



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 17/09/2021

COMMITTEE DATE 15/12/2021 **WARD** Underwood

APP REF V/2021/0558

APPLICANT Mr Lewis

PROPOSAL Chimney Flue.

LOCATION The Mews Barn, Land at The Triangle, Felley Mill Lane South,
Underwood, NG16 5GS.

WEB-LINK <https://www.google.com/maps/@53.0502532,-1.2914475,295m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, & C.

App Registered: 16/07/2021 Expiry Date: 09/09/2021

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Hankin to discuss visual impact on countryside and green belt

Background

This application was previously presented to the October Planning Committee, where members decided to defer the application to enable a site visit to be undertaken and to allow further investigations to be undertaken into the potential impact the chimney/smoke may have upon the adjacent Site of Special Scientific Interest (SSSI). The applicant has now submitted an Air Quality Appraisal for consideration.

Consultations:

Resident comments:

1 additional objection has been received since the submission of the Air Quality Assessment, making the following comments:

- Proposal could have a catastrophic effect that is irreversible on the adjacent SSSI.
 - Smoke could kill the very rare plants on the adjacent SSSI.
- Black smoke comes out the chimney.

1 letter of support has been received since the submission of the Air Quality Assessment, making the following comments:

- Underwood has been burning coal for over 100 years (former coal mining village).
- The SSSI is down wind from Underwood village, with smoke and pollutants blown onto SSSI. The SSSI is still flourishing despite this.
 - The proposed chimney is down wind of the SSSI.
- Underwood is a "smoke controlled area" but not a 'smoke free zone'.
 - Smoke is always more visible when first lighting.

Natural England:

No objection. Agree with the conclusion of the submitted report in that there will be no significant impact on the SSSI as a result of the development. No further assessment is necessary.

Comment:

At the previous meeting concerns were raised by members with regards to the potential impact on the adjacent SSSI from the fumes which would be discharged from the chimney stack, generated from the use of a multi-fuel burning stove.

The submitted Air Quality Appraisal (Dated 05/11/2021) reviews the details of the site, the anticipated level of use of the appliance, and considers that the appliance is new and efficient. The stove itself will burn smokeless fuel and has been designed to meet Defra's latest requirements to reduce particle emissions.

The site has a predominantly westerly and southerly wind, meaning that any particles are blown away from the SSSI. Winds which blow from the application site towards the SSSI are relatively rare.

Guidance relating to pollutant concentration suggest that an increase of up to 1% is considered "inconsequential" in terms of impact. This level of 1% is also used by the Environment Agency.

Conclusion

The submitted assessment concludes that neither pollutant concentrations nor deposition rates exceed 1% of the relevant critical loads or levels and therefore there will be no adverse impact on the SSSI.

Recommendation: Grant planning permission, subject to the below conditions:

Conditions

1. This permission shall be read in accordance with the following plans and details: site location plan, photo of chimney (09/09/21), proposed elevation

1:100 (13/07/21). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.
3. The chimney must only use the fuel as stated by the applicant.

Reasons

1. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
2. To ensure the satisfactory appearance of the development.
3. To ensure no adverse impact upon the environment.

COMMITTEE DATE 06/10/2021 **WARD** Underwood

APP REF V/2021/0558

APPLICANT Mr Lewis

PROPOSAL Chimney Flue.

LOCATION The Mews Barn, Land at The Triangle, Felley Mill Lane South,
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The Application:

This is an application for the erection of a chimney stack to an existing dwelling. The chimney stack is already in-situ, and the application has been submitted following investigations by the planning enforcement team.

Prior approval for a proposed change of use from agricultural to dwelling was granted at appeal (planning application ref X/2017/0049). The site is located within the Nottinghamshire Green Belt.

Consultations:

A site notice has been posted together with individual notifications to surrounding residents.

The following responses have been received:

Resident comments:

1 objection has been received, making the following comments:

- Does not meet fire regulations or building regulations due to height of the chimney.
- Is not the size as indicated on the elevation plan.
- The chimney is next to protected SSSI land, which could cause contamination.

Nottinghamshire Wildlife Trust:

No longer able to provide free ecological advice. No response does not mean no objection.

Natural England:

The application could have potential significant effects on Friezeland Grassland SSSI. An assessment of the impacts of gases and particulates released by the installation of a flue should be submitted. The fuel to be used, and in what quantity, should also be provided.

Policy:

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF):

Part 12 – Achieving well designed places.

Part 13 – Protecting the Green Belt.

Part 15 – Conserving and enhancing the natural environment.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST4 – Remainder of the District.

