

PLANNING APPLICATION NUMBER:P11/1428

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Mr Mazar Khan, Munir Brothers
Location:	50 & 51, LONG LANE, HALESOWEN, WEST MIDLANDS, B62 9LS
Proposal	CHANGE OF USE OF GROUND FLOOR OF NO.50 LONG LANE TO RETAIL (A1) WITH NEW SHOP FRONT. ERECTION OF ABATTOIR (OSG) WITH EXTRACTION SYSTEM AT REAR OF NOS. 50 & 51 LONG LANE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site is a mid-terrace dwelling located on the eastern side of Long Lane, (A3034) within Shell Corner Local Centre. The character of the area is mixed with most of the eastern side of Long Lane comprising mixed commercial and residential frontage. The terrace consists of a shop to the northern end, adjoined by a supermarket with an ancillary slaughterhouse for chickens at the rear, followed by the application property and an end of terrace dwelling. A vehicle storage yard is located to the south of the terrace. There are the rear gardens of terraced houses backing on to the site to the east on Clement Road and there is an industrial estate on the opposite side of Long Lane with a public car park available.
2. Parking is also available in designated bays outside the application site on the highway, with no parking available on the other side of the road. Vehicular access to the rear of the premises is gained through an archway incorporated into the terrace between the supermarket and the application property. The access passes through a covered passageway into a rear yard where the slaughterhouse and lairage is located and currently accessed. The rear yard of the premises accommodates a

number of single storey storage buildings and is enclosed at the rear by a high brick wall.

3. The application property is a two bedroom dwelling with a projecting single storey rear outbuilding that adjoins the rear yard of the supermarket.

PROPOSAL

4. This application seeks consent for the conversion of the ground floor of the dwelling to form a butchers shop and for a rear extension to accommodate a replacement integrated chicken lairage and slaughter house. The 'L' shaped extension will accommodate an access from the supermarket rear yard to a passageway, giving access to a 6.7 x 6.7m chicken lairage and an 8.7m long x 2.1m wide slaughter room. The pitched roof of the extension will accommodate extract and filtration equipment. A new shop front will also be inserted within the front elevation to appear as a feature which is contemporary with the adjacent supermarket. The first floor of the application premises will remain in residential use associated with the applicant's family ownership and occupation of the adjacent dwelling.
5. As a result of the development the current arrangements for the delivery of chickens would remain in place, with van access to the supermarket rear yard where the chickens would be transferred directly to the lairage. Details of extract equipment have been submitted which will be accommodated within the roof structure of the extension that terminates 10m from the rear of the site and some 35m away from the houses on Clement Road.
6. The current application is supported with a planning statement to confirm that the proposed butchers shop will act as a direct replacement for the outlet contained within the existing supermarket with the replacement abattoir continuing to operate as an ancillary facility to the shop and conditioned as such. The applicant's family will also occupy the first floor of the building in association with their current occupation of the adjoining dwelling at 51.

HISTORY

7. A summary of the planning history is set out below.

48-49 Long Lane, Halesowen

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
P09/0099	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	Allowed at appeal	07/08/09

	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.		
P10/1157	Single storey rear extension to chicken lairage	Approved subject to conditions	13/10/2010

8. A number of 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.
9. In dismissing the appeal on P07/1646, the Inspector upheld the Council's view that (without 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.
10. Application P09/0099 sought to vary condition 1 of P03/1864 to read 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.
11. On March 23rd 2009., Committee refused permission following an initial recommendation for approval for the reason. "The Local Planning Authority consider that the significant increase in throughput of poultry at the planning unit represented by the proposal could result in a situation where 600 chickens are delivered and

slaughtered on a daily basis, giving rise to a materially injurious impact upon the amenities of residents living in close proximity to the premises as a result of the noise and disturbance associated with such a substantial increase in activity on the site. This impact is exacerbated by the close and sensitive spatial relationship between the premises and the surrounding dwellings. The proposal is thereby detrimental to the amenities of the area, contrary to Policy DD4 (development in residential areas) of the adopted Unitary Development Plan.”

