

<b>DELEGATED REPORT</b>	
<b>Application Reference:</b>	20/0459
<b>Description of Development</b>	Retrospective application for installation of biomass wood pellet boiler and flue
<b>Case Officer</b>	Ian Irwin
<b>Appraisal</b>	
Site	<p>Armathwaite Place, Armathwaite</p> <p>The site is noted to be surrounded by imposing stone walls which enclose the site and the deny views to and from the site to the public realm.</p> <p>Beyond the walls, to the East are the nearest residential dwellings. Both Undercoombe and Gardeners Cottage are located approximately 7 metres and 16 metres respectively from the application site. Further east is the Public House, The Fox and Pheasant, which is approximately 25 metres from the application site.</p> <p>To the West is Armathwaite Hall, a Grade II Listed Building. The listing entry confirms, <i>'House. Early C19 with mid C19 alterations and additions. Painted sandstone rubble walls, hipped slate roof, rendered chimney stacks. 2 storeys, 6 bays. Garden front: C20 glazed door; sash windows with glazing bars have plain painted stone surrounds. North front: 2 two-storey canted bay windows with lead hips and 2-pane sashes. Rear, now entrance front has off-centre single storey extension, with flanking 2-storey projecting end bays with hipped roofs. C20 door left, large round-head staircase window right, with intersecting glazing bars; other windows are sashes with glazing bars. This was probably Armathwaite Villa, home of Mrs de Whelpdale, built between 1829 and 1847. Listing does not include outbuildings'</i>. This Listed Building, at its nearest point, is approximately 48 metres away, with existing built development located in-between the Hall and the application site.</p> <p>The site is not located in any landscape or historical designated area but is located in both a Flood Zone 2 and 3.</p>
Proposal	<p>The application is retrospective for the installation of a biomass boiler plant. The biomass boiler replaces a previously installed boiler which are understood to have been removed off site.</p> <p>The biomass boilers would be installed within a 'boiler house' 3.9 metres in width, 2.95 metres in height with a flue that</p>

	<p>would project 1 metre above the ridge line. The proposal site is immediately adjacent to an existing outbuilding. The flue is finished in plain metal.</p> <p>The biomass boilers would be fed by two metal biomass hoppers which would be 5 metres in width, 2.6 metres in height.</p>
Relevant Site History:	None relevant.
Policy:	<p><b>Eden Local Plan (2014-32)</b></p> <ul style="list-style-type: none"> <li>• LS1: Locational Strategy</li> <li>• DEV1: General Approach to New Development</li> <li>• DEV2: Water Management and Flood Risk;</li> <li>• DEV3: Transport, Accessibility and Rights of Way;</li> <li>• DEV5: Design of New Development</li> <li>• ENV1: Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity.</li> </ul> <p><b>Supplementary Planning Documents</b></p> <ul style="list-style-type: none"> <li>• Housing (2010)</li> <li>• Housing (2020)</li> </ul> <p><b>National Planning Policy Framework (NPPF):</b></p> <ul style="list-style-type: none"> <li>• Achieving sustainable development</li> <li>• Decision-making</li> <li>• Achieving well-designed places</li> <li>• Meeting the challenge of climate change, flooding and coastal change</li> <li>• Conserving and enhancing the natural environment</li> <li>• Conserving and enhancing the historic environment</li> </ul>
<b>STATUTORY CONSULTATION RESPONSES</b>	
Highway Authority	Responded on the 9 September 2020 and confirmed that there would be 'no impact to the highway'. As such, they offered no objection to the application.
Lead Local Flood Authority	Responded on the 9 September 2020. They confirmed that they had no records of surface water flooding to the site but that it was located within a Flood Zone 2 and 3 and as such, recommended the Environment Agency were consulted upon the proposal. They concluded by confirming no objection to the application.
Parish Council	Responded on the 7 September 2020 and confirmed that the Parish Council has a <i>'policy in favour of renewable energy schemes and supports this retrospective application'</i> . They did add that, <i>'However, it being retrospective, members have had the opportunity to observe the development and have noted that the boiler has a tendency to smoke when starting up and shutting down, blowing smoke across the public</i>

