

**Application No:** 2010/269

**Application Type:** Full

**Proposal:** Erection of Thermal Oxidiser Unit, including 16.5m high flue

**Location:** JB Broadley  
Reedsholme Works  
Burnley Road  
Rawtenstall

**Report of:** Planning Unit Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 5 July 2010

**Applicant:** Allied Textiles Ltd

**Determination Expiry Date:**  
13 July 2010

**Agent:** CBRE

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:

Reason for Call-In:

**3 or more objections received**



**Other** (please state) .....

**HUMAN RIGHTS**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

**Article 8**

The right to respect for private and family life, home and correspondence.

**Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

**APPLICATION DETAILS**

**1. SITE**

The application relates to a small part of the site of JB Broadley, an existing employment site of considerable size, long used by the textile industry.

The main access to the site is from Burnley Road. However, there is also a gated access into the site from Hollin Way, situated to the east side of Poplar Terrace, the backs of these residential properties looking towards the works. Mature trees largely screen the premises from view from the more modern Hollin Way residential development to the east.

The application site itself measures 14m x 17m and is sandwiched between existing buildings, directly south of the gated access from Hollin Way, with an 11m high aluminium flue standing in front of it and with an old mill chimney in the background . Thus, the application site is off-set from all but the last house in Poplar Terrace (No 15) and is 27.5m from this house.

The site is located within the Urban Boundary as designated in the Rossendale District Local Plan.

**2. RELEVANT PLANNING HISTORY**

**2005/417     Erection of 6 chimneys**

The Council’s Environmental Health Officer then advised that :

*“The activities carried out at JB Broadley are regulated under the Pollution Prevention & Control (England & Wales) Regulations 2000. The company has a permit to carry out textile-coating using solvents. The company is inspected on a regular basis to ensure that they comply with the conditions attached to the permit. The conditions include limits for particular pollutants.*

*Best available techniques for pollution control within the textile coating sector have recently been updated and the company must now work towards stricter emission limits, a solvent substitution timetable and various other improvements.*

*There will be no additional emissions as a result of this application.....The chimneys are part of this improvement process and will serve existing emission points. The heights are necessary in order to facilitate the adequate dispersion of existing emissions.”*

In accordance with the Officer recommendation, at its meeting in September 2005 Committee granted permission for 6 flues on/immediately adjacent to existing

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buildings, to project 5m-6m above roof-level; 5 of those flues were to be on/ immediately adjacent to that building which Poplar Terrace looks directly towards.

### 3. THE PROPOSAL

The premises are owned and occupied by Allied Textiles, one of the UK's largest textile producers, who employ around 300 people in 7 UK factories. It wishes to relocate its Coating Applications Group to the JB Broadley site from premises in Huncoat and Prestonpans (just outside Edinburgh).

The Coating Applications Group supplies direct coated-textiles for a diverse range of technical and industrial end uses, including hot air balloons, bouncy castles and drain linings. It wishes to bring the consolidated operation into use in August 2010. Initially it will employ 40 people, which is anticipated to grow.

The applicant advises that :

- The Rawtenstall site is currently being fitted out.
- Permission is sought for a thermal oxidiser unit previously in operation at their Huncoat site.
- The unit is designed to burn off solvents produced during the manufacturing process and will convert those vapour emissions to less harmful Nitrous Oxides and Carbon Dioxide.

The unit will measure 6m x 16m x 5.7m in height, within a white housing, with an adjacent aluminium flue of 1m in diameter and 16.5m in height.

It is proposed that the unit operate from 2am to 6pm on a Monday and 7am to 6pm Tuesdays to Fridays.

### 4. POLICY CONTEXT

#### **National Planning Guidance**

PPS1 Sustainable Development

PPS4 Economic Development

PPS 23 Pollution Control

PPG24 Noise

PPS25 Flood Risk

#### **Development Plan**

##### Regional Spatial Strategy

DP1- 9 Spatial Principles

RDF1 Spatial Priorities

W1 Strengthening the Regions Economy

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- EM 1 Environmental Assets
- EM5 Integrated Water Management

Rossendale District Local Plan

- DS1 Urban Boundary
- DC1 Development Criteria

**Other Material Planning Considerations**

- 4NW Draft Partial Review of the RSS
- LCC Parking Standards
- RBC Core Strategy

**5. CONSULTATION RESPONSES**

RBC Environmental Health

The Council’s Environmental Health Officer advises that the current Permit for the premises held under Pollution Prevention and Control Act is for the coating of textiles with a variety of coating materials at such a rate that the use of organic solvents is less than 150k per hour and/or less than 200 tonnes in any one year.

An application to the Council to vary the current Permit due to the proposed thermal oxidiser unit is presently being dealt with. In principle, compliance with the emission limits by burning the solvents is preferable to emission to air.

