

REPORT TO AREA PLANNING PANEL (KEIGHLEY)

REPORT OF THE STRATEGIC DIRECTOR OF REGENERATION TO THE MEETING OF
THE AREA PLANNING PANEL (KEIGHLEY) TO BE HELD ON 22nd January 2009

V

SUMMARY STATEMENT - PART TWO

Application recommended for approval

The sites concerned are:
Olicana Products, 59-61 East Parade, Ilkley

Mike Cowlam Assistant Director (Economic Development Service)
Regeneration

Report Contacts: Ian Wilson
Phone: 01274 434605
Fax: 01274 722840

E-Mail: Ian.Wilson@bradford.gov.uk



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



KEIGHLEY AREA PLANNING PANEL

DATE

22 January 2009



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LOCATION

ITEM No. 8

59 - 61 EAST PARADE, ILKLEY

DATE: 22 JANUARY 2009

ITEM No: 8

WARD: ILKLEY

RECOMMENDATION: TO GRANT PLANNING PERMISSION

APPLICATION No: 08/06152/FUL

Type of Application/Proposal & Address

A retrospective, full application to retain 7 external, galvanised metal flues on the roof of Olicana Products Limited, 59-61 East Parade, Ilkley.

Site Description

The application relates to a single storey industrial building with a ridged roof, standing in a small industrial estate close to Ilkley town centre. There are traditional terrace houses to the east and north-east. The land here falls from south to north, and there are limited views across the roof of the building northwards to the treed slopes of the Middleton side of the Wharfe valley. The applicants, Olicana Products, employ 38 people (full time) and design, supply and manufacture tubular metal and plastic products from the site.

Relevant Site History

There have been no recent, relevant applications. The general (B2) industrial use appears to be long established, probably arising from a 1967 permission for a change of use from a joiner's yard and store to a commercial vehicle garage and repair shop (IL/2460/966). Previous permissions impose no limit on hours of operations.

Replacement Unitary Development Plan (UDP) Proposals and Policies

The site is unallocated.

Relevant policies are:

UR3: Local impact of development.

D1: General design and environmental considerations.

P1: Air quality.

P7: Noise problems and remedial measures.

Town/Parish Council

Ilkley Parish Council suggested that there should be more information about noise levels, working hours, emissions and reflection from the shiny metal vents. Their Planning Chairman has since informally advised that the Parish would be unlikely to wish to log an objection if the issues raised had been properly explored.

Publicity and Number of Representations

By letters to 17 addresses (businesses and houses) and by site notice, the expiry date for comment being 7 November 2008. Comments were received from 7 residential addresses.

Summary of Representations Received

Residents expressed concerns about excessive noise from the vents (sometimes as early as 6am), their appearance, glare of reflected light from them, and the possibility that emissions from them would be harmful. One of the nearby residents indicated that he did not wish to object to the flues "despite them being out of character", but was very concerned about noise nuisance and what emissions might contain.

Consultations

Environmental Protection

An Environmental Protection officer has visited the premises and had discussions with the applicant and local residents. His advice is that:

1. The vents relate to powder coating processes within the building, the scale of which is too small to make an Environmental Permit from Bradford Council necessary.
2. If the filtration system worked at maximum efficiency, emissions would be hot air and water only, and the amount of any by other product discharged to atmosphere would be insignificant.
3. Occasional odour is apparent, but it is not causing the nearest residents a nuisance. Environmental Protection could take action against the company under separate legislation if there was an odour nuisance, even if planning permission was granted. Environmental Protection could also take action in relation to noise under separate legislation if this constituted a nuisance.
4. Responding to complaints from residents, Environmental Protection warned the firm earlier this year that noise levels from the new flues were such that there was a noise nuisance, which they needed to suppress. The company has ordered equipment which should abate the noise nuisance when installed. This is expected to be done in early January 2009.

Summary of Main Issues

1. Visual amenity.
2. Noise, odour and pollution.
3. Retention of employment.

Appraisal

Background

The firm fitted the 7 new flues to the roof in early 2009 after changing and updating their manufacturing processes in the building, not realising that planning permission was required. The current application was submitted after complaints about the flues were received from local residents. The applicant was not aware that planning permission was required, having been advised by the suppliers of the new equipment that such systems had been installed elsewhere without needing planning permission.

The flues are part of a new powder coating line recently installed, described by the applicant as “clean and state of the art”. This process replaced an old “wet” spray painting operation that was less efficient and less environmentally friendly. The plant was an investment worth some £240,000 to help sustain the business. The flues should vent only hot air and some water vapour.

For information, the company has explained that, at present, the business activity starts work at 7am and finishes at 5pm, and currently work only 2 or 3 days per week. A normal work pattern of 7am to 5pm daily, Mondays to Fridays, would be normal in the foreseeable future, without weekend working, although extended hours might become necessary on occasions to meet customers’ requirements.