	<p><i>highway. It is therefore suggested that the flue be repositioned away from the roadside to avoid causing any traffic hazard. It is also noted that, although the application states that the development cannot be seen from the road, the stainless steel flue is tall enough to be clearly visible. Finally, the applicants may wish to consider installing a flue hat to keep the rain from running into the boiler’.</i></p>
Environmental Health	<p>Responded on the 7 July 2020 and asked that information in relation to the biomass boiler be completed by the applicant.</p> <p>Subsequently, a response was received on the 21 November 2020 confirming no objection from the Environmental Protection team.</p>
Environment Agency	<p>Were consulted on the 21 August 2020, no response has been received.</p>

#### **NOTIFICATION RESPONSES**

<p>Application advertised by way of immediate neighbour notification letter and site notice posted.</p>	<p>Due to the Coronavirus Pandemic, a site notice was not posted on site by Officers on this occasion. It is recognised that this is not usual practice but given the unprecedented circumstances around the Pandemic, it is noted as an additional way to advertise the application to the wider community. A site notice was erected on site by the applicant on the 10 September 2020. Photographs were submitted to confirm this, but they are corrupted and cannot be viewed.</p> <p>The Local Planning Authority prefers to utilise all available methods open to it to advertise planning applications but due to the issues raised by Covid-19 a site notice was not able to be posted on this occasion.</p> <p>It is noted that the Local Planning Authority ensures that its procedures are in accordance with the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 Section 15(4) which states that the following notice shall be given by a Local Planning Authority:</p> <p><i>‘(a) by site display in at least one place on or near the land to which the application relates</i></p> <p><i>For not less than 21 days; or</i></p> <p><i>(b) by serving the notice on any adjoining owner or occupier.’</i></p> <p>The site notice is, therefore, not an essential requirement to advertise an application. However, wherever it is possible to do such in the current circumstances, it will be noted that it</p>
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	<p>too has been posted on or near to the site. The action taken by the applicant in this case to support the Local Planning Authority is very much appreciated.</p> <p>Six neighbour notification letters were issued on the 24 August 2020. No responses have been received.</p>
<b>OBSERVATIONS</b>	
<b>Main Issues:</b>	<b>Appraisal:</b>
Principle	<p>The Local Plan does support renewable energy projects in principle, as detailed in Policy ENV6, entitled, ‘Renewable Energy’. However, this Policy is considered to be directed more toward schemes such as solar and wind farms rather than the small biomass proposals for residential dwellings. Policy ENV5 entitled ‘Environmentally Sustainable Design’ also only applies to major residential and commercial development.</p> <p>Nevertheless, the principal of installing a biomass system to fuel a dwelling is considered an environmentally sustainable approach and as such the principal of such is considered consistent with the general aims and themes of these policies, subject to other considerations.</p> <p>It is therefore noted that the Local Plan is silent on such matters and as such, the key material consideration is Policy DEV1, entitled ‘General Approach to New Development’ in relation to the principal of development. This policy recognises that some proposals will have no specific, relevant policies and as such, those criterion will apply. Namely, the decision will take account of all relevant material considerations, taking into account whether any adverse impacts of granting permission, would significantly and demonstrably outweigh the benefits.</p> <p>For clarity, Policy DEV1 states that <i>“Planning applications that accord with policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permissions unless material considerations indicated otherwise – taking into account whether:</i></p> <ul style="list-style-type: none"> <li>• <i>Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the</i></li> </ul>

	<p><i>National Planning Policy Framework taken as a whole; or</i></p> <ul style="list-style-type: none"> <li>• <i>Specific policies in that Framework indicate that development should be restricted</i>'.</li> </ul> <p>Accordingly, the principal of the development is considered acceptable and accords with Policy DEV1 subject to the consideration of all relevant material considerations.</p>
Scale & Design	<p>Policy DEV5 of the Eden Local Plan, entitled 'Design of New Development' states 'New development will be required to demonstrate that it meets each of the following criteria:</p> <ul style="list-style-type: none"> <li>• <i>Shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area.</i></li> <li>• <i>Protects and where possible enhances the district's distinctive rural landscape, natural environment and biodiversity.</i></li> <li>• <i>Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials.</i></li> <li>• <i>Optimises the potential use of the site and avoids overlooking.</i></li> <li>• <i>Protects the amenity of the existing residents and business occupiers and provides an acceptable amenity for future occupiers.</i></li> <li>• <i>Use quality materials which complement or enhance local surroundings.</i></li> <li>• <i>Protects features and characteristics of local importance.</i></li> <li>• <i>Provides adequate space for the storage, collection and recycling of waste.</i></li> <li>• <i>Can be easily accessed and used by all, regardless of age and disability</i>'.</li> </ul> <p>Paragraph 124 of the NPPF which advises 'the creation of high quality buildings and places is fundamental to what the planning development process should achieve'. In addition, further consideration is given to paragraph 127 of the NPPF which confirms that</p>

