

**REPORT FROM:** PLANNING, BUILDING CONTROL AND LICENSING  
SERVICES MANAGER

**TO:** WEST CRAVEN COMMITTEE

**DATE:** 3<sup>rd</sup> JULY 2018

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO WEST CRAVEN AREA COMMITTEE 03 JULY 2018

**Application Ref:** 18/0123/FUL

**Proposal:** Full: Installation of Thermal Oxidizer (RTO System) including 15m high exhaust stack.

**At:** Central Site, Grove Mill, Grove Street, Earby

**On behalf of:** Uniroyal Global Limited

**Date Registered:** 15/05/2018

**Expiry Date:** 10/07/2018

**Case Officer:** Alex Cameron

This application has been brought before Committee as three objections have been received.

### **Site Description and Proposal**

The application site is within an industrial site to the northern end of the settlement of Earby located within Earby Conservation Area. To the south are dwellings, to the west is open land with dwellings beyond, to the west are allotments and a children's playground and to the north are industrial buildings.

The proposed development is the installation of a RTO thermal oxidizer system with a 15m high exhaust stack. A thermal oxidizer system is used for the treatment of exhaust air to remove pollutants.

Plant such as this can be installed at industrial premises under permitted development rights without the need for a planning application, the only reason this development requires an application is that the stack has a material effect on the external appearance of the premises.

### **Relevant Planning History**

No relevant history.

### **Consultee Response**

LCC Highways – no objection.

United Utilities – No objection subject to foul and surface water drainage conditions.

Environmental Health - We have been in correspondence with the Company over several months, in relation to the installation of the RTO. The installation of the abatement system is in response to resident complaints and aims to deal with emissions from the Company. The RTO will be covered in the environmental permit under the Environmental Permitting Regulations 2016. This permit will need to be updated by EH following the installation of the new abatement technology.

Any noise issues could be mitigated by achievable attenuation measures.

Environment Agency

Earby Town Council - Oppose on concerns about noise levels next to play area, on health reasons as it is situated next to food producing allotments and it is situated too close to MUGA and Junior playgrounds.

## **Public Response**

Site notice posted and nearest neighbours notified – Objections received on the following grounds:

- There are still concerns over the benefits of this system and safety of this as a replacement for the current stack that is producing plasticiser fall out on a regular basis.
- There are no guarantees that this RTO is going to change the current fallout issue.
- We request that Uniroyal provide the impartial evidence that the plasticiser is safe.
- Negative visual impact that the 15m high stack will have on the local environment.
- Is there a way it could be hidden for example with the planting of trees?
- The proposed stack is closer to Grove Street than the existing stacks.
- Concerns about the potential increase in noise pollution.
- Once the RTO system is in operation the company should install a measurement of noise pollution device and commitment to no louder than the proposed 38 decibels.

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy (LPP1)**

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

### **Visual Amenity and Heritage Impact**

In the context of this industrial site, adjacent to large industrial buildings the proposed 15m stack would not result in an unacceptable visual impact. The stack would have a minor impact upon the appearance of the Conservation Area, this would be outweighed by the economic and social public benefits in terms supporting the operation of the business. The proposed installation would also allow the decommissioning of an existing larger stack which would have a beneficial impact upon the Conservation Area. Taking these factors into account the proposed building is acceptable in terms visual amenity and heritage impact in accordance with policies ENV1 and ENV2.

### **Emissions**

Emissions from industrial premises are controlled by the Environmental Protection Act, it is a principle of the planning process that where controls exist in other legislation they should not be duplicated in the determination of a planning application.

Furthermore, the proposed thermal oxidizer system is intended to replace the existing exhaust system and improve the impact of emission on the locality..

The proposal is therefore acceptable in this regards and is not necessary to attach a condition to control emissions.

### **Residential Amenity**

The proposal would be approximately 27m from the curtilage of the nearest dwelling - 27 Grove Street and would not result in any overbearing impacts or unacceptable loss of light to any surrounding dwellings.

The applicant has stated that silencers and acoustic panelling would be used to ensure that the system would operate within acceptable noise limits.

The primary noise source would be by the main system fan which is 70db at 1 metre. Without attenuation this would be likely to result in an unacceptable noise impact on the nearest dwellings, however, the fan would be enclosed in an acoustic shelter and the applicant proposes to install further acoustic panelling where appropriate. Environmental Health have confirmed that acceptable noise levels will be achievable with appropriate attenuation and therefore this can be controlled by condition.