There are no restrictions on the hours of operation of industrial processes at this site because industrial activity in the building is so long established. It would only be reasonable for the Local Planning Authority to impose new planning conditions restricting working hours at the premises if the application was for development that significantly changed those processes with the result that local amenity was affected. However, the

application is solely for the addition of the flues to the roof to introduce modern, more efficient methods of venting the existing processes. The applicant says that the nature of the business and the processes undertaken will not change so in these circumstances it is not considered reasonable to impose additional controls on the business and its hours.

Visual amenity

The vents appear through the roof of what is an unremarkable modern industrial shed. They appear large and are not especially attractive and are visible from some nearby houses and, in a limited area, are visible against the sky line or against the backdrop of Middleton Woods on the north side of the valley. They are however features that might be expected on industrial premises in an industrial estate, and do not appear out of keeping with what is a building of very functional appearance and is part of a small industrial estate adjoining housing.

Being new, the vents are presently shiny and highly reflective. However, this will dull down in time. They could be painted, but this would create an on-going maintenance liability, with a risk that paint would peel over time and become unsightly.

The supporting information suggests that the flues are necessary to sustain an important local business and represent a significant investment by that business. Whilst being visible features that materially affect the external appearance of the building, it is not considered that they are significantly detrimental to local visual amenity given the nature of the existing industrial shed housing the business. Whilst the area has a mix of industrial and residential uses, the premises are part of a cluster of similar functional industrial buildings on East Parade and the Drill Hall Business Park in this part of Ilkley. It is not considered reasonable to refuse planning permission for such facilities on grounds of visual amenity – particularly when the flues are required to allow lawfully established industrial activity to continue.

Impact of noise, odour and pollution

As this is a building with established industrial use rights, existing processes do not in themselves require any new planning permission, and new industrial processes with the potential to cause nuisance could be introduced in future by the existing or future occupants without being subject to planning control. Environmental Protection legislation however allows local authorities to intervene to secure abatement of nuisance from noise or pollution.

Occasional odour is apparent at the site, but the Council's Environmental Protection Officer does not consider it to be causing the nearest residents a nuisance. It is not known what levels of odour were emitted from the factory prior to installation of the new flues but as the new equipment is modern, it is reasonable to assume that odour and pollution emissions will be less noticeable to local residents than were previously discharged to the atmosphere by the processes undertaken. If the new filtration system worked at maximum efficiency, emissions would be hot air and water only, causing no pollution. The Environmental Protection Officer considers that the amount of any by product discharged to atmosphere by the new system would be insignificant and would now discharge at or above roof level to allow easy dispersal and so should not be harmful to nearby residents.

Environmental Protection could take action against the company under separate legislation if there was an odour nuisance in the future, even if planning permission was granted, as they could in relation to noise.

Following installation of the new flues and the venting system, the Council received complaints about noise from the venting operations. These are repeated in the objections to the planning application to retain the flues. Environmental Protection legislation has already been invoked against the company to secure abatement of this noise nuisance. The company has agreed to order and install additional fixtures to fit to the new system to reduce the noise nuisance. It is considered that Environmental Protection legislation would be the most effective means of achieving the objective of suppressing noise from the new system and that the noise nuisance is part of the “teething problems” with the new equipment which will soon be remedied. It is expected that the new equipment will be installed in early January 2009.

Employment

Ilkley and the entire Bradford District have lost employment over time, and the applicants are one of the few manufacturing firms in Ilkley. They already out-source some production to cheaper locations in the Far East and, if they were not allowed to retain the vents, the company would have to review whether they could continue their Ilkley operation in some form.

Conclusion

Although the vents cause some detriment to visual amenity, this is limited and is not considered to be serious enough to justify refusal for such additions to such a functional industrial building. It is also considered that it would not be reasonable to refuse planning permission for the vents because they might be linked to noise or pollution problems which Environmental Protection legislation is intended to address, given that the rights to an industrial use are established.

Community Safety Implications

There are no obvious community safety implications over and above issues raised above.

Reasons for Granting Planning Permission

The vents are considered to have no serious adverse effects on local amenity or neighbours. Limited harm to visual amenity is outweighed by the advantages of allowing the occupants to adapt their industrial processes, and it is considered that this is a case where issues of noise or other pollution should be addressed by environmental protection legislation. The development is considered to comply with Policies UR3, D1, P1 and P7 of the Replacement UDP.

Conditions of Approval

No additional conditions are recommended, as it is not considered reasonable to time limit venting operations when there are no time limits for the industrial operations within the building, and given the potential to use noise abatement legislation to address any problems. The statutory time limit condition to start within 3 years is irrelevant when the development has already been completed.