

<b>Application No:</b> 2009/0263	<b>Application Type:</b> Full
<b>Proposal:</b> Erection of Chimney on Southerly Wing of the Mill.	<b>Location:</b> Grove Mill, Todmorden Road, Bacup.
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 7 September 2009
<b>Applicant:</b> Orthoplastics Ltd.	<b>Determination Expiry Date:</b> 10 September 2009
<b>Agent:</b> Michael Pooler Associates	

**REASON FOR REPORTING** **Tick Box**

**Outside Officer Scheme of Delegation**  
**Member Call-In**

Name of Member:  
Reason for Call-In:

**More than 3 objections received** **X**

**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 large complex of industrial premises known as Grove Mill, located off Todmorden Road, Bacup. The mill is surrounded by Todmorden Road to the north, Grove Street to the east, residential properties at Vale Street to the south

and industrial buildings to the west. Most of the buildings within the industrial complex are two storey high.

The application site lies within the Urban Boundary of Bacup.

## **2. RELEVANT PLANNING HISTORY**

1995/346: Erection of 5 No. windows in steel cladding on gable end – Approved.

## **3. THE PROPOSAL**

The proposal involves the erection of a mild steel construction chimney on the roof of the southerly wing of the mill situated in line with the block of terraced dwellings on Vale Street. It is proposed that the chimney, approximately 4 m high and of 0.65m diameter, would be erected on the westerly end of the building adjacent to the existing chimney. According to the information provided in the application, the chimney is required for an additional heating/cooling for water and oil in manufacturing plastics.

In support of the proposal, the applicant points out:

- The heating system in the mill works in a similar way to a domestic gas boiler and the proposed chimney will emit the same fumes as a domestic gas boiler to remove the fumes from the oil conversion.
- The proposed boiler system runs on a 20 hour cycle with the most emissions in the middle of the cycle.
- The only noise arising from the new system will be approximately 62 decibels for a radius of 15 meters.
- The existing system generates noise at 84 decibels. The new system will generate noise at a reduced level by 25% compared with the old system.
- In terms of its design and materials, the proposed chimney will be in keeping with the character of the surrounding area.

## **4. POLICY CONTEXT**

### **National**

PPS1 – Delivering Sustainable Development

PPG4 – Industrial and Commercial Development and Small Firms

PPG24 – Planning and Noise

### **Development Plan**

Regional Spatial Strategy for the NW of England (2008)

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 6 Marry Opportunity and Need

Policy DP 7 Promote Environmental Quality

Policy DP 8 Mainstreaming Rural Issues  
Policy DP 9 Reduce Emissions and Adapt to Climate Change  
Policy EM1 - Environmental Assets

Rossendale District Local Plan (1995)

Policy DS1 – Urban Boundary  
Policy DC1 – Development Criteria  
Policy DC4 - Materials

**Other Material Planning Considerations**

None

**5. Notification Responses**

A site notice was posted on 24 July 2009 and the relevant neighbours were notified by letter on 16 July 2009 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

A petition signed by 20 residents of Vale Street raising objection to the proposal has been received. The objection is raised on the grounds of noise, design/appearance, landscape and value of property.

**6. Planning Issues**

The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Design/appearance
- 3) Neighbours Amenity
- 4) Noise

Principle

In the adopted Local Plan the application site lies within the Urban Boundary. It is considered that the proposed development involving the erection of a chimney at an industrial building accords with Policy DS1 of the Rossendale District Local Plan and is therefore acceptable in principle.

Design/appearance

The proposed chimney (4 m high and of 0.65m diameter) would be of steel construction erected on the roof of the mill. The chimney would be of a typical design matching that of the existing chimney. If the chimney is painted in a suitable colour, this would help enhance its appearance to be in keeping with the character of the area. A condition in this respect would be necessary.

Neighbour Amenity

The proposed chimney would be located on the westerly end of the mill building, approximately 23 m away from the nearest dwelling No. 54 Vale Street. There are no dwellings located directly opposite to the proposed chimney. Although the chimney would be visible from the dwellings on the southerly side of Vale Street, due to its

restricted height and thickness, it is considered that the proposed chimney would not be unduly obtrusive to the detriment of amenities of the residents of the area.

