



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 5<sup>th</sup> October 2017

**Subject: Application number 16/05076/FU – Part retrospective application for the installation of biomass hoppers to the rear of garage with associated flues; solar panels to roof of garage and extension of garage to enclose fuel storage hoppers at Throstle Nest Villa, New Road Side, Horsforth, LS18 4LS**

#### APPLICANT

Mr Mike Scott

#### DATE VALID

12<sup>th</sup> August 2016

#### TARGET DATE

31<sup>st</sup> May 2017

#### Electoral Wards Affected: Horsforth

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Commencement within 3 years
2. Development in line with approved plans
3. No materials other than ENPlus A1 accreditation wood pellets sourced from virgin timber and conforming to European Standard ENplus certificate UK001 shall be used to fuel the two Eco-PK 100 Biomass 99kW biomass boilers hereby approved.
4. The external walling and roofing materials of the garage extension shall match those existing and the works to that building shall be completed within 6 months.
5. The delivery of the wood pellets and the loading of the hoppers and the collection of waste produced by the boilers shall only take place within the site and shall be carried out only between 09.00 hours – 17.00 hours Monday to Friday and not at any time on Saturdays, Sundays, Bank Holidays and Public Holidays.
6. Deliveries of fuel to the site and the collection of waste shall take place within the site only and in accordance with the approved Fuel Delivery Plan and shall be made by vehicles of maximum 6 tonnes unladen weight.

## **1.0 INTRODUCTION**

- 1.1 The application is presented to Plans Panel due to the local interest in the development and at the request of the three Horsforth Ward Councillors, on the grounds that the proposal affects more than neighbouring properties as it is unsightly, out of keeping with the rest of the area and produces smoke and odour that would suggest that this is polluting the Newlay and Newlathes areas of Horsforth to the detriment of local residents.
- 1.2 The request sets out reasons that are material planning considerations that give rise to concerns affecting more than neighbouring properties and therefore it is appropriate for the application to be considered by Plans Panel.

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks retrospective planning permission for development in connection with the installation of two biomass boilers (which in themselves do not require permission as they have been sited within an existing building and such internal works are deemed not to constitute development requiring planning permission by the Planning Act) comprising two flues and wood pellet hoppers. In addition approval is sought for solar panels to the roof of the garage. The installation serves a large residential property known as Throstle Nest Villa which consists of 13 bedsits/studios and 3 self-contained flats. A single storey rear extension to the garage is also proposed to enclose the existing hoppers within the garage.
- 2.2 The two biomass boilers (Eco-PK 100 Biomass 99Kw and a 3000 litre buffer tank) have been installed within the existing garage which is an ancillary building to the main Throstle Nest Villa. Two black flues rise through the flat garage roof vertically above the boilers. They each protrude 1.5m above the roof level, giving an overall ground to flue tip height of 4.9m. In certain circumstances flues can be constructed to a site for the purposes of serving a biomass system without the need for planning permission as detailed in Schedule 2 Part 14 – Renewable energy of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) providing they meet certain conditions which includes the capacity of the boilers that they serve to produce heat will not exceed 45Kw thermal. However in this instance the flues are not permitted development therefore require planning permission as the capacity of the boilers that they serve to produce heat will exceed 45kw thermal.
- 2.3 The boilers are located in a designated smoke control area therefore require approval by Defra as an exempt appliance. A requirement on gaining exemption is that they are installed in accordance with the manufacturer's installation manual and conform to Building Regulations. The application supporting information confirms the boilers have the required exemption from Defra as an exempt appliance and therefore can be used within a smoke control area so long as the permitted fuel type is used (ENPlus A1 wood pellets) and the appliance is maintained in accordance with the manufacturer's guidelines. A condition is being proposed restricting the fuel used to ENPlus A1 wood pellets only. Officers from the authority's Building Control Department have visited the site and inspected the development and have confirmed that the boilers have been installed in accordance with the installation manual and also conform to Building Regulations. As such the boilers are considered to be exempt within the smoke controlled area. As the boilers have been installed within an existing building they do not in themselves constitute development needing planning permission.

