

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 October 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **15/00556/LBC**

Proposal Erection of buildings for biomass boiler system with associated pipework and flue (Part Retrospective)

Location **19 Linkfield Road
Musselburgh
East Lothian
EH21 7LQ**

Applicant Foresight Residential Ltd

Per John Tod Associates

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey detached building that is listed as being of special architectural or historic interest (Category B).

Listed building consent is sought for the erection of two pitched roofed timber clad buildings within the rear garden of the site; one of which would contain a biomass boiler system, in a position some 20 metres away from the building line of the rear (south) elevation of the listed building, with a stainless steel flue projecting some 3.1 metres above the ridge of its pitched roof. The other proposed building would be used to store the pellets that would serve the biomass boiler system, in a position some 4 metres away from the building line of the rear elevation of the listed building, via an underground pipe that would measure some 13 metres in length.

Listed building consent is also retrospectively sought for the installation of some 18 metres length of stainless steel pipework that is attached to the inner side of the stone wall on part of the east boundary of the rear garden of the listed building and extends over the flat roofed top of the single storey component on the east side elevation of the listed building and along part of the front elevation of it by some 1.2 metres.

This is a substitute application submitted in favour of listed building consent 14/00880/LBC that has been withdrawn.

Through separate application 15/00556/P planning permission is sought part retrospectively for the erection of buildings for biomass boiler system with associated pipework and flue. A separate report on application 15/00556/P is, at this time, on the Council's Scheme of Delegation List.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy ENV3 (Listed Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of this application.

Material to the determination of the application is Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: June 2014.

The Scottish Historic Environment Policy and Scottish Planning Policy echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

Three written objections to the application have been received. The objections are made on the grounds that:

(i) the previous application (relating to the erected building without having first gained planning permission or listed building consent for it) is a flagrant violation of the planning process. No building warrant has been applied for and thus there is no technical or compliance information available;

(ii) the proposal is inappropriate in terms of its siting and materials in relation to the existing listed building including the ugly metal pipe on the front elevation of the listed building;

(iii) the proposal will be unsightly with the building being moved closer to a neighbouring residential property and, as the flue would be increased in height, fumes will be blown towards neighbours due to the westerly wind and will undoubtedly be an eyesore for surrounding neighbouring skylines and intrusive in the landscape;

(iv) if this application is approved there will be another large and unsightly outbuilding erected within the garden causing more disruption in the short term bearing in mind that this application is for a business nature with no regard for neighbouring impact on residential properties and the environment;

(v) there is little substantive information to illustrate how the biomass boiler system will operate and how this will impact on neighbours and its surroundings in terms of noise, smoke, odour and other emissions. There are no manufacturer specifications or details about how the implementation will be tailored for this site or how it complies with technical guidance;

(vi) the proposed extent of the applicant's biomass boiler system appears to be a non-domestic installation and thus wholly inappropriate to be located in the midst of a residential and conservation area. The scale of the building is more appropriate to commercial or agricultural businesses;

(vii) there is no reassurance about how fireproof or waterproof the boiler store and fuel store will be;

(viii) the current shed appears to be in the same position as the proposed fuel store shed. Both will be within 1 metre of the stone boundary wall and should be sited further away;

(ix) the plans illustrate a 13 metres length of underground feeder pipe leading from the fuel store to the boiler house with no indication on how fuel will reach the boiler house or whether the system will be mechanised or what the noise levels will be;

(x) the plans do not indicate how the heat generated by the boiler will be supplied to the house or what modifications will be required to the listed building to allow this;

(xi) the applicant's property is 'B' Listed and not 'C' Listed as is stated in the application form; and

(xii) if approved the proposed buildings would create a precedent for the erection of other similar structures within the curtilage of a listed building.

The fact that part of the development has already been constructed without planning permission or listed building consent having first been granted for it does not debar the applicant from applying retrospectively for planning permission and listed building consent and does not preclude a determination of this application on the merits of the proposed development, assessed against relevant development plan policies and other material considerations.

