

## **PLANNING APPLICATION NUMBER:P09/0099**

Type of approval sought	Full Planning Permission
Ward	HALESOWEN NORTH
Applicant	Munir Brothers
Location:	<b>48 49 , LONG LANE, HALESOWEN, HALESOWEN, B62 9LS</b>
Proposal	<b>VARIATION OF CONDITION 1 OF PLANNING APPLICATION P03/1864 TO BE REVISED TO 'NO MORE THAN 600 LIVE CHICKENS SHALL BE KEPT ON THE PREMISES AT ANY ONE TIME, AND THERE SHALL BE NO MORE THAN ONE DELIVERY OF LIVE CHICKENS TO THE PREMISES PER DAY. IN ANY EVENT NO LIVE POULTRY SHALL BE DELIVERED BEFORE 08.00 HOURS OR AFTER 17.30 HOURS ON MONDAYS TO SATURDAYS INCLUSIVE OR AT ANY TIME ON SUNDAYS OR BANK HOLIDAYS.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **SITE AND SURROUNDINGS**

- 1 The application site is a supermarket with slaughterhouse at the rear on the eastern side of Long Lane (A3034) within Shell Corner Local Centre.
- 2 The character of the area is mixed: most of the eastern side of Long Lane comprises a commercial frontage (there is a shop adjoining to the north and terraced houses to the south). There are terraced houses adjoining the site to the south and dwellings at the rear of the site, fronting Clement Road. There is an industrial estate on the opposite side of Long Lane.
- 3 Parking is available in designated bays on this side of the highway, with no parking available on the other side of the road. Vehicular access to the rear of the premises is gained through gates incorporated into the shopfront through a covered passageway into a yard, from where the slaughterhouse is accessed.

## PROPOSAL

- 4 This is for the variation of a condition which restricts the number of chickens which may be delivered to the premises. That Condition (Condition 1 attached to permission P03/1864) was part of an Inspector's decision. In full, it states -

*'Except where a smaller maximum number is required under Conditions 2 and 3 below, no more than 125 live chickens per day shall be delivered to the premises, and there shall be no more than one delivery of live chickens to the premises per day. In any event no live poultry shall be delivered before 0800 hours or after 1730 hours on Mondays to Saturdays inclusive, or at any time on Sundays or Bank Holidays.'*

- 5 With regard to the above, Condition 2 refers to a scheme for the extraction and treatment of odorous air and Condition 3 refers to a scheme for storage and disposal of waste material. (In relation to that permission), both those conditions have been complied with.

- 6 The proposal is for the variation of Condition 1 to remove the wording that limits the number of chickens delivered to the premises and its replacement by a condition to limit the number of chickens housed at the slaughterhouse at any one time (to 600).

- 7 In full, the condition is proposed to be varied to state:-

*'No more than 600 live chickens shall be kept on the premises at any one time, and there shall be no more than one delivery of live chickens to the premises per day. In any event no live poultry shall be delivered before 0800 hours or after 1730 hours on Mondays to Saturdays inclusive, or at any time on Sundays or Bank Holidays.'*

- 8 In support of the actions arising from the proposed variation, the applicants are recommending that a further condition be attached requiring the installation of a new odour extraction system (details of which form part of the submission – prepared by Unique Catering Equipment Co. in conjunction with Extechnology Ltd. and Airclean).

- 9 The perceived necessity for this new odour control system reflects the views of the Inspector in dismissing an appeal on the previous application (P07/1646) – refer to planning history below.
- 10 The applicants have submitted a supporting statement. This states, inter alia, that-
- 600 chickens can be accommodated on the site without any increase in accommodation necessary;
  - the premises have been licensed in the past by the Food Standards Agency (FSA) for a throughput of up to 150,000 birds each year – this equates to 493 birds per day over 304 days – in the most recent FSA licence (dated 11/08/08), there are no restrictions on the number of poultry which may be slaughtered;
  - the slaughtering itself is carried out under the direct supervision of an Inspector from the FSA;
  - the existing delivery van can accommodate 600 chickens;
  - the use of a single delivery van will have no adverse impact on highway safety nor residential amenity.

## HISTORY

- 11 A summary of the planning history is set out below.

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/1075	Rear extension for use as slaughterhouse	Allowed at appeal	21.02.02
P03/1864	Vary Condition 3 of P01/0175 to allow for the delivery of 125 chickens per day	Allowed at appeal	13.09.04
P07/1646	Vary Condition 1 of P03/1864 to allow an increase of up to 250 live chickens which may be delivered to the premises on a daily basis	Dismissed at appeal	11.04.08

- 12 All the above previous applications were initially refused on grounds relating to a) odour impacting on residential amenity and b) the intensification of the slaughterhouse facility no longer being ancillary to the main retail use.
- 13 In dismissing the appeal on P07/1646, the Inspector upheld the Council's view that (with the current odour control system), there would be a potential risk of residential amenity being negatively impacted upon by the increase in chickens proposed to be delivered.