- 2.4 The external metal hoppers store the wooden pellets and are stainless steel but have been clad partly in timber and are located externally abutting the rear elevation of the garage. The hoppers are not permitted development due to flats (as opposed to dwellinghouses) not having permitted development rights for external structures. They measure 2.8m high, 6m in width and 1m in length. By comparison the garage has a height of 3.43m and a width of 6.67m. Pipework connects the external hoppers to the boilers. However this is not visible from external vantage points due to the location of the hoppers which abut the rear elevation of the garage and the timber cladding surrounding them. It is proposed that the hoppers will be fully enclosed within an extension to the rear of the existing garage which will be constructed out of stone and render to match the garage.
- 2.5 The hoppers are filled with wood pellets which are bulk blown into the hoppers directly from a delivery vehicle parked within the Villa grounds. It is anticipated that the hoppers will need to be filled a maximum of 8 times a year.
- 2.6 The boilers which have been installed are only capable of burning wood pellets of the ENPlus A1 accreditation that are registered on the government biomass supplier source list (BSL). Any other products would not allow the boilers to work effectively as an exempt appliance as the fuel needs to be fed via an internal auger into the boiler on a daily basis and only these pellets have the consistency to allow this. The pellets are generally made from compacted sawdust or other wastes from sawmilling and other wood product manufacturing process. The pellets are extremely dense with a low moisture content (below 10%) enabling them to be burned very efficiently. This also removes the risk of storing pellets with a higher moisture content that could lead to degradation and associated anaerobic activity, smoke and odour.
- 2.7 The array of 16 solar panels has been positioned on the flat roof of the garage, which due to their projection of 0.3m above the garage roof requires planning consent. This is because Schedule 2 Part 14 – Renewable energy Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states development is not permitted if the solar equipment would protrude more than 0.2m beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 Throstle Nest Villa is a large building housing 13 bedsits/studios and 3 self-contained flats which is located within expansive grounds off the A65 in Horsforth. The site is located within Newlay Conservation Area in which the property is highlighted as a positive structure within the Newlay Conservation Area Appraisal and Management Plan. It is accessed by a driveway to the front (east) leading to parking spaces and also an access driveway leading to the rear of the site. To the south of the site there is a garage/outbuilding which is the location for the biomass system and associated flues, hoppers and solar panels. To the north of the site there is a grassed/garden area and to the west there is an area of hardstanding. The neighbouring properties along Newlay Wood Crescent to the south abut the side boundary of the site with their rear gardens facing onto the side elevation of the garage/outbuilding. Given the topography of the area the host site is in an elevated position in relation to these neighbouring sites. The neighbouring properties along Throstle Nest View to the west abut the rear boundary of the site with their rear gardens facing onto the rear elevation of the garage/outbuilding. However there is a wall and substantial mature hedge which forms the boundary treatment between the host site and these neighbours meaning that the garage is not visible from those sites.

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 None

#### **5.0 HISTORY OF NEGOTIATIONS**

5.1 During the processing of the application negotiations between officers and applicant have been ongoing. These have been mainly in relation to noise and odour emissions. As such Officers requested that Air Quality and Noise Assessments took place. The applicant has also adjusted the operational settings of the boiler to rectify the initial acknowledged smoke and odour problem encountered when the system was first installed. Further negotiations have taken place with respect to further reducing the visual impact of the hoppers by fully enclosing them within an extension to the existing garage.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised by site notices which were posted on 2<sup>nd</sup> September 2016 and 13<sup>th</sup> December 2016 and expired on 3<sup>rd</sup> January 2017. The application was also advertised in the Yorkshire Evening Post on 2<sup>nd</sup> September 2016 which expired on 23<sup>rd</sup> September 2016.

6.2 52 letters of objection were received concerned with the following matters:

- The works are very obvious and out of keeping with the character of the original building, locality and Conservation Area
- Smoke and odour is a nuisance and is affecting the health of neighbouring residents
- Cannot enjoy gardens or have windows or doors open
- Has an impact on the environment and nature conservation
- This is more about money saving rather than taking the community into consideration – there are other options to provide hot water and heat
- Any approval would set a precedent
- No safety information has been provided as to how the boiler is to be maintained – it is a fire, health and safety hazard to neighbouring properties
- Affected the property value of neighbouring sites and has increased maintenance through cleaning and the installation of clean air purification systems.
- Pellets have to have less than 30% water content to prevent decomposition, which will have a health and safety impact. The increase in the storage area for the hoppers raises significant risk of carbon monoxide build up
- The site is within a smoke controlled area and the development needs to conform to the Clean Air Act.
- The configurations of the buildings around the boiler are keeping fumes at a low level
- The Air Quality report is flawed
- The noise from the delivery of the pellets causes a great disturbance – delivery during the day will not negate this
- The deliveries will cause a danger to passing pedestrians and there are concerns if it is feasible to deliver from within the site.
- The waste from the boiler will be harmful to health
- The applicant has not consulted the neighbouring residents and nobody from the Council has visited neighbouring residents either.
- The screening with trees will have an impact on neighbouring sites

- The renewable energy benefits are negated by the transport and production of the pellets
- Whilst we should move forward with renewable energy this should not be to the detriment of a protected area
- There is a precedent set for a refusal of a similar application to a Nursing Home