12. Following an appeal to the Planning Inspectorate, planning permission was subsequently granted on August 7th 2009 with a full award of costs against the local planning authority. Details of an extract system contained within the application were thereafter installed and are currently operational.
13. Application P10/1157 was approved by the Development Control Committee having regard to the limited impact of the extension, efficacy of the extract equipment and lack of impact arising from the ongoing use.

PUBLIC CONSULTATION

14. Following direct notification to 18 properties surrounding the application premises, one objection and five letters of support have been received. The letter of objection refers to potential smell, noise disturbance, access and parking issues. The five letters of support refer to the lack of impacts arising from the current abattoir in terms of noise, smell or traffic, with one confirming that although they had objected to previous applications at the site, the impacts they feared had not materialised.

OTHER CONSULTATION

15. Head of Environmental Health and Trading Standards :

The current permission for this site restricts the number of live chickens on site to 600 and there is also a restriction on the hours of delivery. Under previous approval (P09/0099) EP agreed a suitable scheme for the extraction and treatment of odours arising from 600 live chickens. No objection is raised subject to conditions relating to the number of chickens on site, hours of delivery, extract equipment and the construction of the new extension.

16. Group Engineer (Development) – No objection subject to the maintenance of the maximum number of chickens at the premises.

RELEVANT PLANNING POLICY

17. The Draft National Planning Policy Framework (NPPF) was published for consultation on 25th July 2011. The Planning Inspectorate have issued guidance which makes it clear that the NPPF is capable of being a material consideration and therefore regard has to be had for the document. However, it carries limited weight at this stage of the process as it is in draft form and subject to possible change. Existing national planning policy remains and carries substantial weight.

PPS1 – Delivering Sustainable Development

18. Black Country Core Strategy
- CEN5 District Centres and Local Centres
 - CEN6 Meeting Local Needs for Shopping and Services
 - DEL1 Infrastructure Provision
19. Unitary Development Plan (UDP) (adopted 2005)
- DD3 – Design of retail development;
DD4 - Development in residential areas
20. Supplementary Planning Documents/Guidance
Planning Obligations

ASSESSMENT

21. The key issues are –
- principle of the use and design;

- traffic movements;
- impact on residential amenity;
- planning obligations;

22. Principle of the use and design

Reasons for refusal of previous proposals relative to the butchers function within the supermarket and halal abattoir were concerned that the overall use of the planning unit would be 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.

23. Conditions attached to the existing supermarket and abattoir use to restrict the slaughter of poultry for sale on the premises only were never contested by the applicants and in association with the limitation of 600 chickens at the site, the overall planning unit has functioned with no adverse impacts or complaints arising.

24. In addition, Planning Inspectors, in dismissing appeals on previous schemes had not considered 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 being based on the change in character of the planning unit did not influence the Inspector's conclusions on that scheme. The current application which seeks to introduce an individual butchers outlet and ancillary slaughter house arises from the opportunity of the applicant to purchase the house located between his own dwelling and the existing supermarket which is cluttered and considered to be overtrading for the given floor space. The introduction of the butchery outlet will operate in association with the existing planning unit, with the former lairage and abattoir used for storage associated with the supermarket rear yard which has no restriction on delivery. The former abattoir use will be conditioned to cease.

25. The proposed butchers use is entirely compatible with the location of the site within the Shell Corner Local Centre in accordance with BCCS Policy CEN5 which permits individual convenience retail units of up to 500sq m and CEN6 which supports new retail outlets of up to 200sq m within local centres which will serve local need. Both the supermarket and the butchers shop (which has a limited floor space of just 15 sq m) therefore accord with the above BCCS policies. The design of the new shop

front will appear to be contemporary with that of the adjacent retail outlets and in accordance with UDP Policy DD3.