## PUBLIC CONSULTATION

- 14 A letter of objection has been received on behalf of a neighbouring occupier. This states, in summary, that:-
- all 600 chickens can be delivered on one day and slaughtered on that day;
  - the number of daily deliveries could increase, with upwards of 3 vehicles arriving every day – with highway safety implications;
  - the submitted information takes no account of all animals being processed every day or likely associated traffic movements.
- 15 All three local ward Members have also objected. Their concerns are:-
- The original application a few years ago when the slaughter premises were built at the back of the shop in Long Lane were for 30 chickens which could be delivered and slaughtered Monday to Saturday. A total of 180 chickens per week. This application was approved.  
An application was made some time later for 125 chickens per day Monday - Saturday totaling 750 per week. This application was also approved.  
A further application was made for 250 chickens per day doubling the amount in the previous application which was not approved.  
The current application is for up to 600 chickens to be delivered daily and 600 to be kept on the premises at any one time Monday to Saturday which in effect means that up to a maximum of 3,600 chickens per week are being requested for delivery and slaughter - in effect this could now be considered to be a full wholesale slaughter operation and would no longer be considered ancillary to

the main retail use of the shop. The slaughterhouse was originally set up to slaughter a total of 180 chickens per week.

- With an increase of this magnification (180 originally to 3,600), the waste that is produced would need to be removed daily and the volume would be increased substantially. Additional movements of waste would increase smell and traffic congestion and increased storage capacity would be required on site.
- The vehicle which delivers the chickens could not be increased in size due to the existing access and therefore the welfare of the animals in transit would be a concern;
- The area already suffers from high volume traffic, illegal parking and congestion and therefore any additional vehicle movement to and from the site would have a negative impact on an area that already has problems;
- Increased filtration systems are mentioned in this application but smell also has to be a consideration as the movement of waste etc could have a negative impact on the surrounding residential area to the rear of the shop;
- This site is suitable for an operation of this size and would suggest that this type of wholesale operation would need to be carried out in a fit purpose slaughter house which could accommodate high volume slaughter.

16 Three representations have also been received stating that they have no objections.

## OTHER CONSULTATION

- 17 Chief Environmental Health and Trading Standards Officer: – the proposed extraction and odour treatment system includes UV treatment, bag filtration, biological filtration and carbon filtration. The system has been specifically designed to accommodate 600 live birds and the associated odour. The drawings submitted with the application show the final discharge point as horizontal. To ensure adequate dilution and dispersion of emissions a vertical final discharge and, where practicable, a final termination height one metre above the ridge height of adjoining buildings is considered to be best practice. The proposed system, but installed with a vertical discharge, should therefore ensure that neighbouring properties do not suffer loss of amenity due to noise and odour. Considering the above points, there is no objection to the variation of Condition 1 of planning permission P03/1864. This is subject to conditions that the submitted extraction system be installed and

maintained for the life of the development, and that the final discharge point is vertically rather than horizontally aligned.

- 18 Group Engineer (Development) – It would appear that the development will not affect the delivery time/ frequency / delivery location / nos. of vehicular movements since the additional chickens could be accommodated on the same delivery vehicle. It being the case that the development will not result in additional vehicular trips, there are no highway objections provided that the earlier highway / access / delivery conditions are carried forward.

## RELEVANT PLANNING POLICY

- 19 Unitary Development Plan (UDP) (adopted 2005)

DD3 – design of retail development;

DD4 - development in residential areas;

DD6 – access and transport infrastructure;

CR1 – hierarchy of centres;

CR5 – regeneration and development of centres;

EP1 – incompatible land uses.

## ASSESSMENT

- 20 The key issues are –

- principle of the use;
- traffic movements;
- impact on residential amenity;
- other issues.

- 21 Principle

Reasons for refusal on previous proposals to intensify this use have referred to the overall use of the planning unit being affected (in that it would no longer be ancillary to the main retail use of the unit), and that, as a consequence, amenity would be harmed.

22 On this issue, there is condition attached to P01/1075 that the development is used for the slaughter of poultry for sale on the premises only. This condition has not been contested by the applicants.

23 In addition, the Inspector, in dismissing the appeal on the previous scheme (P07/1646), did not consider that there was sufficient evidence to demonstrate that 'harm may be caused by an element of wholesale activity on the site'. The reason for refusal on P07/1646 based on the change in character of the planning unit did not influence the Inspector's conclusions on that scheme.

24 Given this, and that only one delivery is allowed to take place per day (and proposed on the current scheme), that no increase in floorspace is proposed and that the slaughtering operation takes place at the rear of the premises in an enclosed yard, it is considered that the planning unit would retain the overall character of that of a retail unit.

25 Traffic movements

The proposed variation of Condition 1 reflects the intent of the applicants that the additional throughput of chickens would not result in an increase in the number of deliveries, which would remain at one per day from Monday to Saturday. They have previously provided evidence to show that the delivery van used can carry up to 40 crates, with each crate accommodating 15 chickens – i.e. 600 chickens in total.

26 In addition an existing condition on P01/1075 prevents unloading on the highway and requires delivery directly to the reception lobby of the extension, with the width of the access limiting the size of the delivery van.