6.3 15 letters of support were received concerned with the following matters:-

- There was some smoke and odour when the system was first installed but this has been rectified
- Now no smoke or odour is detected
- Heating and hot water now available – the old system was inadequate
- The system is needed to ensure comfort to the residents
- Air quality and noise assessments demonstrate no harmful impact
- This form of heating is environmentally friendly and supported by government policy
- The A65 creates air pollution 24hrs a day
- The largest power station in the UK at Drax is currently being converted to burn biomass pellets
- The cladding screens the hoppers with the look of a garden fence
- The arguments relating to health issues directly relating to the boiler are unfounded

6.4 Ward Members have been consulted regarding the application and objection comments have been received from Cllr Cleasby, Cllr Collins and Cllr Townsley raising the following points:-

Cllr Cleasby

- The site is in a Conservation Area and smokeless zone
- The proposal creates fumes, smoke and odour
- The flue height is inadequate
- The appliance is not on the Defra exemption list
- The boilers are not being operated as per the manufacturers guidance and the flues do not meet Defra guidance.
- There is a concern about deliveries
- There is a fire risk as it is so close to neighbouring properties.
- There is an example of another biomass system that was refused, why is this application being treated differently.

Cllr Collins

- Any change to the Conservation Area must only be accepted if the character of the Conservation Area is enhanced, or at the very least maintained
- Planners need to ensure that any changes are sustainable and will not degrade in character or appearance
- Planners should need to consider other future potential changes and not accept something because it is currently 'hidden'
- The current design of the biomass boiler does not enhance the conservation setting
- Planners must also ensure that if any system such as this is accepted then sufficient conditions are put in place in order to ensure that the systems are maintained regularly and properly to prevent them becoming a risk to health

Cllr Townsley

- The system is unsightly, totally out of keeping with the rest of the area

- It gives off a very unpleasant smell and would suggest that this is polluting the Newlay and Newlaithes areas of Horsforth.

A further update meeting took place between Planning and Environmental Health Officers and Horsforth Ward Members to discuss the scheme on the 21<sup>st</sup> September 2017 and concerns raised in relation to health and safety, Air Quality and monitoring, the comparison with a previous biomass application elsewhere in the city.

- 6.5 Horsforth Town Council - No objections to the extension itself, but does have concerns regarding the feasibility of the flue delivery plan given the position of the porch.

## **7.0 CONSULTATION RESPONSES:**

- 7.1 Conservation – It is considered the character and appearance of the Conservation Area will be preserved.

- 7.2 Environmental Health – Noise from the boilers is unlikely to result in a reduction in residential amenity so long as they are restricted to daytime use.

Environmental Health have considered Air Quality Assessments and have visited the site a number of times and consider the emissions from the boiler are insignificant in terms of impact on air quality parameters.

As such the Environmental Health Team find no material reason to object to the application.

- 7.3 Highways – No objections to the current arrangements whereby fuel deliveries are accommodated within the site. However deliveries must not take place directly from the A65 or require vehicles to be reversed into the site from the A65.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve the appearance and character of Conservation Areas

### Development Plan

- 8.3 The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.

- 8.4 The application site is within Newlay Conservation Area but has no other specific allocations or proposals.

### Adopted Core Strategy

- 8.5 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered most relevant

Policy P10 - Design  
Policy P11 – Conservation  
Policy EN3 – Low Carbon Energy  
Policy T2 – Highway Safety

Saved Policies - Leeds UDP (2006)

- 8.6 The following saved policies within the UDP are considered most relevant to the determination of this application:

Policy GP5 - Development Proposals should resolve detailed planning considerations.  
Policy BD5- Amenity and new buildings  
Policy BD6 – Alterations and extensions  
Policy N19 – Development in conservation areas

Natural Resources and Waste Local Plan 2013

- 8.7 Energy 3: Proposals for low carbon energy and supporting infrastructure will be supported in principle. However, the proposals must demonstrate the facility has potential to connect to an outlet; the development has addressed Waste 9; and, the proposal should demonstrate the potential to contribute towards CHP.
- 8.8 Waste 9: Environmental and amenity aspects such as appearance, noise, dust, litter, odour, drainage, vermin and gas emissions.
- 8.9 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant supplementary guidance:

- 8.10 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:
- Horsforth Design Statement (approved as a material consideration November 2010)  
Newlay Conservation Area Appraisal and Management Plan (approved as a material consideration 10<sup>th</sup> November 2008)

National Planning Policy Framework (NPPF)

- 8.11 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), introduced March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the NPPF is a presumption in favour of Sustainable Development. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in the consideration of this application.