### Noise

According to the detail provided in the application, the proposed chimney would generate noise to 62 decibels for a radius of 15 meters. The nearest dwelling No. 54 Vale Street would be located approximately 23m away from the chimney and it is unlikely the noise generated by the chimney would adversely affect the amenity of the residents of Vale Street. The Environmental Health Officer has raised no objection to the proposal.

Some of the residents have raised objection to the proposal on the grounds of noise, visual outlook and landscape. However in view of the above considerations, it is considered that the comments made by the residents do not carry sufficient weight to warrant refusal of planning permission.

### Summary Reason for Approval

The site is located within the Urban Boundary and the proposed development will not detract to an unacceptable extent from visual and neighbour amenity or highway safety. It is therefore considered that the proposal accords with Policies DP1-9 / EM1 / RT4 of the Regional Spatial Strategy, saved Policies DS1 / DC1 of the Rossendale District Local Plan.

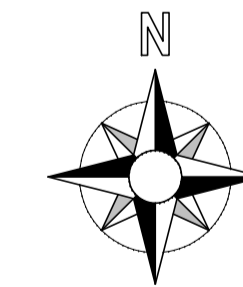
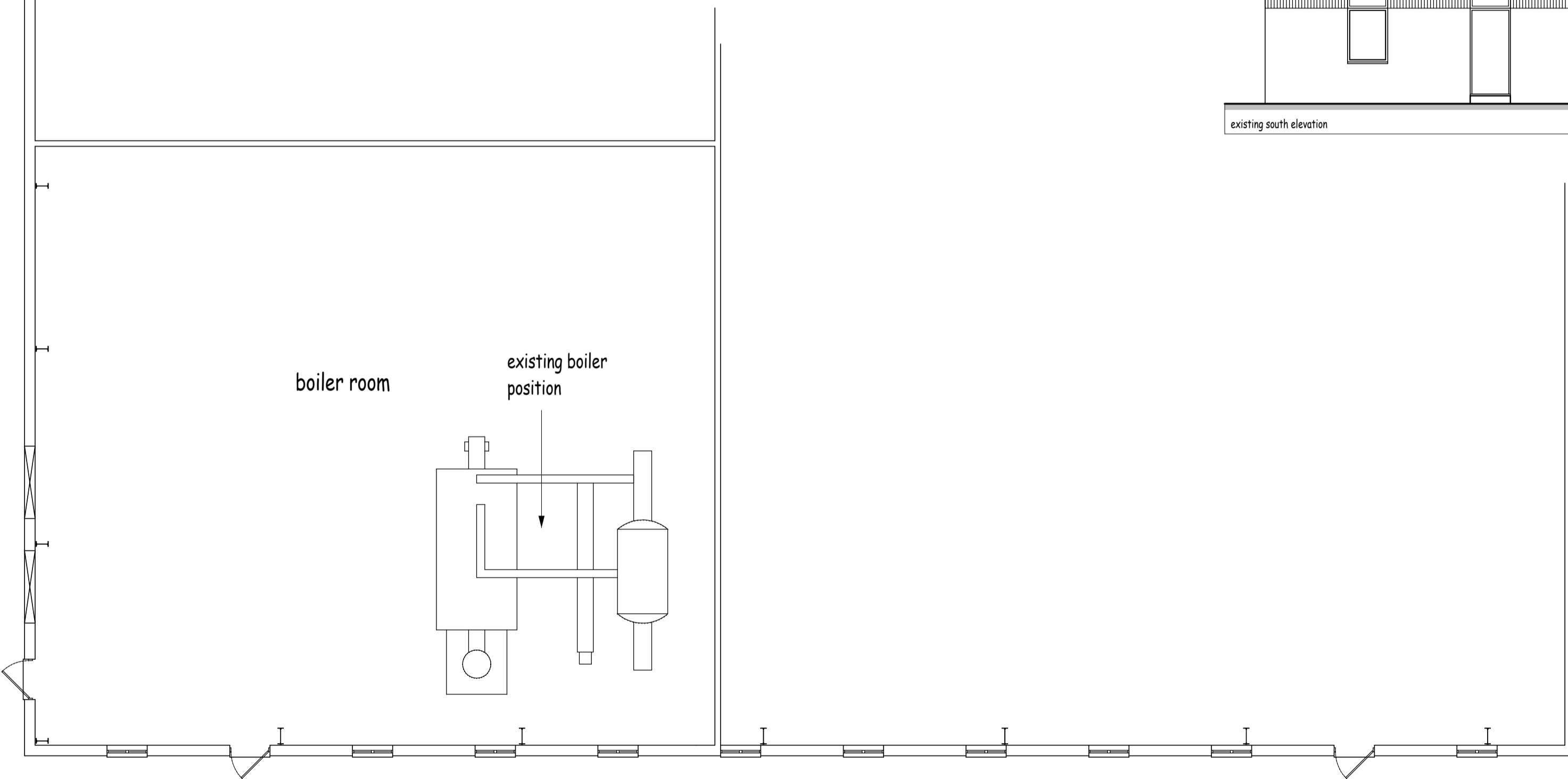
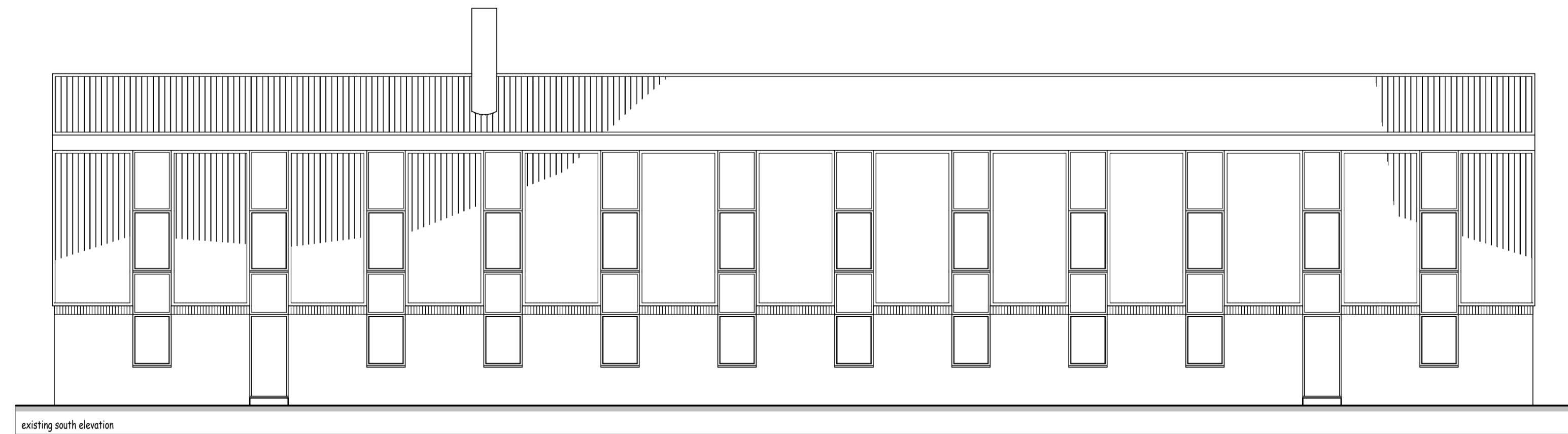
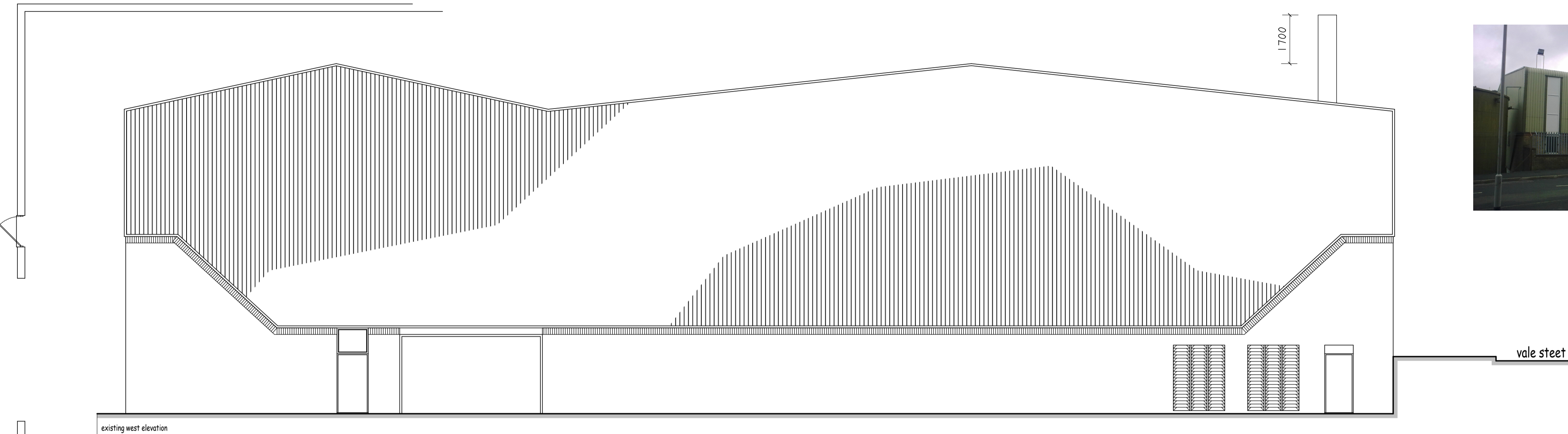
**Recommendation**      Approve