*'Planning Policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.*

The applicant confirms that the biomass boiler has already been installed. This is located within a covered outbuilding known as the 'boiler house' and as such is not visible from any public viewpoint. Attached are the hoppers which do appear to be uncovered. Whilst not particularly attractive, they are enclosed within the local development itself and as such, any impact from a design perspective is particularly localised. Even so, the benefits of a biomass fed boiler versus a fossil fuel powered boiler are considered to outweigh the limited, localised impact of the hoppers. As such, the planning balance is considered to have been met.

Accordingly, the proposals are considered to have very limited impacts on the amenity and setting of the area.

The biomass boiler also requires a flue which protrudes above the roof, adjacent to an existing feature on another adjacent outbuilding. This protrudes by 1 metre. It is noted

	<p>that it is plain metal. It is noted within the Parish Council comments that this can be seen in the public realm. However, that is not considered to be such a significantly harmful issue, that it justifies the refusal of the scheme as a whole.</p> <p>In the context of the setting of the site and its scale, this biomass boiler and the flue would have limited impact in terms of their design and scale upon the immediate and wider area. The boiler is self-contained within an outbuilding and not visible. Indeed, these are self-contained within a wider curtilage, defined by imposing stone walls. As such, the boiler could have no visual impact upon the wider, character of the area, regardless of whether it was located within a self-contained building or not. However, this only reaffirms that the impacts in terms of design and the character of the area are considered to be negligible.</p> <p>It is therefore considered that the scheme accords with Policy DEV5 and the NPPF and merits support.</p>
<p>Impact on the landscape/amenity of the area</p>	<p>Policy ENV2 entitled 'Protection and Enhancements of Landscapes and Trees' confirms that new development will only be permitted where it conserves and enhances distinctive elements of landscape character and function. Policy DEV5 is also considered to refer and relate to the landscape and amenity of the area.</p> <p>In this case, the scheme proposed is for retrospective permission for a biomass boiler and a flue. In the context of the area, flues are not an uncommon feature as they are effectively a 'modern-day' chimney. In this case as has been previously discussed, the scale of the development is relatively minor and in the context of the locality. In that context, given the boiler is located within an existing outbuilding and not visible, it can have little landscape impact. This is further assured by the fact that the site is located within an existing, substantial stone wall. This assures that no views of the site can be made from outside of this existing boundary.</p> <p>The flue, whilst visible is not considered to have such significant landscape impacts that justify the refusal of the scheme and therefore, the only conclusion can be that in the absence of any defined, demonstrable landscape impacts, the scheme accords with extant Policy.</p> <p>As such the proposal is considered to accord with Policies ENV2 and DEV5.</p>