- 8.12 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 8.13 The NPPF states that Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. Paragraph 98 of the NPPF states that LPA's should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 8.14 Paragraph 137 relates to development within conservation areas stating that new development should preserve and enhance and make a positive contribution to the area.

## **9.0 MAIN ISSUES**

1. Principle of development
2. Impact on visual amenity and the Conservation Area
3. Residential amenity
4. Highway Safety
5. Representations

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The National Planning Policy Framework (NPPF) sets out 12 core principles, within paragraph 17, that identify the 'roles that the planning system ought to play'. The guidance contained in the sixth principle outlines that the use of renewable resources should be encouraged. National policy sets a context for a rapid transition towards renewable and low carbon energy generation.
- 10.2 Paragraphs 18 and 93 reiterate the importance of the delivery of low carbon energy and that it is essential to the three elements (environmental, economic and social) that form sustainable development. Local Planning Authorities are strongly encouraged to support energy efficiency improvements to existing buildings (paragraph 95), take positive steps towards the production of low carbon and renewable energy in plan making (paragraph 97) and should not require the applicant to demonstrate need (paragraph 98).
- 10.3 As previously discussed, the proposed biomass facility is considered to be a renewable low carbon energy source. The Natural Resources and Waste Local Plan (NRWLP) and the Core Strategy (CS) support the development of renewable and low carbon energy. In this case, policy Energy 3 (of the NRWLP) and policy EN3 (of the CS) are relevant, which are outlined in the policy section of this report. Tackling climate change is a strategic priority for the Council.



- 10.4 The biomass installation has replaced the previous gas-fired heating system at the property is supported by the above policies subject to being assessed against the environmental impacts listed in Waste 9 (noise, odour and gas emissions).
- 10.5 There has been an example of a biomass system being refused to a Nursing Home (13/04844/FU) within the Crossgates and Whinmoor ward in 2014, which was subsequently dismissed at appeal. A revised position of the boilers and flues was negotiated and a subsequent application (15/00937/FU) was approved in 2015. Whilst this application was initially refused due to residential and visual amenity concerns it is not possible to draw direct comparisons between schemes as each application is determined on its own merits. Therefore it is important that each application is independently considered with the site specific factors highlighted and addressed. As such in considering the current application the authority has scrutinised the environmental, visual and residential impact of the system through site specific information in order to provide an appropriate recommendation. It is also noted that there have been other examples of biomass systems which have been approved within the Leeds City Council boundaries, each determined on their own merits.

#### Impact on visual amenity and the Conservation Area

- 10.6 Section 72 of the Planning (Listed Building and Conservation Areas) act 1990 requires special attention to be given to the desirability of development within Conservation Areas, preserving or enhancing the appearance or character of the Conservation Area. There are four elements to the proposed scheme that are required to be considered in terms of design and the impact on the appearance or character of the conservation area. These relate to the hoppers, the garage extension, the flues and the solar panels. The biomass boilers are housed within the garage and therefore are not visible.
- 10.7 As background the site is within Newlay Conservation Area and within the appraisal document the site is located within character area 5. Throstle Nest Villa is highlighted as a positive structure within the Conservation Area Appraisal, with the neighbouring properties to the West along Throstle Nest View highlighted as neutral structures. It is noted that the southern boundary of the site which abuts the rear gardens of the properties along Newlay Wood Crescent also marks the boundary of the Conservation Area. These properties and all the properties located along Newlay Wood Crescent are not within the Conservation Area. The A65 to the north of the site also forms the boundary to the Conservation Area. The few properties within this character area follow the style of the rest of the conservation area involving the following characteristics:
- Fine locally produced sandstone and gritstone
  - Slate roofing
  - Fine detailing where present
  - Large detached properties set into their own expansive grounds
- 10.8 The proposal is in excess of 20m from the road of Newlay Wood Crescent to the south and given the buffer of the properties along the street allows for only a fleeting glimpse of the flues and solar panels from this vantage point. Whilst only a glimpse of the hoppers can be seen from this vantage point, given their general appearance and prominent view from other areas a garage extension is proposed to enclose them. The garage extension will be the same height and width as existing and will be constructed in stone and render to match. A condition is being proposed to

restrict the materials used to match the existing garage. Therefore from this vantage point it is considered the extension to the garage will not be detrimental to and will preserve the character and appearance of the existing outbuilding, main building and streetscene. Given the location of the hoppers they appear screened from view by the main building when observed from the main A65 to the North and the proposed rear extension to the garage will not be prominent. Similarly given the mature boundary treatment to the West and the buffer of the properties along Throstle Nest View the hoppers nor the proposed garage extension will be visible when observed from this streetscene. As such the proposal will preserve the special character and appearance of the Conservation Area. The proposal is therefore considered to comply with Policies P10 (design) and P11 (Conservation) of the Core Strategy, N19 (Conservation) of the UDPR and to guidance in the Newlay Conservation Area Appraisal and Management Plan.

