

**KEY INFORMATION**

Ward Coldsid

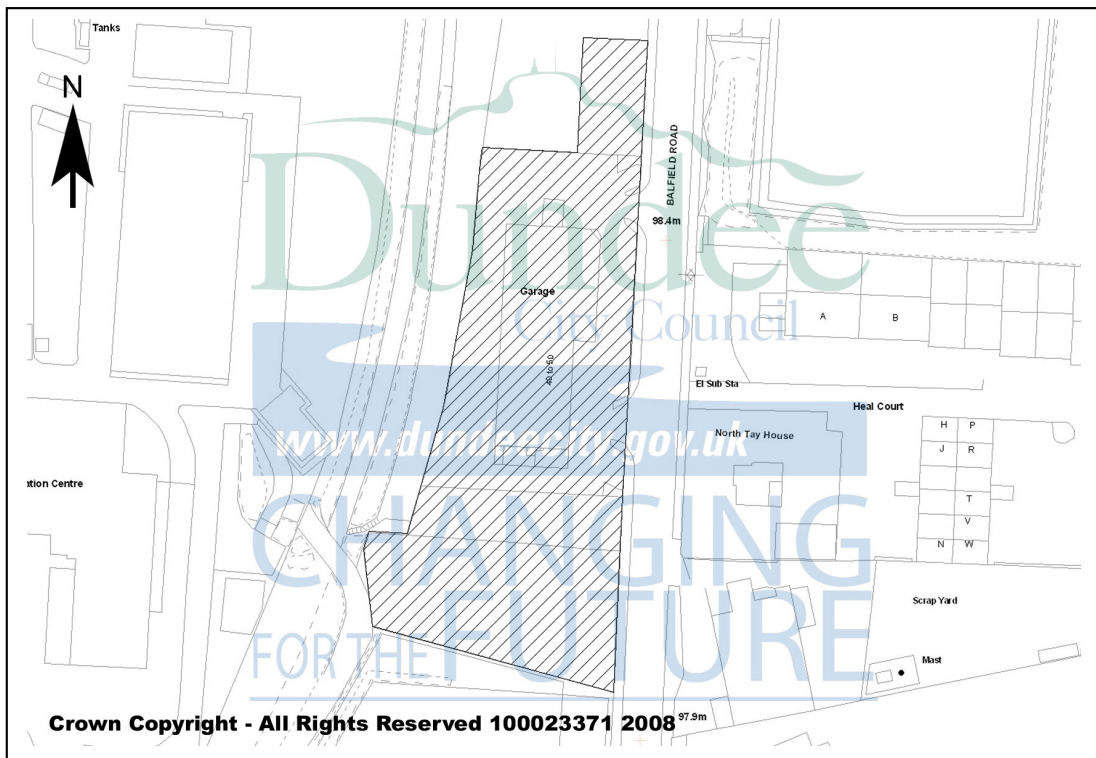
**Proposal**

Four Vent Flues on Roof to Extract Paint Fumes

**Address**40-54 Balfield Road  
Dundee  
DD3 6AH**Applicant**Arnold Clark Automobiles Ltd  
134 Nithsdale Drive  
Glasgow  
G41 2PT**Agent**Opfer Logan Architects  
3 Queens Crescent  
Glasgow  
G4 9BW

Registered 8 July 2008

Case Officer E Jones



## Consent sought for Vent Flues in Balfield Road

The Vent Flues are **RECOMMENDED FOR APPROVAL**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

This is an area of commercial and industrial buildings with one residential dwelling. The installation of functional metal flues on this commercial building is acceptable and the objections are not supported. It is therefore recommended that planning permission be granted.

