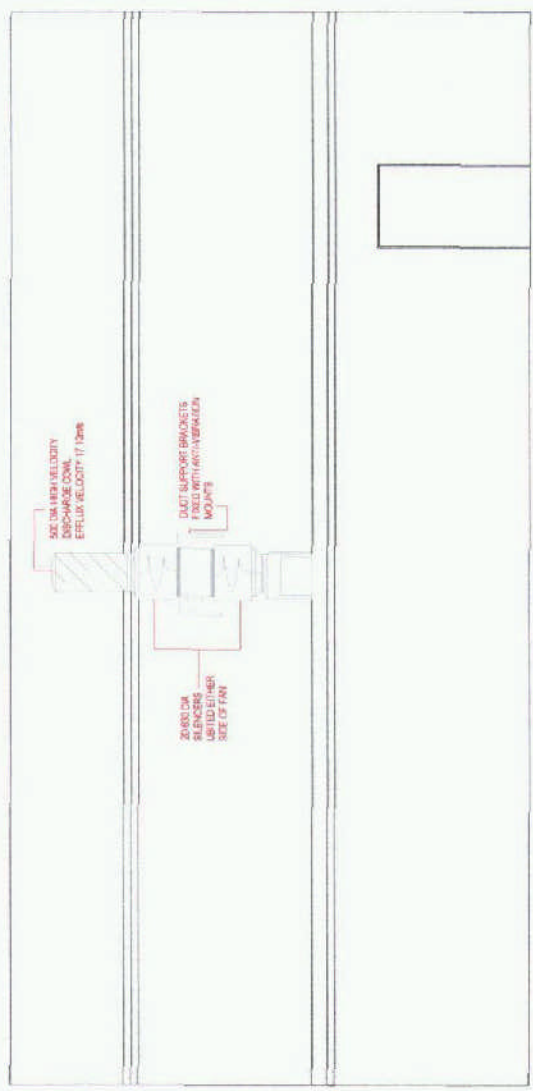
**Quote no:** N/A

**Council ref:** N/A

**Officer:** N/A

**Date:** 28/9/09

**Drawn:** JAY



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Side Elevation

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UNIQUE BUILDINGS, 14 WITTON ROAD,  
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TEL: 0121-551-3636 FAX: 0121-551-6857  
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**Client:** HARRYS OF LYE,  
178-179 HIGH STREET,  
STOURBRIDGE,

**Project:** PROPOSED  
EXTERNAL FLUE PLAN

**Scale:** 1/100

**Drawing no:** 2

**Job no:** N/A

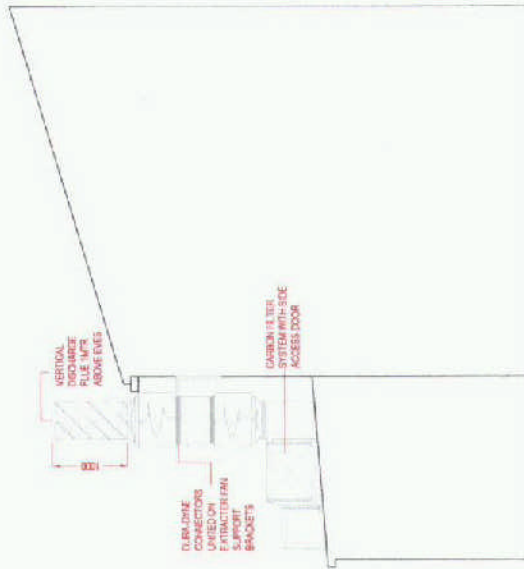
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REAR ELEVATION

Rear elevation  
P0411676