

**Application Number**

P/2015/0038

**Site Address**Hill House Nursing Home  
Park Avenue  
Brixham  
Devon  
TQ5 0DT**Case Officer**

Carly Perkins

**Ward**

St Marys With Summercombe

**Description**

Proposed outbuildings to house Biomass Boiler and Fuel Store (Revised Plans Received)

**Executive Summary/Key Outcomes**

This is a largely retrospective application for two single storey buildings in the eastern corner of the site to house a Biomass boiler and fuel store.

The application site is occupied by a nursing home, part of which is grade II listed and included within the Higher Brixham Conservation Area. It is located at the junction of Mathill Road and Horsepool Street. Park Avenue runs along the western boundary of the site. An extension to the site was added post listing which fronts on to Park Avenue. To the south west of the site was a detached building that faces Park Avenue. This is currently in the process of being incorporated into the nursing home. There are construction works ongoing at the site with a permission for 10 bed extension (approved under references P/2014/0829 and P/2014/0830) being implemented.

As noted the application is retrospective (in part) with the two buildings proposed already in situ albeit unfinished. The proposal, once complete, is for two buildings of a maximum height of 4m (to the ridge) with the chimney extending beyond the ridge by a further 900mm. The buildings are to be clad in cedar weatherboard, feature natural slate to the roof (to match the slate used on the existing listed building to the north west of the application site) and a rendered chimney stack which encases the two flues required for the biomass boilers contained within the larger of the two buildings. The smaller building is a fuel store adopting the same materials listed above and both buildings are connected by a pipe which spans 500mm. The two buildings are set back from Horsepool Street by 3.5m and additional planting is proposed along the boundary with Horsepool Street. A previous application for two buildings in a similar location albeit closer to the boundary with Horsepool Street was approved under application reference P/2014/0523. This proposal included the retention of a further building and would have resulted in three buildings in total being alongside this boundary with Horsepool Street. This existing building has since been removed and the proposal remains for only two buildings in this location.

The proposal will provide a renewable energy development in accordance with the objectives of the National Planning Policy Framework, specifically paragraphs 17, 93, 97 and 98. The associated buildings are traditional in appearance and considered to be adequately screened by existing and proposed landscaping which will provide a soft

landscaped edge to the Higher Brixham Conservation Area and nearby listed buildings. The impact of the development on residential amenity of nearby occupiers is a material consideration and is not considered to be detrimentally impacted as a result of the development. In conclusion and on balance the proposal is considered acceptable and in accordance with both national and local policy subject to conditions relating to surface water drainage, roof material and landscaping.

### **Recommendation**

Conditional approval; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Director of Operations and Finance.

### **Statutory Determination Period**

8 weeks, the determination date was the 11th July 2015 however this has been exceeded to allow for the submission of revised plans, further consultation with the relevant consultees and to allow for the determination of the application to be referred to the Development Management Committee.

### **Site Details**

The application site is occupied by a nursing home, part of which is grade II listed and included within the Higher Brixham Conservation Area. It is located at the junction of Mathill Road and Horsepool Street. Park Avenue runs along the western boundary of the site. The main vehicular access to the site is from Park Avenue. There is also pedestrian access from Horsepool street. An extension to the site was added post listing and fronts on to Park Avenue. To the south west of the site was a detached building which fronts on to Park Avenue and has recently been included as part of the nursing home. There are currently construction works ongoing at the site with permission for a 10 bed extension (approved under references P/2014/0829 and P/2014/0830) being implemented.

As this is a largely retrospective application, two buildings both subject of this application are also present to the eastern corner of the site. These buildings are sited close to the boundary of the site with Horsepool Street. There is a significant difference in levels between the application site and Horsepool Street, which is over 2 metres below the application site. On the opposite side of Horsepool Street there are residential properties. The surrounding area is predominantly in residential use.