**SUMMARY OF REPORT**

- Planning permission is sought for the installation of four metal flues on the roof of an existing car repair/maintenance/paint shop complex. Two are 1.3 metres high and the others are 4.2 and 5 metres.
- The flues have already been installed and are located on the east slope of the roof of this large car sales/repair/maintenance complex, facing Balfield Road. The agent has submitted a statement of justification which states that the flues comply with regulations, are in the most energy efficient location and there previously were flues through this roof.
- Dundee Local Plan Review 2005. The site does not lie within an area which is allocated for a particular use but the predominant land uses are commercial and industrial. It is considered that there are no policies in the Plan which are relevant.
- There are two objections from local residents on the grounds that the flues are unnecessary, should be located at the rear of the building, affect the visual amenity of the area and the appearance of Cox's Stack and will have an adverse impact on the health of nearby residents.
- The location of the paint booths mainly determines where the ventilation ducts are located. Altering the direction of the ducts would be inefficient in energy, may affect operation of the system, increase noise and require larger diameter ducts. The system has been installed in accordance with relevant environmental protection legislation.

**DESCRIPTION OF PROPOSAL**

Planning permission is sought for the installation of four metal flues on the roof of an existing car repair/maintenance/paint shop complex. Two of the flues are 1.3 metres high and the others are 4.2 and 5 metres. The flues have already been installed and are located on the east slope of the roof, facing Balfield Road. The agent has submitted a statement of justification which states that the flues are part of a system which is licensed and fully in compliance with SEPA regulation and the Environmental Protection Act. They are in the most energy efficient location and there previously were flues through this roof.

**SITE DESCRIPTION**

This is a large car sales complex with repair/maintenance/paint shop facilities to cater for customers vehicles located on the west side of Balfield Road. The west side of the road is all car related businesses. On the east side, the land uses are also predominantly commercial or leisure with one house, divided into two flats, at a higher level, 40 metres away, opposite the application site.

The paint booths occupy the south east corner of the building, immediately below the flues.

**POLICY BACKGROUND**

**Dundee and Angus Structure Plan 2001-2016**

There are no policies relevant to the determination of this application.

**Dundee Local Plan Review 2005**

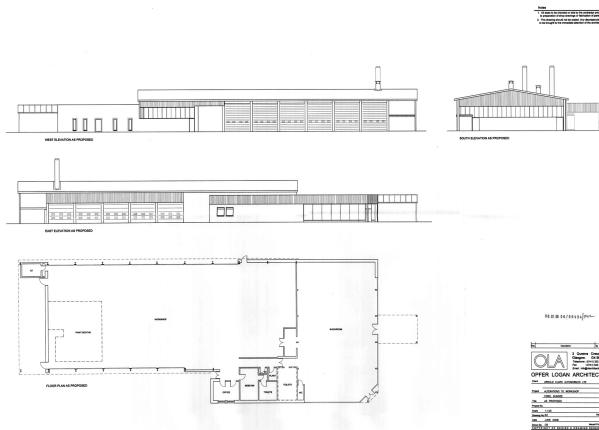
The site does not lie within an area which is allocated for a particular use but the predominant land uses are commercial and industrial. It is considered that there are no policies in the Plan which are relevant.

**Scottish Planning Policies, Planning Advice Notes and Circulars**

Planning Advice Note (PAN)51 - Planning, Environmental Protection and Regulation is of relevance.

**Non Statutory Statements of Council Policy**

There are no non statutory Council



policies relevant to the determination of this application.

**SUSTAINABILITY ISSUES**

There are no specific sustainability policy implications arising from this application.



**SITE HISTORY**

The only relevant planning history is the enclosure of an open workbay and new cladding of the building at the location of the current paint spray booths. This was approved in May 2000 (ref 00/24545/D).

**PUBLIC PARTICIPATION**

The installation of these vents was brought to the Council's attention by a local resident and when the application

was submitted, it was the subject of two objections from local residents. The objections are on the grounds that the flues are unnecessary, should be located at the rear of the building, they affect the visual amenity of the area and the appearance of the listed Cox's Stack and will have an adverse impact on the health of nearby residents.