The specialist consultant the Council employs to assess such applications has visited the Huncoat site where the thermal oxidiser unit has been in operation. No objection is raised to the granting of planning permission. However, having regard to the hours of use intended for the unit, the following condition limiting noise is recommended :

The rating level ( $L_{Aeq,T}$ ) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level ( $L_{A90,T}$ ) by more than -5dB at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be carried out according to BS 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". 'T' refers to any 1 hour period between 07.00hrs and 23.00hrs and any 5 minute period between 23.00hrs and 07.00hrs.

When the Permit is varied the process will be able to commence and will continue to be monitored by Environmental Health Officers to ensure Permit conditions and emission limits set out by the Council within the Permit are being complied with. Emissions from the thermal oxidiser unit will be monitored in line with Tables 3 and 4 in the relevant Process Guidance Note 6/8(04) of the Secretary of State’s Guidance for Textile and Fabric Coating and Finishing.

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Environment Agency

No objection. The site is located within Flood Zone 2, which is defined as the medium risk flood zone in PPS25. Considering the nature of the proposed development, any flood risk associated with the proposal is considered to be low.

LCC Highways

No objection

**6. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order two site notices were posted on 08/01/10 and 91 neighbours were notified by letter on 2-4/6/10.

Nine emails/letters have been received from local residents, making the following points :

- Works have commenced on the proposed development
- Potential for air & noise pollution
- Loss of property value
- The last unit installed by Broadley's a few years ago did not filter out gases properly, and there was a strong 'solventy' smell in the area and blue/grey smoke coming from the flue.
- Unsure of the health ramifications resulting from the discharge from the proposed flue / trust that Rossendale BC will ensure that this plant has the correct safeguards and filters to safeguard the health of local residents.
- Clarification requested on a number of matters e.g. the operations being undertaken at the unit, the substances and solvents used and stored and of gases emitted from the flue.

**7. ASSESSMENT**

The main considerations of the proposal are :

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Highway Safety

Principle

The site is located within the Urban Boundary where the Council seeks to locate most new development. As the proposed development is to facilitate continued employment use of this longstanding/large employment site the application is considered acceptable in principle.

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### Visual Amenity

The siting and design of the unit would not have a significant effect on the surrounding area, being of less height than the buildings it is sandwiched between and a greater distance from site boundaries than them.

The proposed flue, due to its height, would be visible from beyond the boundaries of the site from various public vantage points. However, flues and chimneys of differing sizes, heights and materials are features already associated with the premises. The additional flue is considered not to cause such significant harm to the visual amenities of the area that refusal of the application for this reason alone would be warranted.

It would be desirable for the aluminium flue to be painted a mute colour with a matt finish. The applicant advises that this is not possible. It should also be mentioned that the nearby 11m high flue has an aluminium finish and is both nearer to Hollins Way and visible through the entrance to the site from this highway.

### Neighbour Amenity

The proposed unit would not unduly affect the light, privacy and outlook of neighbours due to its siting, size and height. The flue will be further from Poplar Terrace than the existing 11m high flue and, unlike it, will not be directly behind any of these properties. It will be 30m from 15 Poplar Terrace and still further from the more modern residential properties to the east.

The Council's Environmental Health Officer has considered the application in relation to pollution and noise and has no objection subject to a noise condition. Issues regarding emissions, and the implications of them for health, are matters subject to control and continued monitoring by the Environmental Health Unit.

### Highway Safety

The proposed development would not result in the loss of existing off-street parking and LCC Highways has raised no objection to the application.

## **8. SUMMARY REASON FOR APPROVAL**

The proposed development is considered acceptable in principle at this longstanding employment site, and will not unduly harm visual and neighbour amenity or highway safety. The scheme is therefore considered to accord with PPS1 / PPS3 / PPS4 / PPG13 / PPG24 / PPS25, RSS Policies DP1-9 / RDF1 / W1 / EM1 / EM5 of the Regional Spatial Strategy, and Policies DS1 / DC1 of the Rossendale District Local Plan.

## **9. RECOMMENDATION**

That the application be granted.

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## 10. Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.*

2. The development shall be carried out in accordance with the plans numbered 0-43/8200.1 stamped as received by the Local Planning Authority on the 18 May 2010, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.

*Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.*

3. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

*Reason : To safeguard the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.*

4. The rating level ( $L_{Aeq,T}$ ) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level ( $L_{A90,T}$ ) by more than -5dB at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be carried out according to BS 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". 'T' refers to any 1 hour period between 07.00hrs and 23.00hrs and any 5 minute period between 23.00hrs and 07.00hrs.

*Reason : To safeguard the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.*

<b>Contact Officer</b>	
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