### **Detailed Proposals**

As noted above the application is retrospective (in part) with the two buildings proposed already in situ albeit unfinished. The proposal once complete is for two buildings of a maximum height of 4m (to the ridge) with the chimney extending beyond the ridge by a further 900mm. The buildings are to be clad in cedar weatherboard, feature natural slate to the roof (to match the slate used on the existing listed building to the north west of the application site) and a rendered chimney stack which encases the two flues required for the biomass boiler contained within the larger of the two buildings. The smaller building is a fuel store adopting the same materials listed above and both buildings are connected by a pipe which spans 500mm.

The two buildings are set back from Horsepool Street by 3.5m and additional planting is proposed along the boundary with Horsepool Street. A previous application for two buildings in a similar location albeit closer to the boundary with Horsepool Street was

approved under application reference P/2014/0523. This proposal included the retention of a further building and would have resulted in three buildings in total being alongside this boundary. This existing building has since been removed and the proposal remains for only two buildings in this location.

### **Summary Of Consultation Responses**

*Senior Environmental Health Officer:* In terms of biomass boilers NOx emissions, the emission standard that has to be met relates to the amount of NOx released per gigajoule of heat generated. This standard is a rate of emission and is chosen as emitted gasses are diluted by the atmosphere as they mix. This standard exists for all biomass boilers below 2MW. Above 2MW there is likely to be an effect on local air quality and as a result these sites also require permitting.

In relation to NOx gas emissions, with both boilers running continually at maximum it is estimated that there will be approximately 64g of NOx emitted to atmosphere per hour. Using a dispersion model it is estimated that the emission of this gas will have a very limited effect on air quality. The calculations indicate that the effect will add an additional 9.6 micrograms per m<sup>3</sup> to the current level of NOx in the atmosphere at the facades of properties directly opposite the boiler. This is unlikely to have a measurable effect on air quality. DEFRA's air quality index bands treat this as being a very low concentration of NOx falling into Band 1 of the low level for its air quality forecasts. Band 1 finishes at 67 micrograms per m<sup>3</sup>. The low concentration band finishes at 200 micrograms. It is noted that there would be very little control over household wood burning stoves and open fires of which there are many in Brixham.

As part of the considerations, a biomass boiler at the Abbey Lawn Hotel on Scarborough Road, Torquay has been visited by the Senior Environmental Health Officer. The boiler is housed in shipping container and they have 10 tonne of pellets delivered at a time. It was running while the Officer was there and they opened it up for the Officer to view. A faint odour of wood smoke sort similar to someone burning a taper in the garden was detected but it really wasn't very intense. While the unit is running, there is no odour at all and you cannot see any smoke. The only thing you can see is a heat haze from the exhaust gas. In this case the boiler flue is significantly lower than the neighbouring block of flats and the manager of the hotel states that now it is up and running there has been no complaint. The unit runs on a 24/7 basis. It would appear the installation has little or no impact.

In conclusion, the neighbours may occasionally smell wood smoke from the system as it fires up; it is unlikely that this could be considered detrimental to the amenity of the locality let alone a nuisance. It is not considered that the boiler will be any more detrimental than a gas boiler of similar capacity. They are designed to go into residential areas and so providing it complies with the Building Regulations, the Senior Environmental Health Officer has raised no objection.

*Building Control:* Providing the works are carried out by an installer registered under a Competent Person Scheme, the installer can self-certificate their work. In these instances an application for building regulation approval is not required.

*Senior Design and Heritage Officer:* The revised plans which include a chimney enclosure around the two flues, natural slate and steeper pitch to the roof to conceal the flues and additional planting are considered acceptable and an improvement to the

previously approved scheme.

*Brixham Town Council:* No comments received however it is noted that the Town Council did object to the previous application with concerns raised regarding the over dominance of the wooden sheds over Horsepool Street and the stress on the historic walls. It was noted in this response that a more permanent structure with better sound proofing that was set further into the site would be more appropriate.