### Conditions/Reasons

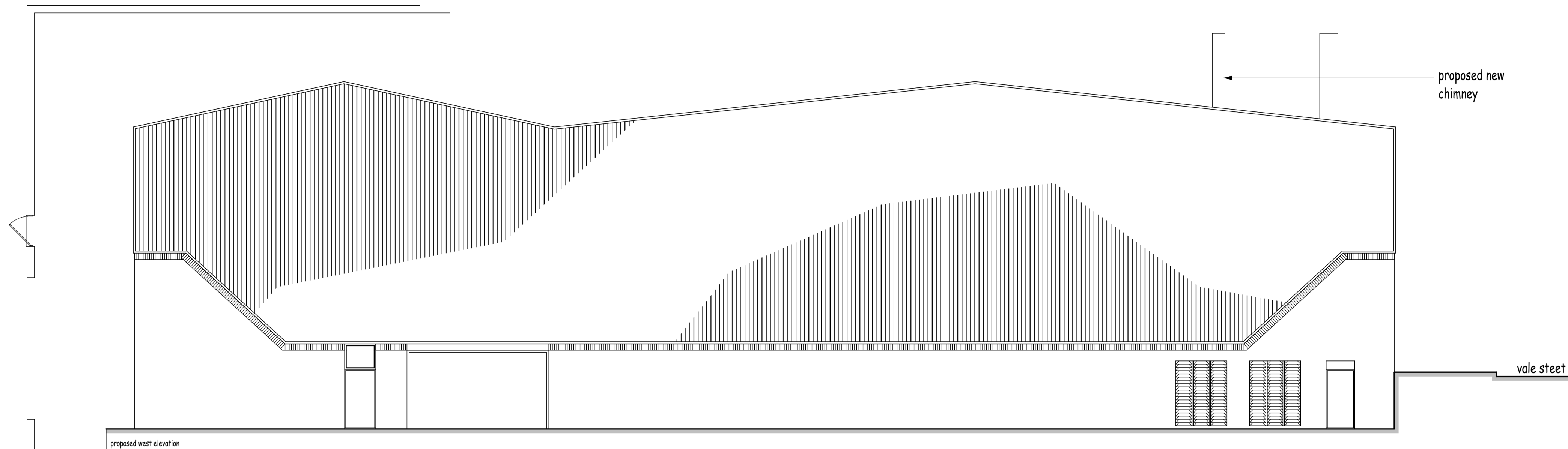
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: Required by Section 51 of the Planning and Compulsory Purchase Act 1990.
2. The development shall be carried out in accordance with drawings no. 2009/263 (Amended) received on 31 July 2009.  
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
3. All materials to be used in connection with the chimney hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.  
Reason: To ensure that the development will be of satisfactory appearance.
4. Prior to the commencement of development on site, the applicant shall submit details of the colour the chimney shall be painted, to be agreed first in writing with the Local Planning Authority. The chimney shall be painted in the agreed colour and thereafter maintained.  
Reason: In the interests of visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
5. 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 nearby residents, in accordance with Policy DC1 of the Rossendale District Local Plan.