- 10.9 Turning to the flues, they protrude from the roof of the garage to the rear, are modest in height and are painted matt black. When viewed from the streetscene of Newlay Wood Crescent they do not dominate the site and surroundings given their colour and height which allows them to merge in with the stonework of the main building in the background. As such it is considered the proposed flues do not have a detrimental impact on the area when viewed from this streetscene. Given the location of the development in relation to the A65 to the North and the high boundary treatment and buffer of the properties to the West the flues are not overtly visible when viewed from these streetscenes and the special character of the Conservation Area is preserved. The proposal is therefore considered to comply with Policies P10 (design) and P11 (Conservation) of the Core Strategy, N19 (Conservation) of the UDPR and to guidance in the Newlay Conservation Area Appraisal and Management Plan.
- 10.10 The solar panels are located to the flat roof of the garage, are modest in size, do not protrude substantially above the roof and are not overtly visible from surrounding vantage points and so preserve the special character of the Conservation Area.
- 10.11 Whilst the proposal is in close proximity to the neighbouring residential sites to the south in particularly their rear gardens, it does not have a detrimental impact on the visual amenity when viewed from these sites. This is because the hoppers will be enclosed within a garage extension, which respects the width, height and side building lines of the outbuilding. In addition the extension will be constructed in materials to match the existing garage.
- 10.12 The flues are relatively narrow and merge in with the main building in the background when viewed from these neighbouring sites and the solar panels only extend slightly above the flat roof of the garage.
- 10.13 Given the distance to the Western boundary, the mature boundary treatment and the scale of the development the hoppers and proposed rear extension to the garage, flues and solar panels are not overtly visible from the neighbouring sites along Throstle Nest View.
- 10.14 Whilst the main building is highlighted as a positive building within the Conservation Area, the development is located to the rear of the existing ancillary outbuilding. Given the position and scale of the flues, hoppers and solar panels they have a limited impact on the character and appearance of the main building and the wider Conservation Area. The construction of the single storey rear extension to the garage will further reduce this impact.

- 10.15 In addition the Conservation Team have been consulted on the scheme and consider that the flues, solar panels and garage extension makes a limited impact on and therefore preserves the character of the outbuilding, the principle building on the site and the wider Conservation Area.
- 10.16 As such given the size, scale and location of the development it does not have a detrimental impact on the character and appearance of the host site, surrounding sites or streetscenes and preserves the special character of the Conservation Area. The proposal is therefore considered to comply with Policies P10 (design) and P11 (Conservation) of the Core Strategy, GP5, BD6 and N19 of the UDPR and to guidance in the Newlay Conservation Area Appraisal and Management Plan.

#### Residential amenity

- 10.17 There are four main elements which need to be addressed in relation to the impact on the residential amenity of the occupants of neighbouring sites and Throstle Nest Villa. These are air pollution and any potential nuisance caused by smoke and odour, noise, overshadowing and dominance, and the needs of the residents of Throstle Nest Villa for whom the installation currently provides heating and hot water.
- 10.18 The boiler is located in a designated smoke control area therefore requires approval by Defra as an exempt appliance. The supporting information and confirmation that it has been installed in accordance with the manufacturers instructions and conforms to Building Regulations confirms that the ECO-PK 100 Biomass 99 kW boilers which have been installed have the required exemption. This means that they can lawfully be used within a smoke control area so long as the permitted fuel is used (wood pellets) and the appliance is maintained in accordance with the manufacturer's guidelines. As set out above, the boilers in themselves do not need planning permission. Consideration needs to be given however to whether the flues are high enough to disperse the emissions generated so that they do not have a detrimental impact on the residential amenity of neighbouring properties. It has been acknowledged by the applicant that when the system was first installed a degree of smoke and odour was generated during the initial operational period. This was due to the operational times of the boilers being set to a time when there was no demand from the buffer tank. This resulted in the boilers being fuelled, ignited but then closed down before the pellets had fully combusted. This resulted in the wood pellets smouldering within the boiler, which is what caused the initial wood-burning odour and smoke.
- 10.19 However since that time the applicant has consulted the UK distributors and installation teams to rectify this. The settings have been altered so that the operational period for the boilers are only when there is a demand and therefore allows them to work efficiently. It is also important to note that the biomass boilers are alternated in terms of their operation so that both boilers are never in operation at the same time. Since these changes have been made officers from the Planning and the Environmental Health departments have visited the site and witnessed the cycle of the boilers from start up to full operation. During the site visit no smoke was observed and a negligible amount of odour for no longer than a period of a minute or so was detected.
- 10.20 In addition a site specific Air Quality Assessment was conducted at the request of the authority to clarify the emissions of any pollutants. The Environmental Health team have appraised the assessment and do not have any concerns regarding the results of the report (i.e. that national Air Quality Objectives will not be breached and

impacts on air quality from the system are more than likely to be insignificant). As such it is concluded that emissions from the system are considered to be acceptable in terms of what is scientifically known about the effects of each pollutant on health and on the environment.