With a condition to require that details of the acoustic attenuation are agreed and installed before the RTO is brought into use the proposed development is acceptable in terms of residential amenity.

### **Highways**

The proposed development would not impact upon the provision of or requirement for on-site car parking or raised any unacceptable highway safety issues.

### **Flood Risk**

The development is located within flood zone 3 (high risk) and is within 20m of Earby Beck. The development is not of high vulnerability to flooding and the development does not increase the footprint of any building and therefore would not increase off-site flood risk. The development is therefore acceptable in terms of flood risk.

### **Summary**

The development is acceptable in terms of its visual and heritage impact would not increase flood risk and noise impacts can be acceptably mitigated with a condition for attenuation. In addition, concerns raised relating to emissions would be controlled under other legislation. The application is therefore recommended for approval.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Delegate Grant Consent**

Subject to the following conditions:

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

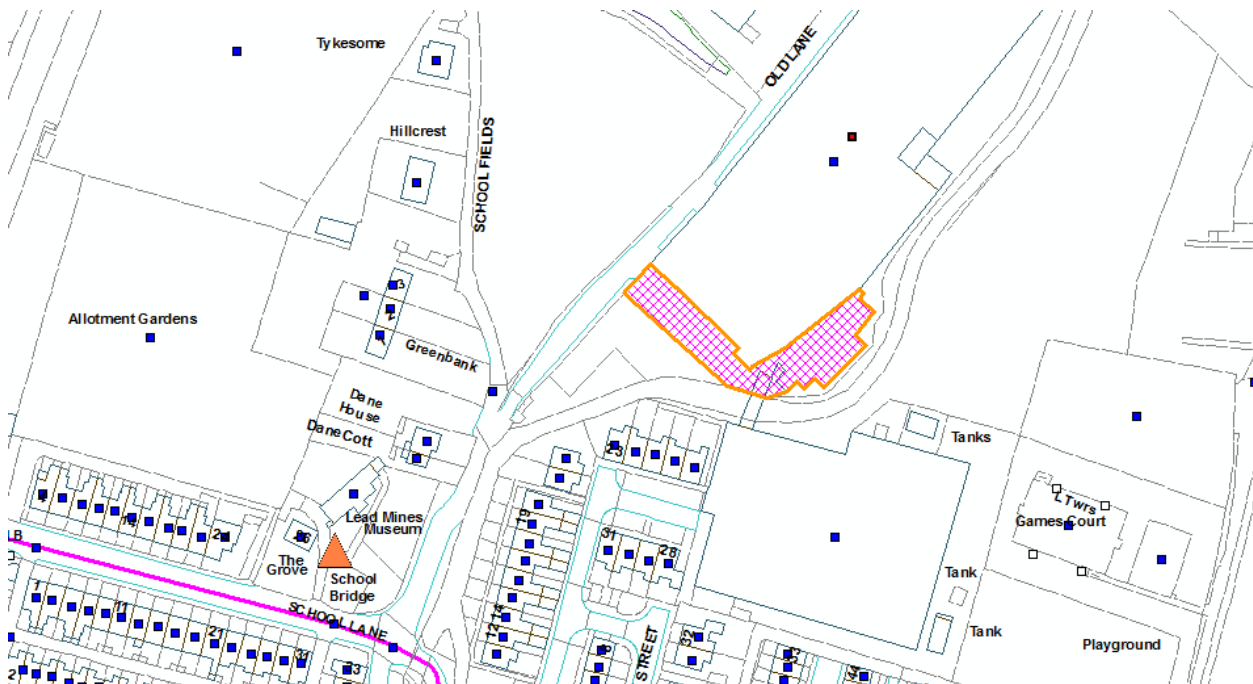
**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, DL17253-001, DL17253-002, Assy of Side Elevation.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. The use of the RTO system hereby approved shall not commence unless and until details of measures necessary to attenuate noise resulting from its operation to an acceptable level have been submitted to and approved in writing by the Local Planning Authority. The noise attenuation shall be fully installed prior to the development hereby permitted being first brought into use. The attenuation shall thereafter at all times be retained and operated to the approved specification.

**Reason:** In the interest of residential amenity.



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## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/CPB**

**Date: 25<sup>th</sup> June 2018**