EV1 – Green Belt.

HG7 – Residential extensions.

Jacksdale, Underwood and Selston Neighbourhood Plan (2017-2032):

NP2 – Design principles.

NP3 – Protecting the landscape character.

Relevant Planning History:

V/2007/0365 – Stable Block – FULCC.

V/2008/0626 – Barn – Prior notification unconditional consent.

X/2016/0060 – Prior approval for change of use from agricultural to dwelling – Prior approval refused.

X/2017/0013 – Prior approval for a proposed change of use from agricultural to dwelling – Prior approval refused, appeal dismissed.

X/2017/0049 – Prior approval for a proposed change of use from agricultural to dwelling – Appeal allowed, prior approval granted.

V/2020/0878 – Prior approval for timber building to house poultry – Refused.

V/2021/0055 – Prior approval for agricultural storage building – Refused.

Comment:

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 219). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

Principle of Development:

The application site is located within the Nottinghamshire Green Belt, and as such Policy EV1 of the ALPR 2002 and Part 13 (Protecting Green Belt land) of the NPPF are applicable.

Policy EV1 of the ALPR identifies that permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances, and identifies various forms of 'appropriate' development. All development must be located and designed so as not to adversely affect the purposes of the Green Belt, its openness, and the purposes of including land within it.

The proposed development is considered to constitute an appropriate use within the Green Belt, representing a limited extension/alteration as identified by policy EV1 (b iii) of the ALPR 2002.

Similarly Paragraph 149 of the NPPF identifies that the extension or alteration of a building is an appropriate use, providing that the works do not result in disproportionate additions over and above the size of the original building.

The NPPF also states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and identifies openness as an essential characteristic of the Green Belt (Paragraph 137). It is considered that the chimney stack as built, attached to the existing property in its current location, would have a limited impact upon the openness of the Green Belt.

Amenity:

The chimney stack is located on the northern elevation, nearest to the boundary line which is comprised on an existing hedgerow. The chimney is constructed from red brick and includes a metal cowl, and is set lower than the ridgeline of the existing property. After visiting the site, it was observed that the chimney is less visible from the street due to the property being set back behind an existing hedgerow. Due to the siting, size, scale and design of the chimney, it is considered that the proposal would represent a subservient addition to the existing property, and will not adversely impact the character and appearance of the area. Additionally it is considered that the proposal complies with saved policy ST1(b) of the ALPR and NP2 of the Jacksdale, Underwood and Selston Neighbourhood Plan.

One objection has been received from a neighbouring property, which raises concerns in relation to the chimney meeting building regulations requirements due to its height. Concerns have also been raised in terms of the accuracy of the submitted plans and any potential environmental impact on the nearby SSSI stemming from the burning of materials associated with the chimney.

The applicant has confirmed that the chimney will be used in respect of the central heating system which will utilise smokeless fuels. The applicant anticipates they

would burn no more than one ton of smokeless fuel per year, which would mainly be in the winter months, which equates to approximately 2.73kg per day. An elevation plan and photos have been provided, and a site visit has been undertaken to assess the proposal. The applicant confirms the chimney has been built in accordance with building regulations requirements, however it is understood the applicant is awaiting the outcome of this planning application before seeking formal building regulations approval.

The nearest residential property to the north (5 Mansfield Road) is approximately 168m away, with the closest residential property to the west (9 Alfreton Road) being approximately 218m away. Due to the siting, size, scale and design of the proposal, it is considered that the chimney stack will not be detrimental to the living conditions of any nearby residential properties.

The site lies adjacent to the Friezeland Grassland SSSI. Although Natural England have requested further information, and Nottinghamshire Wildlife Trust have not provided comments on this application, it is considered that the erection of the chimney in this location would have a negligible impact on the adjacent SSSI.

Conclusion:

Based on the above assessment it is considered that the development would have a limited impact upon the character and openness of the Green Belt.

Based on the chimneys siting, size, scale and design, it is considered that it would represent a subservient addition to the existing property, and will not adversely impact the character and appearance of the area, is unlikely to cause detriment to the living conditions of nearby residents, if operated in accordance with the details submitted.

On balance, it is therefore recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant planning permission.

Conditions

4. This permission shall be read in accordance with the following plans and details: site location plan, photo of chimney (09/09/21), proposed elevation 1:100 (13/07/21). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
5. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.

6. The chimney must only use the fuel as stated by the applicant.

Reasons

4. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
5. To ensure the satisfactory appearance of the development.
6. To ensure no adverse impact upon the environment.