



TITLE:	2005/417 – ERECTION OF 6 NO CHIMNEYS J B BROADLEY LTD, REEDSHOLME WORKS, BURNLEY RD,RAWTENSTALL
TO/ON:	DEVELOPMENT CONTROL COMMITTEE - 6 SEPTEMBER 2005
BY:	TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT: J B BROADLEY

DETERMINATION EXPIRY DATE: 5 SEPTEMBER 2005

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.

Site and Proposal

The proposal seeks consent to erect six chimneys to the roof of the Reedsholme works on Burnley Road. The structures would be finished in galvanised steel and would project approximately 5.8m above the roof.

Consultation Responses

The Environmental Health Manager has no objection. Indeed, he advises that the works are required to comply with the Pollution Prevention and Control (England and Wales) Regulations 2000.

Notification Responses

Letters of objection have been received, together with a petition bearing 32 names against the proposal. In summary, the following grounds of objection are advanced :

- Loss/adverse effect on outlook/view
- Increased pollution/noise/smell
- Decrease of property value

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

Policy DC.1 (Development Criteria) states that “...all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance”.

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Other material considerations

PPS1 - Sustainable Development

Planning Issues

The works are required to comply with the Pollution Prevention and Control (England and Wales) Regulations 2000 and have been instigated by the Council's Environmental Health Department. The proposals involve constructing six new chimneys in mild steel each being 5.3m in height from roof level of Reedsholme Works. The Council's Environmental Health Officer as part of their comments, has supplied the following information

“There will be no additional emissions as a result of this application.

The activities carried out at JB Broadley are regulated under the Pollution Prevention and Control (England and 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 are complying 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 achieving stricter emission limits, a solvent substitution time table and various other improvements.

The chimneys and heights are part of this improvement process and will serve existing emission points. The heights (yet to be confirmed- but probably 3m above ridge) are necessary in order to facilitate the adequate dispersion of existing emissions.

The permit also requires the company to take action to reduce the visible blue-tinged emission from the existing stacks, by installing (internal) abatement equipment, this work is due to commence soon”.

Taking each of the residents concerns in turn:

- The proposal would affect residents outlook and loss of view. The structures would marginally affect resident’s outlook but it is considered that the benefits of the structures being in place would outweigh the visual intrusion that they would cause.
- The proposal would result in increased pollution including noise and smell. This proposal is intended to reduce pollutants and any issues relating to these issues would be addressed by the Council’s Environmental Health Officers.
- The proposal would result in a decrease of property value. This is not a material planning consideration and cannot be taken into account.

In conclusion it is considered that the proposal is acceptable and the benefits outweigh the disadvantages.

Reasons for conditions to appear on the decision notice

The proposed chimneys are required by legislation controlled by the Environmental Health department and the details supplied would assist in ensuring that the local environment benefits by this proposal in accordance with the criteria of Policy DC1 of the Rossendale District Local Plan.

Recommendation

That permission be granted subject to the following conditions :

Conditions

01 The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

02 Details of any alterations proposed to the external appearance of the building shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In order to safeguard the appearance of the building and the surrounding area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.