### **Summary Of Representations**

7 representations have been received. Issues raised:

- o Impact on health as a result of emissions
- o Impact to amenity as a result of odour and emissions
- o Impact to amenity as a result of noise
- o Impact to the character and appearance of the area specifically the nearby conservation area and listed building
- o Concerns regarding future maintenance
- o Comments regarding the need for building regulations approval.

### **Relevant Planning History**

P/1981/3019 Demolish part of chimney stack APPROVED 25.02.1982

P/1996/0141 Partial demolition of dwelling, alterations and part change of use from dwelling to nursing home extension APPROVED 19.03.1996

P/1996/0142 Partial demolition of dwelling, alterations and part change of use from dwelling to nursing home extension APPROVED 19.03.1996

P/1996/0542 Alterations to lounge with pitched roof over APPROVED 20.06.1996

P/1996/0541 Alterations to lounge with pitched roof over APPROVED 20.06.1996

P/1998/0437 Alterations And 2 Storey Bedroom Wing Extension With Single Storey Link To Existing Building (As Revised By Plans Received 9th April, 1998) REFUSED 06.10.1998

P1998/0444 Alterations and 2 storey bedroom wing extension with single storey link to existing building REFUSED 05.10.1998

P/1998/2077 Revised proposals, alterations and 2 storey bedroom wing extension with single storey link to existing building APPROVED 30.11.2000

P/1998/2078 Revised proposals, alterations and 2 storey bedroom wing extension with single storey link to existing building APPROVED 30.11.2000

P/2003/0703 Shed REFUSED 17.06.2003

P/2007/1857 Block up access to road APPROVED 15.01.2008

P/2014/0523 Proposed outbuildings to house biomass boiler and fuel store APPROVED 28.10.2014

P/2014/0467 General repairs to windows, secondary glazing, replacement of roof slates and associated flashings APPROVED 23.09.2014

P/2014/0830 Extension to provide 10 additional bedrooms, offices and staff facilities to existing 10 bed nursing home APPROVED 27.02.2015

P/2015/0829 Extension to provide 10 additional bedrooms, offices and staff facilities to existing 10 bed nursing home APPROVED 27.02.2015

### **Key Issues/Material Considerations**

The relevant considerations are the principle of renewable energy generation, the impact of the proposals on residential amenity, highways, drainage and the impact of the proposals on the setting of the listed buildings and conservation area.

Principle of renewable energy generation: Paragraph 17 of the National Planning Policy Framework states that planning should support the transition to a low carbon future in a changing climate by encouraging the use of renewable resources with paragraph 93 going on to the state that planning plays a key role in supporting the delivery of renewable energy. Following on from this, paragraph 97 suggests that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources with paragraph 98 suggesting that local planning authorities should approve applications (unless other material considerations suggest otherwise) for this type of development if its impacts are or can be made acceptable. At a local level, policy ES2 of the New Torbay Local Plan 2012-2030 states that the Council will support in principle, proposals for new renewable and low carbon energy generating systems at all scales except in instances where the negative impacts of the proposals outweigh the benefits of the scheme. It is however noted within the supporting text to this policy that it is important that sufficient weight is given to the benefits of proposals for renewable infrastructure. In accordance with the policies detailed above, the principle of the installation of biomass boilers in this location is considered acceptable.

Impact on residential amenity: Representations have been received which have raised concerns regarding the impact of the biomass boiler on health and amenity by reason of the emissions, odour and noise. Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location and that the effects of pollution on health and general amenity should be taken in to account. The National Planning Policy Framework also confirms that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Paragraph 123 of the National Planning Policy Framework also specifically refers to noise and states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and the quality of life as a result of the development. At a local level, policy DE3 of the New Torbay Local Plan 2012-2030 states that all development should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses and that proposals will be assessed using set criteria namely point 9 which refers to the impact of noise and air pollution.

