

PLANNING APPLICATION NUMBER:P05/2604

Type of approval sought	Full Planning Permission
Ward	Cradley & Foxcote
Applicant	Fish 4 Dogs
Location:	FISH 4 DOGS, UNITS 8 & 17 SALTbrook TRADING ESTATE, SALTbrook ROAD, HALESOWEN, WEST MIDLANDS, B63 2QU
Proposal	RETROSPECTIVE APPLICATION FOR REFRIGERATION UNIT AND SECURITY FENCING. PROPOSED CHIMNEY
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The industrial units are located on Saltbrook Trading Estate an industrial trading estate located off Saltbrook Road, Halesowen. The industrial estate falls within a Key Industrial Area as allocated within the adopted UDP.
2. The two proposed units belonging to the applicant are located at the North end of the industrial estate adjoining six other industrial units. To the north of the industrial estate there are residential dwellings adjacent to a car park utilised by Clancy's Foundry.

PROPOSAL

3. Retrospective planning permission is sought for a refrigeration unit and security fencing. Planning permission is also sought for a proposed chimney.

HISTORY

4. The previous planning application relating to the site is highlighted in the table below.

APPLICATION No.	PROPOSAL	DECISION	DATE
CC/79/2718/R	Construction of units for industrial/warehouse purposes	Approved with Conditions	13/12/79

This application has been submitted as a result of complaints received from nearby residents who raised issues relating to dispersal of odour and noise pollution. It was identified that planning permission was required for the refrigeration unit and fencing, also that an increased chimney would be needed to adequately disperse odour as advised by the Head of Public Protection. The current use of the premises complies with the permission approved on the site and does not require a planning application.

PUBLIC CONSULTATION

5. Nineteen letters of neighbour notification were sent to nearby residential dwellings and adjacent industrial units. In response we received twenty letters of objection from the nearby residential dwellings.
6. Nineteen of the responses were individually signed copies of one objection letter outlining the following concerns;
 - The odours from the refrigeration unit and waste products will leave a residual stench especially when it drains into the ground in the hot weather during summer.
 - The promotion of vermin around the unit.
 - The refrigeration unit is situated on an allocated parking space and should be situated within the premises to comply with condition 6 of planning application – CC/79/2718/R
 - The proposed chimney stack will not be able to comply with an IPPC permit condition which states that, 'No odour beyond the boundary'

- Reservations regarding the installed propane gas tanks and issues of safety from possible vandalism/road accidents
7. The waste products are controlled by the Local Authority Pollution and Prevention Control (LAPPC) permit and is not therefore a planning consideration within this application. The objection above relating to vermin is a matter that will be dealt with by Environmental Protection and is not a planning consideration. With regards to the refrigeration unit located on an allocated car parking area, the Traffic & Road Safety section have been consulted and raised no objections to loss of parking on the site. The alleged breach of condition 6 of planning application (CC/79/2718/R) is incorrect as the condition relates to hours of operation and does not specify that all machinery should be located within the premises. The reservations regarding the safety of the existing propane gas tanks is being addressed in this application with retrospective permission being sought for a 2 metre high security fence around the units.
8. A letter of objection was received from the resident at No. 50 Mogul Lane stating the following concerns;
- Raising the chimney height will only spread the odours over a greater area thus giving rise to even more complaints about the smell. If a low cloud ceiling is present the odour will still affect the immediate area.
 - The chimney stack if not well insulated, will cause any water vapour in the stack to corrode and rot the stack creating the need for frequent renewal.

OTHER CONSULTATION

9. The Head of Public Protection were consulted and provided the following comments; Due to the close proximity of residential properties to the applicant's site, there would be an adverse affect on residential amenity if there were unrestricted use of the refrigeration plant and

associated operations/activities at the premises. Environmental Protection have therefore requested that a condition be included limiting the hours of operation at the premises and associated works/activities in line with the time restrictions approved in the original application for the industrial/warehouse units - CC/79/2718/R Condition 6 which stipulates the operating hours as only between the hours of 7:00am – 7:00pm on Mondays to Fridays inclusive and between the hours of 8:00am – 2:00pm on Saturdays and at no time on Sundays or Bank Holidays.

* Environmental Protection have no objections to the chimney as they consider it allows the odour to be dispersed more adequately.

10. The Head of Traffic and Road Safety considered all aspects of the application and raised no objections regarding the minimal loss of parking at the site.