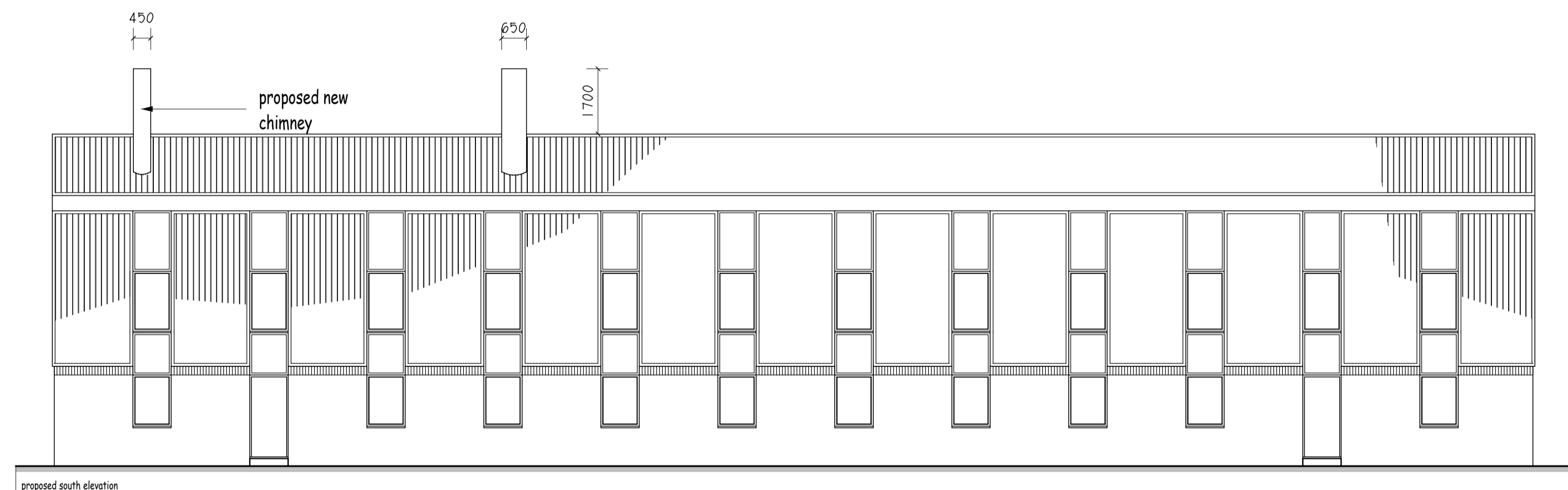
<b>Contact Officer</b>	
Name	M. Sadiq
Position	Planning Officer
Service / Team	Development Control
Telephone	01706 238641
Email address	planning@rossendalebc.gov.uk