- 10.21 Therefore whilst the default position of Environmental Health colleagues would be to request that flue heights terminate 1m above the ridge of properties within a radius calculated by 5x stack height of the flue in order to negate the nuisance from smell or odour, in this instance it has been demonstrated through assessments, alterations to the boilers operation and through officer site visits that the development only produces negligible amounts of odour and smoke, if any, which is limited to the start-up phase (a minute or so) and quite normal for this type of appliance. As such and combined with the difference in land levels between the host site and the neighbouring sites along Newlay Wood Crescent to the south it is considered that a larger stack height is not required in this instance. The boiler is sufficiently efficient such that the existing flues effectively disperse the exhausts away from the surrounding area for the system not to create a nuisance to residents in relation to smoke and odour.
- 10.22 With regards to noise the applicant was requested to undertake a noise assessment of the system to clarify the extent of any issues. The boiler is in operation for a total of 6 hours per day during the winter in two 3 hour sessions, one in the morning and one in the evening and 3 hours a day in one session during the summer. This is achievable due to the large 3000 litre buffer tank that has been installed which can store all the daily hot water requirements for the property. An Environmental Health Officer and Planning Officers have visited the site on a number of occasions and have witnessed the boilers cycle from start up to full operation. Whilst there is a slight soft hum, it is relatively quiet close up and the tonal penalties applied in the BS4142:2014 are considered to be appropriate. A BS4142:2014 assessment is a comparison of the specific noise source (plus any additional corrections for tonality, impulsivity, intermittency or any other readily distinguishable characteristics) against the prevailing background noise level (L90). Corrections for tonality can be added depending on the level of perceptibility of the noise source at the façade of the nearest noise sensitive premises, a correction of 0, 2, 4 or 6 dB can be applied. Application of tonality is associated with extraction/plant equipment or other machinery which may produces tones. It is therefore considered that the noise levels from the boilers are in compliance with LCC noise criteria and the impact on the living conditions of occupiers of nearby properties is considered to be low. Furthermore Environmental Health agrees that the boilers need only be in use for 4/5 hours per day yet provide sufficient heating and hot water throughout the day. Given the thermal capabilities of the water tank it is unlikely the use of the boilers would be required during night time periods. As such it is considered the noise generated by the boilers does not have a detrimental impact on the residential amenity of the occupants of neighbouring sites nor the occupants of Throstle Nest Villa.
- 10.23 In addition to the noise generated by the boiler it is noted that noise is also produced during the delivery of the wood pellets. This is because the hoppers are filled by blowing the pellets from the delivery vehicle. Whilst this method can be noisy it only occurs during daytime hours, within certain time periods and on a very infrequent basis of 8 times a year. During a delivery run on Monday the 13<sup>th</sup> February a 6 ton truck was used which arrived at 13.01hours, took 13 minutes to set up the delivery system, took 32 minutes to deliver 5.6t and left the site just before 14.00 hours. As such given the limited time taken, the very infrequent basis and a condition imposed that deliveries only take place between 0900 – 1700 (Monday to Friday) it is

considered the process of filling the hoppers does not have a detrimental impact on the residential amenity of neighbouring residents.