The Council' Senior Environmental Health Officer has been consulted with regard to the impact of the development in terms of air and noise pollution. As part of the Officer's

consideration a biomass boiler that is in operation has been visited by the Officer to assist in assessing the impact of this proposal. The Officer has not raised any objection to the proposal subject to the proposal being in compliance with building regulations. The Officer explained that the emission standard for NO<sub>x</sub> emission relates to the amount of NO<sub>x</sub> released per gigajoule of heat generated which is a rate of emission and is chosen as emitted gasses are diluted by the atmosphere as they mix. The Officer has stated that this standard exists for all biomass boilers below 2MW (the proposed biomass boilers are below 2MW) and that above 2MW (as there is likely to be an effect on local air quality) such proposals also require permitting through pollution control regimes. With both boilers running continually at maximum it is estimated that there will be approximately 64g of NO<sub>x</sub> emitted to atmosphere per hour and using a dispersion model it is estimated that the emission of this gas will have a very limited effect on air quality. The calculations indicate that the effect will add an additional 9.6 micrograms per m<sup>3</sup> to the current level of NO<sub>x</sub> in the atmosphere at the facades of properties directly opposite the boiler and it is considered that this is unlikely to have a measurable effect on air quality. DEFRA's air quality index bands treat this as being a very low concentration of NO<sub>x</sub> falling into Band 1 of the low level for its air quality forecasts. An existing biomass boiler at the Abbey Lawn Hotel in Torquay was visited by the Officer, this boiler was housed in an ISO container with 10 tonne of pellets delivered at a time. It was running while the Officer was there and they opened it up for the Officer to view. A faint odour of wood smoke was detected while the unit was running with no odour detected and no visible smoke but a heat haze from the exhaust gas was visible. This biomass boiler runs on a 24/7 basis and no complaints have been received from nearby occupants therefore it would appear that this installation has little or no impact. In conclusion, whilst there may be a smell of wood smoke from the biomass boilers at the application site whilst it fires up; it is not considered that this would be detrimental to the amenity of neighbouring occupiers nor constitute a nuisance. The concerns raised regarding the noise impact of the proposal are also noted; whilst the proposal will inevitably result in some noise associated with its operation this is not considered to be of a level detrimental to the amenities of neighbouring occupiers. The level of noise as a result of the operation of a biomass boiler was heard during the visit to the boiler at the Abbey Lawn Hotel and it was not considered to be detrimental to residential amenity. In addition it is noted that were an issue to arise in the future this could be sufficiently mitigated. The impact of the boilers is considered to be comparable with a gas boiler of a similar capacity and in line with the considerations set out above is considered to comply with the aims and objectives of the National Planning Policy Framework specifically paragraph 120 and 123 and policy DE3 of the New Torbay Local Plan 2012-2030.

Comments regarding building regulations approval are noted however an application for building regulations approval is not required in instances where a biomass boiler has been installed by an installer registered with a competent person scheme.

Impact on the character and appearance of the Higher Brixham Conservation Area and setting of the nearby grade II listed buildings: Representations have been received which have raised concerns regarding the impact of the biomass boiler buildings on the setting of both the Higher Brixham Conservation Area and the nearby grade II listed buildings and are noted. Paragraph 131 of the National Planning Policy Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities

and the desirability of new development making a positive contribution to local character and distinctiveness. At a local level, policy SS8.1 of the New Torbay Local Plan 2012-2030 states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution to Torbay's built and natural setting and heritage.