26. Traffic movements

The operational condition restricting the throughput of chickens will effectively maintain the type and frequency of deliveries to the butchers and abattoir. The block of retail uses in this vicinity have no on-street car parking restrictions operating outside the premises and there are no restrictions on deliveries to the existing retail premises. A public car park located directly opposite the premises will also provide additional opportunity for local customers to park. Given the very limited amount of additional retail floor space site involved, additional traffic generation will be indiscernible from the existing situation and no objection is raised by the Group Engineer-Development.

27. In addition an existing operational condition 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. Relevant operational conditions will be re-applied to control this use.

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, with a separation distance of 25 metres between the two storey rear building line of those dwellings and that wall, with a total of some 35 metres to the rear of the extension. The applicants occupy the adjoining house in Long Lane. Given that the distance from the residential properties at the rear and the new single storey extension remain very similar to existing, there is unlikely to be any change in circumstance arising from the new development in terms of impact upon visual amenities.

29. The Head of Environmental Health and Trading Standards Officer has assessed the proposed ventilation, extract and filtration system which has been specifically designed to accommodate the needs and processing of 600 live birds and the associated odour as fit for purpose, with no impact on residential amenity arising.

30. In summary it is considered that subject to the maintenance of the existing extraction system, no impact on amenity will arise as a result of the replaced extension and no complaints have been received or investigated on this basis in respect of the existing operation. The development is therefore considered to be in accordance with the requirements of UDP Policy DD4.

Planning Obligations

31. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
32. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
33. In addition to applying Policy DEL1 and the SPD, in identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development;
 - (c) fairly and reasonably related in scale and kind to the development.
34. The proposed development would only involve the change of use of the ground floor into a shop comprising 164.5m² and an extension comprising 63.16m² associated with the abattoir. The proposed development would not result in a net increase in trips, would result in the creation of less than 100m² of new floor space within the proposed extension and lies outside of a defined centre. The proposed development would therefore not trigger planning obligations in the form of transport infrastructure improvements, air quality, nature conservation enhancements or improvements to the public realm. The limited scale of the development would ensure that the scheme

would not have an adverse impact upon local infrastructure that would need mitigating against. Therefore, the proposed development would not trigger planning obligations in accordance with the Planning Obligations SPD.

CONCLUSION

35. Subject to the imposition of relevant conditions applied to the existing premises, the proposed replacement facility and retail outlet will have no adverse impacts upon the visual or other amenities of local residents due to the distance separation between uses and the fact that no increase in activity at the site will result over and above the existing situation. The proposed use is also compatible with the location of the site within the Shell Corner Local Centre. The development is therefore considered to be in accordance with the BCCS Policies CEN5 & CEN6 and saved UDP Policies DD3 & DD4.

RECOMMENDATION

36. It is recommended that the development be approved, subject to the imposition of conditions relating to the duration of the planning permission, materials to be used and to conditions previously applied to the use by the Planning Inspectorate.

Reason for approval

Subject to the imposition of relevant conditions applied to the existing premises, the proposed replacement facility and retail outlet will have no adverse impacts upon the visual or other amenities of local residents due to the distance separation between uses and the fact that no increase in activity at the site will result over and above the existing situation. The proposed use is also compatible with the location of the site within the Shell Corner Local Centre. The development is therefore considered to be in accordance with the BCCS Policies CEN5 & CEN6 and saved UDP Policies DD3 & DD4.