27 There are no objections from the Group Engineer, providing that the restrictions on unloading and frequency of deliveries remain. On this basis, it is unlikely that the proposal will result in an undue impact on highway safety (particularly above the existing situation).

28 Impact on residential amenity

There is a 2.4 metre high screen wall between the rear of the site and the dwellings fronting Clement Road (built as a result of a condition attached to P01/1075), with a separation distance of 27 metres between the rear building line of those dwellings and that wall. The applicants have confirmed that the adjoining house in Long Lane

(no. 50) is in their control. The occupier of that dwelling has also written in to confirm that he has no objections to the proposal: any impact on the occupiers of that dwelling is consequently considered less significant.

- 29 In dismissing the appeal on the previous proposal (P07/1646), the Inspector concluded that the existing air extraction system would have an insufficient capacity to accept the proposal without the risk of overload. As such, there would be the potential for odours to be carried eastwards towards the dwellings and gardens in Clement Road.
- 30 However, the Inspector also conceded that 'a new and more efficient odour treatment system could be required by a condition', providing that sufficient evidence was provided to 'enable the possible implications of such a system to be judged'.
- 31 The applicants have sought to address this issue, by submitting:-
- a Method Statement and extraction calculation;
  - a system specification;
  - a filter system specification, including recommended change intervals;
  - a specification for the recommended fan.
- 32 The proposed system is shown extending over the roof an external storage building at the rear of the slaughterhouse.
- 33 The Chief Environmental Health and Trading Standards Officer has assessed this proposed system and concluded that, as it has been specifically designed to accommodate 600 live birds and the associated odour, it is fit for purpose, with no significant impact on residential amenity arising. This being subject to conditions requiring that the proposed system is installed and that the final discharge point is vertically rather than horizontally aligned.
- 34 While, this proposed system is substantially larger than the existing one at the premises, it will be hemmed in, to an extent, by existing built development and a significant distance away from the dwellings in Clement Road. Thereby, even with a vertical discharge point, as recommended, it is unlikely to have a significant undue visual impact within the local environment.



35 In summary, it is considered that subject to the installation and maintenance of the proposed extraction system, no significant impact on amenity will arise as a result of this proposal.

36 Other issues

The capacity of the existing facility to accommodate the additional live chickens, specifically in terms of animal welfare and health and safety, is an issue for the Foods Standards Agency in conjunction with the Council's meat hygiene service. This issue is therefore governed by legislation outside the scope of planning.

## CONCLUSION

37 Subject to appropriate and reasonable controls, particularly on the proposed extraction system and deliveries, the proposed intensification of the slaughterhouse operations resulting from this proposal is considered acceptable, with no significant impacts arising on residential amenity or highway safety, especially over and above the lawful situation. The proposal is therefore considered to be in accordance with the development plan, in particular policies DD3, DD4 and DD6 of the Unitary Development Plan.

## RECOMMENDATION

38 It is recommended that Condition 1 of P03/1864 be varied to allow an increase in the number of live chickens to 600 which can be kept on the premises at any one time.

39 In addition, as P03/1864 was for a variation of a condition on P01/1075, the relevant operational conditions relating to P01/1075 are also set out as part of the recommended approval, as is an additional condition recommended by the Chief Environmental Health and Trading Standards Officer on the extraction equipment.

**Reason for approval**

Subject to appropriate and reasonable controls, particularly on the proposed extraction system and deliveries, the proposed intensification of the slaughterhouse operations resulting from this proposal is considered acceptable, with no significant impacts arising on residential amenity or highway safety, especially over and above the lawful situation. The proposal is therefore considered to be in accordance with

the development plan, in particular policies DD3, DD4 and DD6 of the Unitary Development Plan.

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 used strictly for the slaughter of poultry for sale on these premises only, ancillary to the use of the existing retail shop, and not for the provision of slaughterhouse facilities for general wholesale purposes.
3. No more than 600 live chickens shall be kept on the premises at any one time, and there shall be no more than one delivery of live chickens to the premises per day. In any event no live poultry shall be delivered before 0800 hours or after 1730 hours on Mondays to Saturdays inclusive, or at any time on Sundays or Bank Holidays.
4. The chickens shall be delivered directly to the reception lobby in the extension hereby permitted by way of a closed van only. No unloading shall take place on the highway.
5. The storage of live chickens and the slaughter of poultry shall take place only within the building hereby permitted.
6. Any fixed plant or machinery installed shall not cause background noise levels to be increased by more than 5 db(A) as measured at the boundary of the site under BS 4142 (1997) and its subsequent amendments.
7.
  - a) Prior to the implementation of the permission hereby granted to intensify the use of the site under the terms of Condition 3 forming part of this decision, a system for the extraction and treatment of odours shall be installed in accordance with the relevant details submitted as part of this application, particularly.
  - b) This is, notwithstanding the details, referred to in condition 7a above, subject to the extraction equipment having a vertical discharge point extending 1 metre above the ridge height of the nearest adjoining building.
  - c) The scheme shall be retained for the duration of the development and maintained in accordance with the manufacturer's instructions.



809/0099

48-49 Long Lane  
Halesowen

LONG LANE