RELEVANT PLANNING POLICY

11. Policies DD1 – Urban Design, DD5 – Development in Industrial Areas and EP7 – Noise Pollution from the adopted UDP.

ASSESSMENT

12. The determining issue is whether the proposed chimney, refrigeration unit and security fencing impacts upon the character and amenities of the area with specific regard to residential properties.
13. The proposed 4.2 metre chimney with restraining cables will be located on the north facing pitched roof slope in place of the existing chimney. Although this development will project 4 metres above the existing ridge height of the unit, it will not have an adverse affect upon the character of the area due to the nature of activity and buildings situated in the surrounding area. Chimneys are characteristic developments within

industrial areas and so this chimney will not appear as an incongruous feature. The area is allocated as a Key Industrial Area within the adopted UDP and to the East of the applicant's site is Clancy's foundry, a much larger industrial premises that dominates the skyline to a great extent in comparison to this modest proposal. The chimney, with a total height of 10m above ground level is to be situated 67m from the nearest habitable window so there will not be an adverse impact upon the outlook from the residential dwellings nearby. The Head of Public Protection has advised that taller chimneys are more efficient at dispersing odour than smaller structures and this proposal will enable the lawful use of the unit to continue with adequate odour dispersal. This part of the development will not adversely impact upon the character of the area or residential amenity of nearby residences and therefore adheres with policy DD5 of the adopted UDP (Development in Industrial Areas)

14. It should be noted that the dispersal of odour is subject to the Pollution and Prevention Control Act 1990 which has relevant powers in this matter, therefore planning conditions or restrictions are unable to be imposed for such controls.
15. The 2m high security fencing located around the refrigeration unit and the existing gas tanks adjacent to the North elevation of the unit will not have an adverse impact upon the character of the area due to the development being characteristic of an industrial area and similar to fencing already present at the boundary of Clancy's foundry. The palisade fencing will act as a security measure, protecting the refrigeration unit and gas tanks from vandalism and possible damage from vehicular movements. This part of the proposal therefore adheres with policies DD1 and DD5 of the adopted UDP (Urban Design and Development in Industrial Areas).
16. The refrigeration unit, sited adjacent to the north elevation of the industrial unit is 2.5m high and 12m long with an attached brick built

structure, 1.9m in width and 1.8m depth. The scale and type of the development is appropriate within an industrial area and will not appear as an incongruous or dominant feature. The noise created by this unit however, has caused a nuisance during the evening and night to local residents with Environmental Protection serving a noise abatement notice on the applicant. As a result Environmental Protection has requested that the hours of operation for this unit are restricted along with the use of the premises and associated works/activities to protect the amenity of the nearby residential dwellings. The following condition will therefore be included;

‘The premises and associated works/activities shall be in operation only between the hours of 7:00am – 7:00pm on Mondays to Fridays inclusive and between the hours of 8:00am – 2:00pm on Saturdays and at no time on Sundays or Bank Holidays.’

The proposal will therefore not have an impact upon the character of the area and will not have an adverse impact upon the amenity of the nearby residential dwellings. This accords with policies DD5 and EP7 of the adopted UDP (Development in Industrial Areas and Noise Pollution).

17. The condition above relating to time restrictions has been confirmed in writing by the applicant as acceptable. They have commented that the time restrictions will not impact upon the storage of their frozen product.

CONCLUSION

18. The proposed development will have no affect on the character of the area and will not adversely affect the residential amenity of nearby residential dwellings.
19. The proposal is in conformity with policies DD1, DD5 and EP7 of the adopted UDP and therefore approval is recommended.

RECOMMENDATION

20. It is recommended that permission is granted subject to the following conditions.

21. Reason for approval

This application is approved because it is considered that the proposed development will have no affect on the character of the area and will not adversely affect the residential amenity of nearby residential dwellings.

The proposal is therefore in conformity with policies DD1, DD5 and EP7 of the adopted UDP and is therefore approved.

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. For the avoidance of doubt, this permission relates to drawing numbers 56JA - 100, 56JA – 101 and 56JA - 102 and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the LPA.
3. The premises and associated works/activities shall be in operation only between the hours of 7:00am – 7:00pm on Mondays to Fridays inclusive and between the hours of 8:00am – 2:00pm on Saturdays and at no time on Sundays or Bank Holidays.