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: 705.11.01, 705.11.02A, 705.11.03A, 705.11.04A, 705.1.05A/1 & 705.11.06
3. 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.
4. 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 provision of slaughterhouse facilities for general wholesale purposes.
5. Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority setting out details with respect to the way in which chickens will be delivered and unloaded at the site. The method statement shall demonstrate how no unloading shall take place on the highway. The development shall be implemented in accordance with the method statement for the lifetime of the development.
6. The building hereby permitted shall be so constructed as to provide sound attenuation against internally generated noise of not less than 35 db averaged over the frequency range 100 to 3150hz and retained for the lifetime of the development.
7. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the local planning authority.
8. Prior to the commencement of development a scheme containing full details of the arrangements for the extraction and treatment of odours, including discharge to atmosphere and external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when storage of live chickens and/or the slaughter of poultry take place unless otherwise agreed beforehand in writing with the Local Planning Authority.
9. The discharge point of the equipment referred to in condition 8 above shall have a vertical discharge point extending 1 metre above the ridge height of the nearest adjoining building.
10. The noise rating level of any fixed plant and/or machinery associated with the development shall not exceed background noise levels at any nearby dwelling by more than 5dB(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.
11. The butchers shop shall not be open to the public before the hours of 0800 nor after 1800 Monday to Friday, before 0800 or after 1700 on Saturdays or at all on Sundays and Public Holidays
12. Live chickens shall be housed in the lairage (live poultry room) only as shown on drawing no. 705.11.02/A and labelled 'Layerage' and shall not be housed within any other part of the site. The proposed establishment will require approval to operate as a poultry slaughterhouse and will be subject to Regulation (EC) 853/2004 which lays down specific hygiene rules for food of animal origin. The

Veterinary Meat Hygiene Advisor and the Food Standards Agency must be consulted regarding this matter before any development works commence.

PJ1

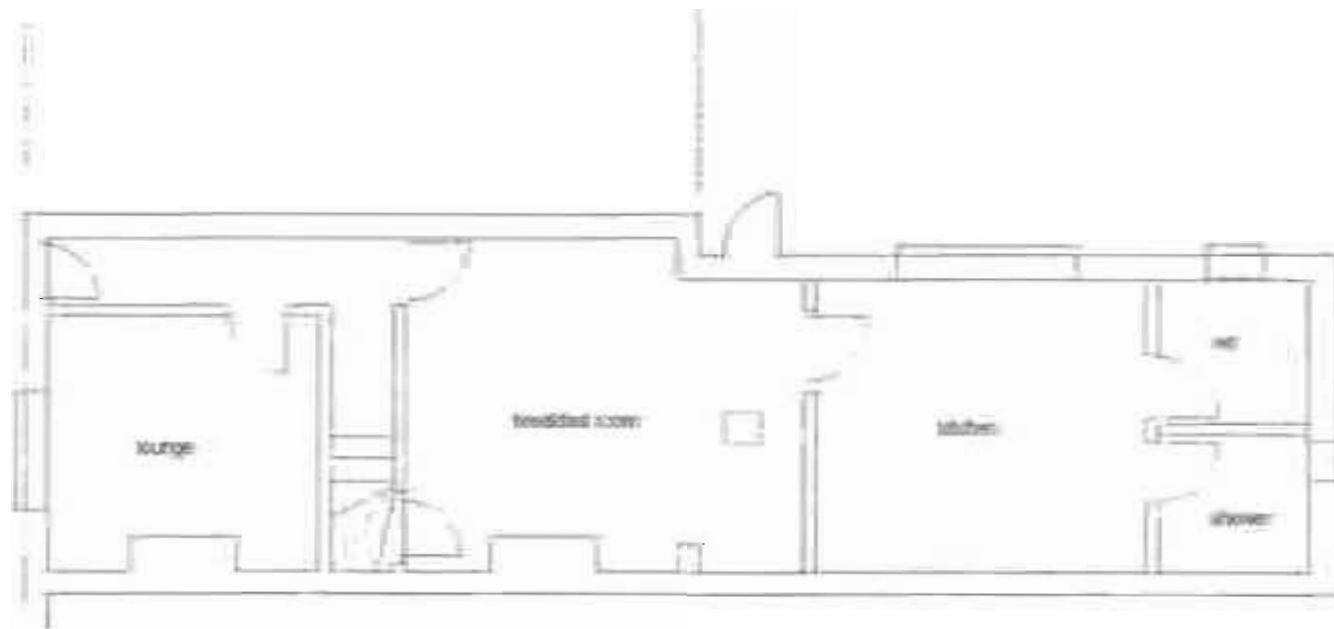
**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250**