- 10.24 As such it is considered that the development is capable of and has been demonstrated to operate effectively in its current setup without having a detrimental impact through air pollution and noise impact. However notwithstanding any grant of planning permission any breaches in the operation of the boiler and system as a whole in the future would be subject to the powers of further legislation namely the The Environmental Protection Act 1990 Section 79 and The Clean Air Act 1993 Part 1 rather than Planning legislation.
- 10.25 Turning to overshadowing and dominance, the proposed garage extension will be single storey, will be the same height and width of the existing garage and will respect its side building lines. In addition it will be stepped away from the side/rear boundary with the neighbouring sites along Newlay Wood Crescent and will be constructed predominantly in line with the existing garage to the neighbouring site at No 1 Newlay Wood Crescent. In addition given the orientation of the sites the Throstle Nest Villa and the proposed extension are positioned to the north of these properties. As such the garage extension will not lead to an increased overshadowing or dominance impact than the existing garage.
- 10.26 Given the modest size of the flues and solar panels and their location to the north of the neighbouring sites along Newlay Wood Crescent they do not result in a overshadowing or dominance impact on these sites.
- 10.27 Given the distance to the Western boundary, the mature boundary treatment and the modest size of the development there is no overshadowing or dominance impact on the neighbouring sites along Throstle Nest View.
- 10.28 In addition to considering the impact that the development has on the amenity of neighbouring sites, it is also appropriate to consider that the installation provides heat and hot water to the residents of Throstle Nest Villa. The previous boilers serving the property were 39 and 51 years old, were inefficient and did not produce enough hot water to heat the property. Subsequently the boilers were considered redundant and had to be shut down for safety reasons leaving no main supply of heating in the property in May 2016. Whilst the applicant considered alternative options such as replacement gas boilers, electric heating, air and ground source heat pumps and tanked oil and gas he decided to install a biomass system due to it being a logistical and sustainable option. The boiler was subsequently installed to restore the required service to the flats and bedsits. The loss of the boiler would require an alternative system to be installed and a loss of hot water and heating to residents during installation of such.
- 10.29 In addition to deciding on the most sustainable option, consideration has been given to the feasibility for the exhausts from the boilers to be discharged through the existing chimneys to the Villa. The applicant has stated that this is not feasible as:
- “The existing chimney’s in the house are not easily accessible, as they are located in the middle of the building. Even the old gas boiler, situated in the basement did not have suitable access to the chimney and required an additional fan assisted flue to an exterior window at basement level. Apart from the access issue to the existing chimney, the design of the flue/chimney is required to facilitate the draw and therefore there are certain restriction on lengths, corners and the climb of the chimney to allow for these criteria. Furthermore, in order to achieve this, the flue would need to breach the exterior wall of the main property and then enter the

chimney, which as noted above, is located in the middle of the building. This solution, should it be actually feasible, would be far more technical and prone to short and long term issues, if it were even possible to be implemented. From the feedback I have received, I would also struggle to find any contractor that would take the responsibility of installing this option. None of these issues address the added visual impact that such a chimney extension would create, that I would assume would conflict with Conservation”.

The Council’s Building Control Officers concur that routing the flues to the boilers through existing chimneys on Throstle Nest Villa is not feasible.

- 10.30 It is important to note that even if it had been feasible to route the flues through the existing chimneys to the Villa, an application has been submitted with flues which discharge through the garage and therefore Officers have considered the application as such. Through the consideration of all material planning issues it is considered that the flues which discharge through the garage are acceptable.
- 10.31 Overall, it is considered that the proposed development does not result in significant adverse impact on the living conditions of occupiers of nearby properties or those occupants residing within Throstle Nest Villa. The proposal is therefore considered to comply with Policies P10 of the Core Strategy and GP5 of the UDPR.

#### Highways

- 10.32 The system requires the delivery of wood pellets via truck up to 8 times a year. The applicant has demonstrated that these deliveries take place from within the site with the truck accessing the site from the driveway via the A65. The site is large which also allows the delivery vehicle to access and exit the site in a forward gear. It is considered this arrangement is acceptable and should continue as deliveries taking place directly from the A65 or requiring vehicles to be reversed into the site from the A65 would lead to road safety issues by obstructing site lines and blocking footways. A condition regarding deliveries is recommended above.
- 10.33 For all the above reasons the scheme is considered acceptable in highway terms. The proposal is therefore considered to comply with Policy T2 of the Core Strategy.

#### Representations

- 10.34 The material planning issues raised in the representations have been covered above. With regards to the following matters.
- Any approval would set a precedent – *It should be noted that each application is considered and determined on its own merits irrespective of what has been approved or refused elsewhere.*
  - Property values are affected and maintenance costs have increased – *Whilst the authority is sympathetic to these concerns the perceived impact on property prices or maintenance costs is not a material planning consideration therefore cannot be taken into account when considering the proposal.*
  - The applicant has not consulted neighbouring residents – *Whilst the Authority would encourage the discussion of applications between the applicant and neighbours this is a civil issue. As such this is not a valid issue to take into consideration when determining the application. The LPA undertook appropriate publicity regarding the application.*