During the course of the application the proposals have been revised to take into account both the concerns raised within the public representations and the Council' Design and Heritage Officer with regard to the appearance of the building within its setting. The proposal has been revised so that the two flues can be encased within one chimney breast with more of the flues/chimney being screened from view by a steeper roof pitch which is comprised of natural slate. This has resulted in a more traditional roof form and building design less akin to an industrial type building which was caused by the flue design. The revised design of the buildings adopting traditional materials to the roof and a chimney design comparable with others locally is considered to sit reasonably comfortably with its surroundings. Whilst the location is visible from Horsepool Street existing planting does provide some screening, restricting views from some public vantage points. The proposal includes additional planting to the boundary with Horsepool Street enhancing the existing screening and providing a soft edge to Horsepool Street. Whilst this is unlikely to completely screen all views from public vantage points, having considered the benefits of the scheme in terms of promoting renewable energy and the outbuilding that previously existed on the land and the improved appearance of the current scheme, on balance the proposal is considered acceptable in terms of its impact on the setting of the Conservation Area and nearby listed buildings on Horsepool Street and within the application site. In line with paragraph 134 of the National Planning Policy Framework the harm to the significance of a designated heritage asset has been weighed against the public benefits of the proposal. In this instance, in line with comments in earlier paragraphs, this type of development is supported by both national and local policy and the impact of the proposal has and can be sufficiently mitigated in line with paragraph 98 of the National Planning Policy Framework. Weight is given to the benefits of renewable energy and as above having considered this against the impact of the development to nearby heritage assets with reference to the revised proposal and recommended conditions, the proposal is considered acceptable.

The additional landscaping is noted as honeysuckle on a trellis of 1.8m high. Further consultation with the Council' Design and Heritage Officer and Arboricultural Officer is required to confirm that this is the most suitable form of landscaping in this location. Irrespective of the outcome of this additional consultation further details regarding species, size, density, number, implementation and maintenance is required and this has been recommended as a condition of approval. It is recommended that such details be submitted to the Council for consideration within 1 month of the date of the decision being issued. In addition a condition requiring the proposed slate to match that used on the listed building on site is included as part of this recommendation.

Impact on highway safety and parking provision: The proposal is not located in an area used for parking and as such is not considered to result in any detriment to the parking provision available at the application site. As part of the previously approved application the Agent provided a delivery schedule which was considered by the Council' Highways Engineer who confirmed that the number of deliveries proposed per year was not considered to cause a concern in terms of highway safety.

Drainage: Torbay has been designated as a critical drainage area by the Environment Agency and as the Lead Local Flood Authority, Torbay Council needs to be satisfied that surface water runoff from future development, within the critical drainage area, can be managed to ensure risks are not exceeded. The Environment Agency also recommend that in Critical Drainage Areas run off be managed in a manner that reduces risk and/or measures be taken to reduce the risks. All off site surface water discharges from new development should mimic Greenfield performance up to a maximum 1 in 10 year discharge and on-site all surface water should be safely managed up to the 1 in 100 + climate change conditions. In light of this a condition has been recommended to this effect unless an alternative scheme of surface water drainage is submitted to and approved in writing by the Local Planning Authority.

**S106/CIL -**

N/A

### **Conclusions**

The proposal will provide a renewable energy development in accordance with the objectives of the National Planning Policy Framework, specifically paragraphs 17, 93, 97 and 98. The associated buildings are traditional in appearance and considered to be adequately screened by existing and proposed landscaping which will provide a soft landscaped edge to the Higher Brixham Conservation Area and nearby listed buildings. The impact of the development on residential amenity of nearby occupiers has been considered and would not be detrimentally impacted as a result of the development. In conclusion and on balance the proposal is considered acceptable and in accordance with both national and local policy subject to conditions relating to surface water drainage, roof material and landscaping.

### **Condition(s)/Reason(s)**

01. Submission of landscaping details within one month of the date of the decision notice. To include details of species, size, density, number and an implementation and maintenance scheme.
02. The proposed natural slate shall match that used on the existing listed building within the application site - compliance only.
03. Surface water drainage to be dealt with via soakaways unless an alternative scheme for surface water drainage is submitted to and approved in writing by the Local Planning Authority.

### **Informative(s)**

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

### **Relevant Policies**

BES - Built environment strategy  
BE1 - Design of new development  
BE5 - Policy in conservation areas  
BE6 - Development affecting listed buildings  
EP2 - Renewable energy  
EP3 - Control of pollution  
EP4 - Noise  
EPS - Environmental protection strategy  
HE1LFS - Conservation and historic environment  
DE1 - Design  
DE3 - Development Amenity  
ES2 - Renewable and low carbon infrastructure  
ER1 - Flood Risk