CENTRE COORDINATES: 897759, 285919



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NOTES



existing ground floor layout



REAR SLAUGHTER HOUSE AND RETAIL SALES

50 Long Lane

Halesowen

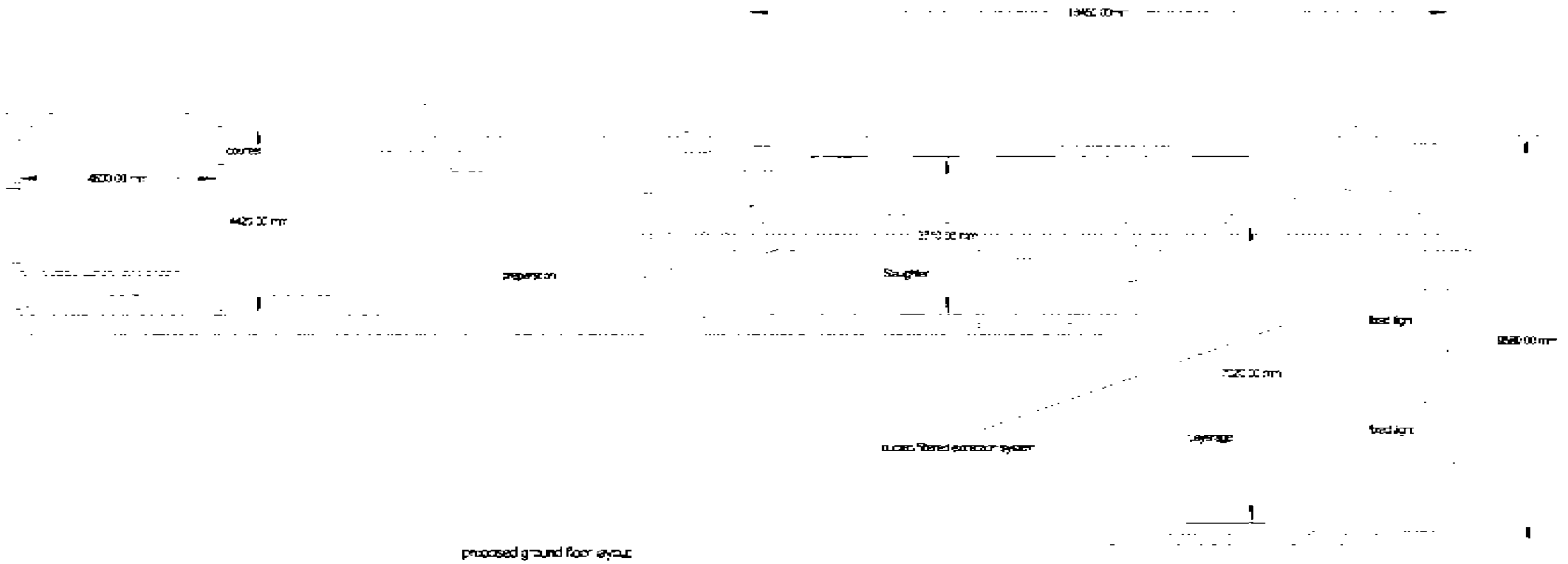
West Midlands B62 9LS

drwg no: 705.11.01 scale: 1:100

Neighbour Associates

Chartered Building Surveyors

01905 745498



processed ground floor layout

REAER SLAUGHTER HOUSE AND RETAIL SALES

50 Long Lane
 Halesowen
 West Midlands B62 9LS

dwg no. 705.11.02.A scale 1:100

dimensions coded 17.12.2011

Shirrup Architects
 Chartered Building Surveyors