Whether the proposed buildings will be fireproof or waterproof is a matter for separate Building Standards legislation and thus it is not a material consideration in the determination of this listed building application.

This application has to be determined on the merits of the development proposed in it and whether or not the proposed building could be sited further away from the boundary wall or elsewhere within the rear garden of the site is not a material consideration in such a determination.

Whilst there is no record of a building warrant having been sought nor granted for the existing building containing the biomass boiler system and flue it does not preclude a determination of this listed building application.

The applicant's property is listed as being of special architectural or historic interest Category B and not Category C as is stated within the listed building application form.

Approval of this application would not set an undesirable precedent for similar buildings to be erected within the curtilage of a listed building. Any future application seeking listed

building consent for such a development would be assessed on its individual merits.

The applicant has confirmed in writing that the biomass boiler system will operate by biomass pellets being delivered by lorry to the front supply pipe which conducts them to the proposed fuel storage building. The pellets are then pumped from the proposed fuel store building to the proposed biomass boiler building on an automatic call off basis via an underground pipe system to generate hot water used for heating and water supply for the listed building of 19 Linkfield Road. The fumes from the biomass boiler system are expelled into the atmosphere via the flue.

The stainless steel pipework and its associated fixings installed along and below the inner side of the stone wall on part of the east boundary of the rear garden of the listed building and otherwise over the flat roofed top of the single storey component on the east side elevation of the listed building would not be seen in relation to, and would not draw focus from, the principal front (north) elevation of the listed building. Only the short length (some 1.2 metres) of the stainless steel pipework, which overhangs and abuts the front (north) elevation of the single storey outshot attached to the east side elevation of the listed building, can be seen in relation to the principal front (north) elevation of the listed building. By virtue of its form, size, scale, positioning and materials, and subject to an appropriate finishing of it in matt black to relate to the existing rainwater goods of the building, the pipework associated with the proposed biomass boiler system does not harm the special architectural or historic interest of the listed building.

The proposed buildings would each measure some 2.6 metres long, some 2.8 metres wide and some 2.8 metres high to the ridge of their pitched roof forms. The external walls of them would be clad in timber boarding and their pitched roofs would be covered in felt. The proposed fuel store building would replace the larger unauthorised biomass boiler system building that presently exists within the rear garden of the application site. The proposed fuel store building would be positioned some 4 metres away from the building line of the rear elevation of the listed building and some 500mm away from the stone wall on the east boundary of the rear garden of the listed building at its closest point. A short length of pipework would abut the front (north) elevation of it and connect to the existing length of pipework installed along and below the inner side of the stone wall on part of the east boundary of the rear garden of the listed building. The other proposed building would contain the biomass boiler system and its associated flue. It would be positioned some 13 metres further southwards from the proposed fuel store building and at a distance of some 20 metres away from the building line of the rear elevation of the listed building. The proposed fuel store building and the proposed biomass boiler system building would be connected to one another by an underground pipe measuring some 13 metres in length.

The proposed fuel store and biomass boiler system buildings would be well contained within the rear garden of the listed building. So too would the proposed lengths of pipework and the proposed flue. By virtue of their size, height, materials and positioning the proposed buildings would not be seen in relation to, and would not draw focus from, the principal front elevation of the listed building. They would not harm the special architectural or historic interest of the listed building or its setting.

Historic Scotland raise no objection to this listed building consent application.

On these considerations the proposals are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008, The Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: June 2014.

RECOMMENDATION:

That listed building consent be granted subject to the following conditions:

- 1 The works to implement this listed building consent shall begin before the expiration of 3 years from the date of this grant of listed building consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- 2 Within two months of the grant of listed building consent, the exposed 1.2 metres length of stainless steel flue attached to the east end of the front (north) elevation of the building hereby approved shall have a black coloured matt finish. A sample of the black coloured matt finish shall be provided for the inspection and approval of the Planning Authority. The black coloured matt finish used shall accord with that so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building.