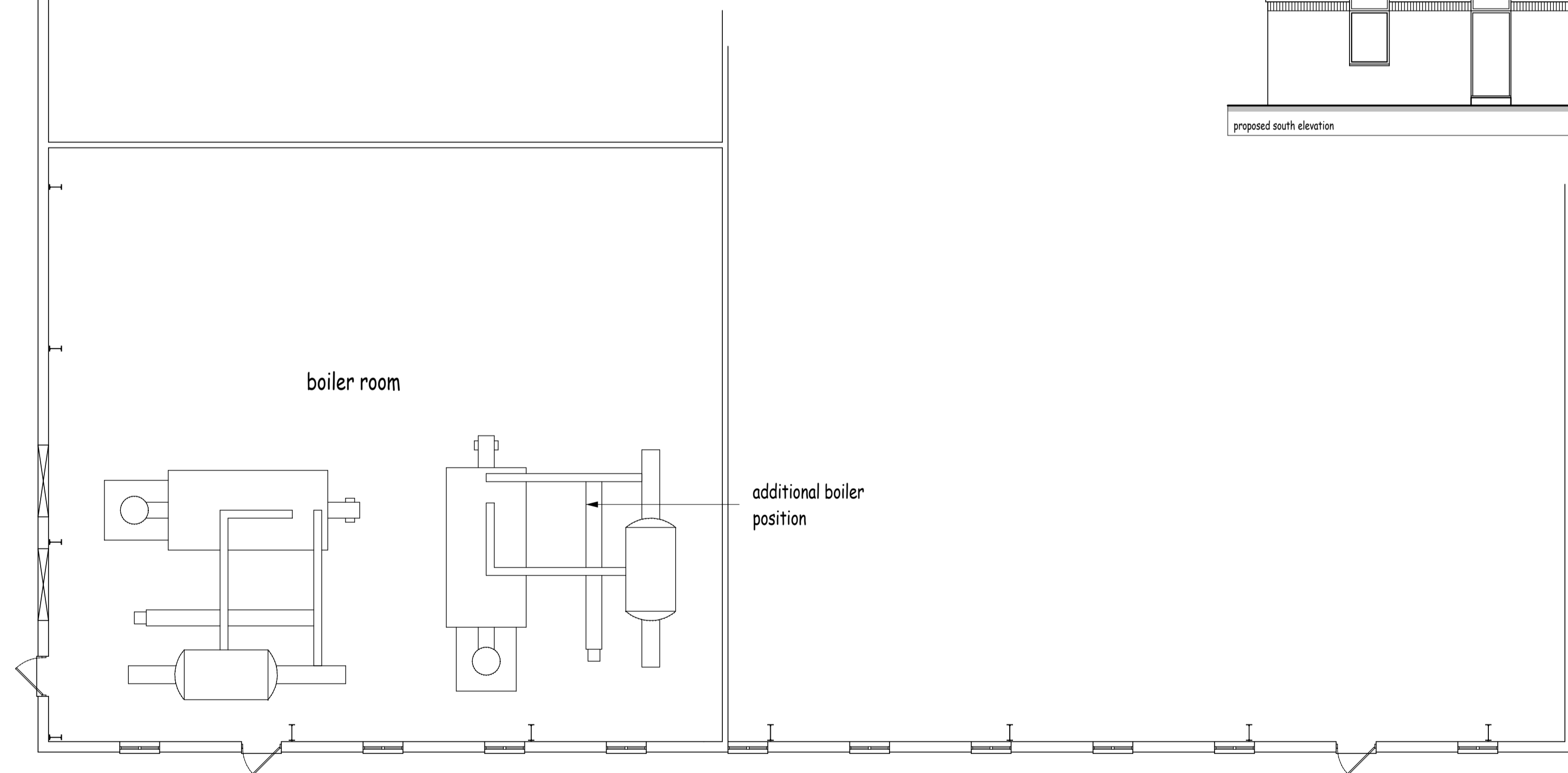
REV	DATE	DESCRIPTION
 <b>MICHAEL POOLER ASSOCIATES</b> CONSULTING CIVIL & STRUCTURAL ENGINEERS 310 NEWCHURCH ROAD, BACUP LANCASHIRE OL13 0UJ. 8 ST. WILFRID STREET, PRESTON. PR1 2US TEL:01706 876195 FAX:01706 879524 TEL:01772 200882 FAX:01772 253620 E-mail Info@m-p-a.co.uk		
TITLE Proposed Chimney		
CONTRACT Perplas Ltd Perplas Ltd, Grove Mill, Bacup.		
CLIENT Perplas Ltd Perplas Ltd, Grove Mill, Bacup.		
DRAWN BY JMJ	CHECKED BY	DATE June 09
		SCALE 1:100
CONTRACT No 2629		DRAWING No REV



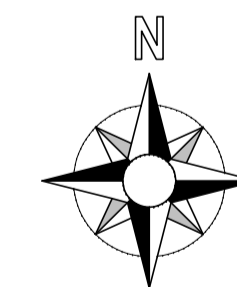
proposed west elevation



proposed south elevation



part proposed ground floor plan



REV	DATE	DESCRIPTION
A	3-9-09	chimney stacks amended



**MICHAEL POOLER ASSOCIATES**  
CONSULTING CIVIL & STRUCTURAL ENGINEERS

310 NEWCHURCH ROAD, BACUP  
LANCASHIRE OL13 0UJ.  
8 ST. WILFRID STREET,  
PRESTON. PR1 2US

TEL:01706 876195  
FAX:01706 879524  
TEL:01772 200882  
FAX:01772 253620  
E-mail Info@m-p-a.co.uk

TITLE  
**Proposed Chimney**

CONTRACT  
Perplas Ltd  
Perplas Ltd, Grove Mill, Bacup.

CLIENT  
Perplas Ltd  
Perplas Ltd, Grove Mill, Bacup.

DRAWN BY JUJ	CHECKED BY	DATE June 09	SCALE 1:100
CONTRACT No 2629		DRAWING No	REV A