 01905 715491

various temporary cores

existing north west elevation

concrete reinforcing ties

existing brick

white pvc windowboards

proposed north west elevation

16450.00 mm

REAR SLAUGHTER HOUSE AND RETAIL SALES

50 Long Lane

H2 esover

West Midlands BE2 9LS

dwg no: 7051103A scale 1:100

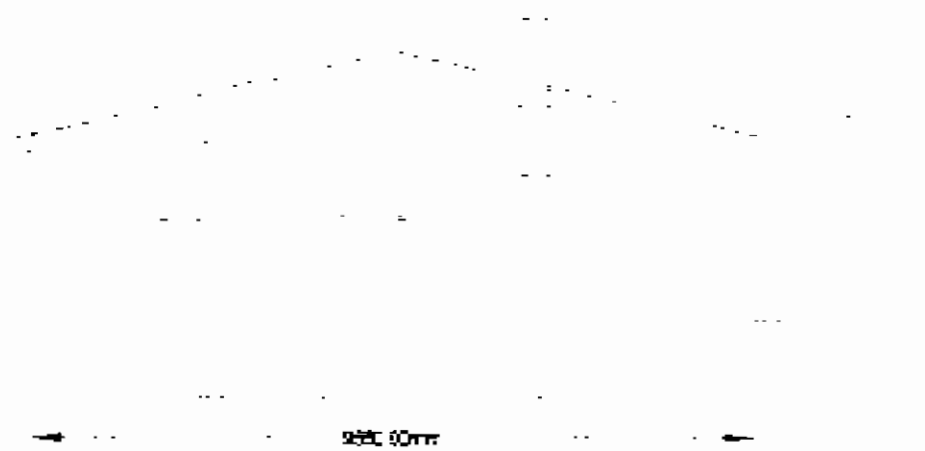
dimensions added 17.12.2011

Newgrange Association

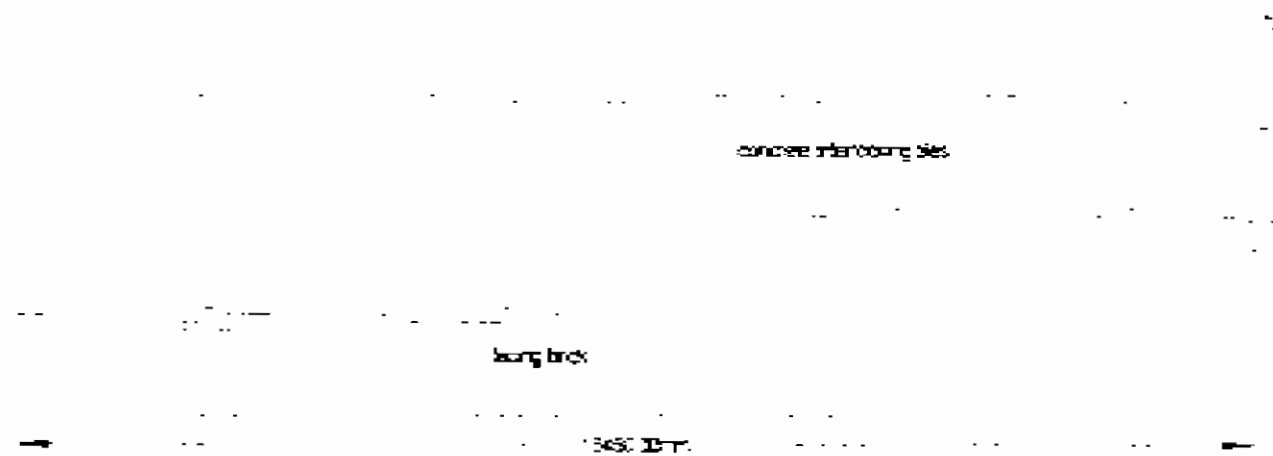
Chartered Building Surveyors

01905 163295

proposed south west elevation



proposed north east elevation



proposed south east elevation

REAR SLAUGHTER HOUSE AND RETAIL SALES