**CONSULTATIONS**

Scottish Environment Protection Agency (SEPA) does not object to the application and advises that if solvent use is two tonnes per annum or more, SEPA would regulate the site. It was regulated by SEPA until about two years ago when it dropped below this threshold. The company is aware of the regulatory process.

The Head of Environmental Health and Trading Standards advises that a response from SEPA is awaited regarding likely emissions associated with this process and advise that if the quantities of solvent used are below the threshold regulated by SEPA, the department has no powers to regulate the emissions. Odour complaints can theoretically be dealt with through the statutory nuisance provisions. No odour complaints about the activities undertaken at this site have been received by EHTS.

**OBSERVATIONS**

**Statutory Requirements**

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

**The Development Plan**

As noted above, it is considered that there are no policies in the Dundee Local Plan Review 2005 which are directly relevant to this application as the site is not allocated and the surrounding uses are commercial. The

flues have been installed in a large well established car sales and repair complex. Only the east side of Balfield Road is allocated as a General Industrial Area. Therefore it has been concluded that the proposals comply with the provisions of the Dundee Local Plan Review 2005.

**Other Material Considerations**

The other material considerations to be taken into account are as follows:

PAN 51 - Planning, Environmental Protection and Regulation.

The PAN seeks to clarify the respective roles between the planning system and the environmental protection regimes in the determination of planning applications. It goes on to state that "A grant of planning permission can be said to 'establish the principle of development' but this is only relevant to planning. It carries no weight so far as environmental protection regimes are concerned." Planning is identified as being most able to protect aspects of the environment which are expressed in spatial terms where issues are "quantifiable, qualitative or a matter of perception ", eg noise or light impact. The planning system is "less suited to protecting the environment when the effect arises from a process rather than from the presence of the development itself".

On that basis, it is considered that whilst air quality is a material consideration in the determination of a planning application, there are other regulatory powers available to control the process involved in this development. The flues have been installed as part of a system which is licensed and fully in compliance with SEPA regulation and the Environmental Protection Act. Dependant upon the scale of solvent use, the process will be regulated by SEPA. It is considered that the air quality issues are addressed by these controls.

Objections

The objections are on the grounds that the flues are unnecessary, should be located at the rear of the building, they affect the visual amenity of the area and the appearance of the listed Cox's Stack and will have an adverse impact on the health of nearby residents.

The agent has advised that:

- 1 The system installed is licensed and fully in compliance with SEPA regulations and Environmental Protection Act guidelines PG6/34. These regulations have an effect on the final layout, location and sizes of vents.
- 2 The new paint booths are located along the gable wall to maintain as much usable floor space as possible, away from the up and over doors which run the length of the workshop to the front and rear. The location of the booths mainly determines where the ventilation ducts are extracting to and from.
- 3 In order to comply with regulations, the ventilation flues must extract at a minimum of 3 metres above the line of the building apex. Altering the direction of the ducts would be inefficient in energy, may affect operation of the system, increase noise and require larger diameter ducts.
- 4 The system installed has been a result of calculations, regulations, physical space available and previous similar working system.

This is an area of commercial and industrial buildings with one residential dwelling. It is considered that the visual amenity of the area is not adversely affected to a significant degree given the existing nature of the area and the large number of banners and flags which are characteristic of car sales complexes. The development is located approximately 240 metres from Cox's stack and does not affect the setting or appearance of this listed building.

As noted above, the flues are part of a system which is licensed and fully in compliance with SEPA regulations and the Environmental Protection Act. Dependant upon the volume of solvents used, the operation of the process will be subject to control by SEPA. Environmental Health and Trading Standards have legislation to deal with any statutory nuisance. It is considered that there is appropriate, alternative legislation available to monitor and control the process within the building.

It is concluded from the foregoing that insufficient weight can be accorded to

any of the material considerations such as to justify the refusal of planning permission.

**Design**

The installation of functional metal flues on this commercial building does not raise any significant design issues.

**CONCLUSION**

It is therefore recommended that planning permission be granted.

**RECOMMENDATION**

It is recommended that consent be granted.