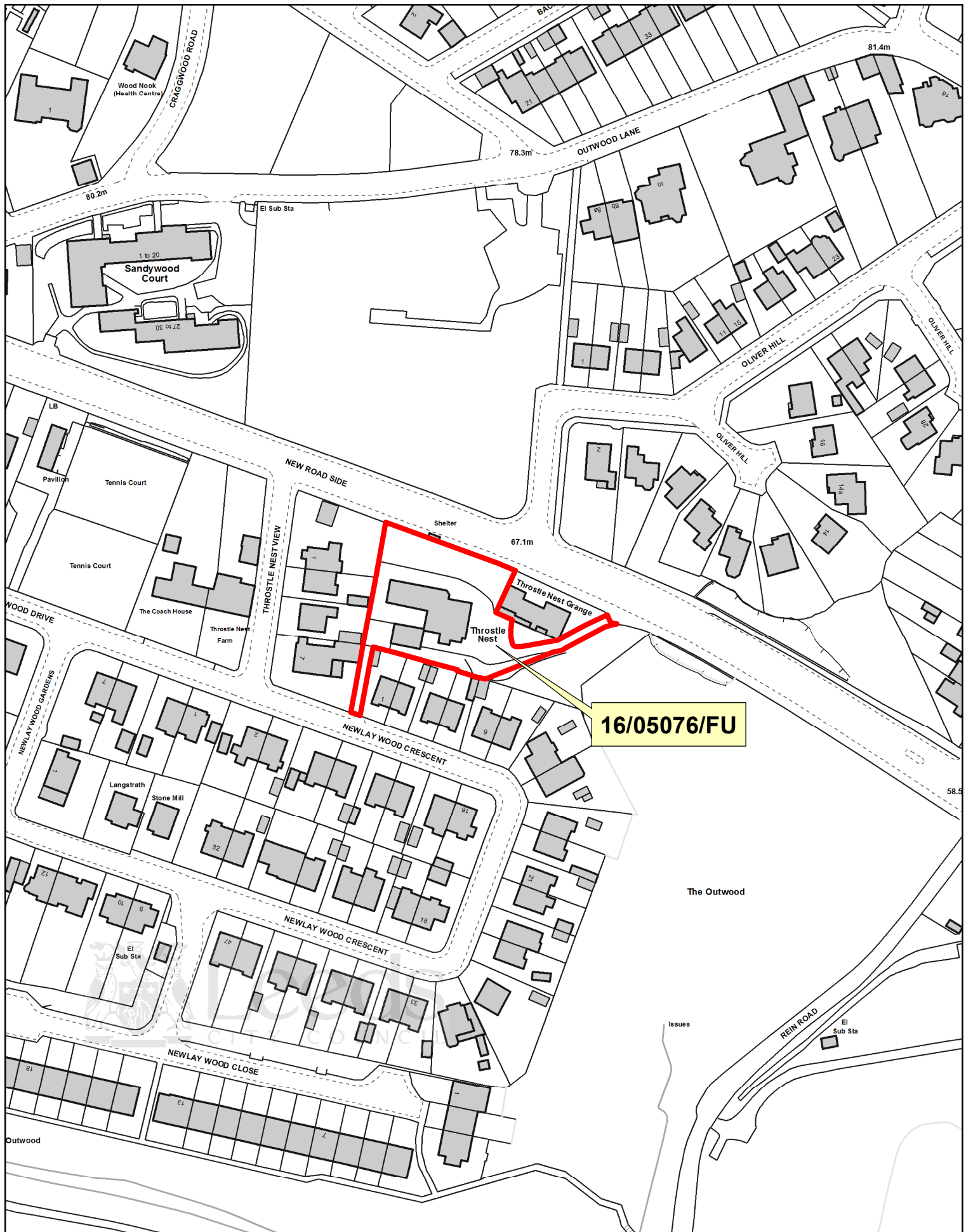
- Nobody from the council has visited neighbouring residents – *Officers do not visit every neighbouring site during an application process to discuss a scheme. However if there is a need to visit a neighbouring site this is arranged on a case by case basis. During this application process Officers have visited the site on a number of occasions and it was clear that any concerns raised by neighbouring residents could be fully assessed from the application site.*
- Future maintenance of the system – *It should be noted that the future maintenance of the system is not for the Planning Department to arrange or implement. Nor is it a material planning issue to be considered when determining the merits of the application. It is the responsibility to the applicant to ensure that the boilers are maintained and continue to operate safely.*

## **11.0 CONCLUSION**

- 11.1 To conclude, the development is considered to be sustainable development producing low carbon energy which is supported in principle by the Development Plan and national planning policy. The proposal preserves the character of the Conservation Area and is not detrimental to the visual amenity of the area. It does not have a detrimental impact on the residential amenity of neighbouring sites and it enhances the residential amenity of the occupants of Throstle Nest Villa. The proposal does not conflict with environmental protection legislation and it does not raise any issues in relation to highway safety. The proposal is therefore considered to comply with development plan policies, and the NPPF, and taking all other material considerations into account including representations received, it is recommended to Members for approval subject to the conditions set out.

### **Background Papers:**

Certificate of ownership: signed by applicant.  
Planning application file.



16/05076/FU

# SOUTH AND WEST PLANS PANEL

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