<p>Impact on the living conditions/amenity of neighbouring residents</p>	<p>Within the Eden Local Plan, through Policy DEV5, it is noted that the Policy requires development protect the amenity of existing residents and provides an acceptable amenity for future occupiers of any potential development. The existing and aforementioned stone walls, ensure that the site is relatively secluded and whilst smoke may be expelled by the flue, that is, fundamentally its purpose. There are no demonstrable reasons to refuse the scheme on amenity reasons and it is not considered that the application would result in any significantly detrimental amenity impacts. It is acknowledged that the application is retrospective, but there are no records, that the case officer is aware of, that any complaints have been received about the boiler and flue. Indeed, in their comments, the Environmental Health Officer has made no reference to such matters. The final response from the Environmental Health team confirms no objection to the scheme. This is after the details requested, relating to the boiler and its performance have been evaluated by the aforementioned Environmental Health team.</p> <p>Accordingly, there are no concerns in relation to residential amenity in this instance and the proposal is considered to accord with Policy DEV5.</p>
<p>Impact on the character and appearance of the built environment (LBs/CA)</p>	<p>Policy ENV10, entitled 'The Historic Environment' states that <i>'where a development proposal affecting an archaeological site is acceptable in principle, the council will ensure preservation of the remains in situ as a preferred solution. Where in situ preservation is not justified, the development will be required to make adequate provision for excavation and recording before or during development'</i>.</p> <p>The Policy continues, <i>'Development proposal that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that the public benefits of the proposal would outweigh the harm or loss, and that the harm or loss is necessary to achieve those benefits. The Council will require proposals to protect and where appropriate, enhance the significance and setting of Eden's non-designated heritage assets, including buildings, archaeological sites, parks, landscapes and gardens. Where the harm is outweighed by the public benefits of the proposals, the Council will require an appropriate level of survey and recording, the results of which should be deposited with the Cumbria Historic Environment Record'</i>.</p> <p>This is further supported by paragraph 192 of the National Planning Policy Framework which notes that, <i>'In determining applications, local planning authorities should take account of:</i></p>

	<p>a) <i>the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;</i></p> <p>b) <i>the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and</i></p> <p>c) <i>the desirability of new development making a positive contribution to local character and distinctiveness.'</i></p> <p>The site is not Listed nor is it located within a designated Conservation Area. It is located approximately 13 metres (at its nearest point) to the nearby Grade II Listed Armathwaite Hall which is located to the West. However, this development, due to its small scale nature, is not considered to have any significantly detrimental impacts upon the designated Heritage asset. These types of development would be seen within the context of a residential use and such a use is already prevalent in the immediate area. Development of this scale, in its specific location (with existing development between the application site and the Hall) it is therefore considered unable to have any harm upon the Heritage asset.</p> <p>Thus it is considered that the scheme would have no significant detrimental impacts on the historic environment and as such can be considered compliant with Policy ENV10 of the Eden Local Plan and the NPPF.</p>
<p>Impact on the natural environment (species/habitats)</p>	<p>Policy ENV1 of the Local Plan, entitled 'Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity' confirms that <i>'new development will be required to avoid any net loss of biodiversity, and where possible enhance existing assets. Should emerging proposals identify potential impacts upon designated sites, regard should be given to the objectives for each of the hierarchy of sites'</i>.</p> <p>The site is not located within any designated site, is located within an existing built development and notwithstanding that protected species are protected by dedicated legislation, the scheme is considered to accord with Policy ENV1.</p>
<p><b>Conclusion</b></p>	<p>The proposed development is considered to be in accordance with the development plan which is not outweighed by material considerations and therefore the application is recommended for approval.</p>

<p><b>RECOMMENDATION</b></p>	<p>That the application is granted subject to the following conditions:</p>
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	<p><b>Approved Plans</b></p> <p>1. The development hereby granted shall be carried out in accordance with the drawings hereby approved:</p> <ul style="list-style-type: none"> <li>i. Application form dated 10 July 2020;</li> <li>ii. Proposed Boiler House Elevations, ref. MA01-00-202 Rev. A, dated 6 August 2020;</li> <li>iii. Block Plan, received 10 July 2020;</li> <li>iv. Flood Risk Assessment, dated 23 November 2019;</li> <li>v. Elevation Plans, received 10 July 2020;</li> <li>vi. Site Location Plan, ref. MA01-00-101P, received 10 July 2020.</li> </ul> <p><b>Reason:</b> To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.</p> <p>2. No demolition or construction works shall take place outside the hours of:</p> <p>07:30-18:00 Monday to Friday; 08:00-13:00 Saturday; and</p> <p>No Activity on Sundays or Bank Holidays</p> <p><b>Reason:</b> In the interests of the amenity of the area.</p>
<p><b>Note to developer:</b></p>	<p>1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement.</p> <p>It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.</p> <p><b>Informatives</b></p> <p>1. Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Council's Building Control Team should be consulted before works commence. You contact the team directly at <a href="mailto:building.control@eden.gov.uk">building.control@eden.gov.uk</a></p>