53 Long Lane

Halesowen

West Midlands B22 3LS

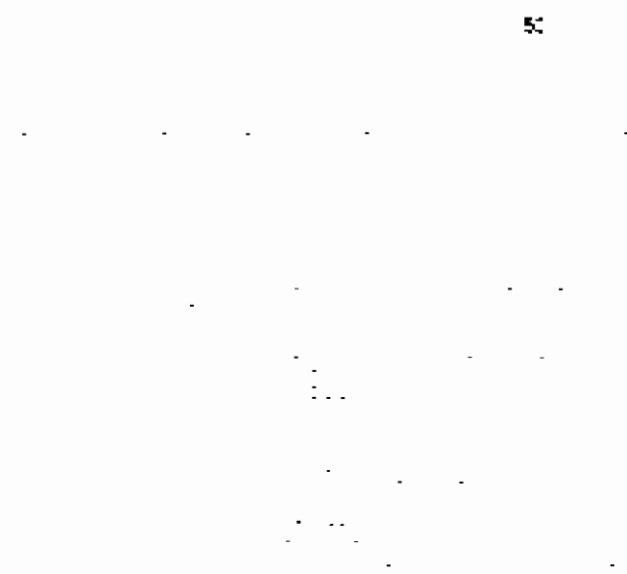
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dimensions added 17.12.2011

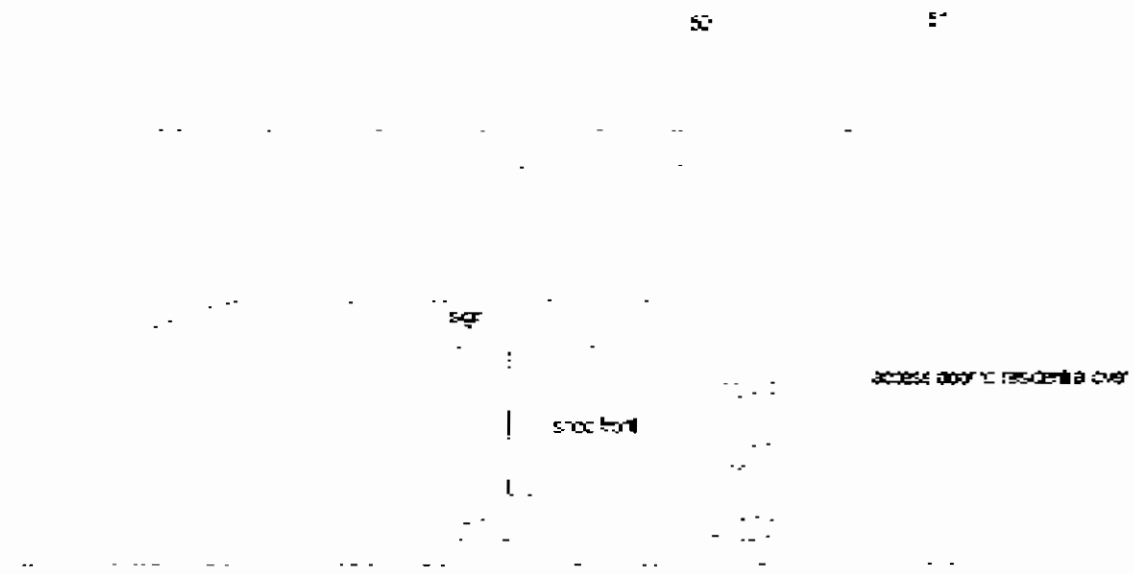
Newbridge Associates

Chartered Building Surveyors

01905 161496



existing elevation to Long Lane



proposed elevation to Long Lane

REAR SLAUGHTER HOUSE AND RETAIL SALES

50 Long Lane

Halesowen

West Midlands B62 8LS

drag no 765.11 05/A scale 1:100

amended to show width of property same as plan drawings

Yonggaige Associates

Chartered Building Surveyors

01902 765000