

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2024/0294

**Development description:** installation of biomass boiler within farm building with associated flue

**Site address:** Low Newbiggin House, Egton

**Parish:** Egton

**Case officer:** Miss Victoria Flintoff

**Applicant:** Glen Farrow

fao: Mr Mike Powell, Glendum Close, Pinchbeck, Spalding, PE11 3DQ

**Agent:** Hayward Architects

fao: Mr Lee Ward, Ground Floor, 19 Station Road, Hinckley, LE10 1AW

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

| Condition number | Condition code | Condition text  |
|------------------|----------------|---|
| 1                | TM01           | The development hereby permitted shall begin not later than three years from the date of this decision.   |
| 2                | PL02           | The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.   |
| 3                | GPMT27         | All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity.   |
| 4                | AC02           | Prior to the installation of any plant / mechanical extraction for the proposed development a scheme to control noise from the premises shall be submitted to and approved in writing by the Local Planning Authority.<br><br>i) The scheme shall ensure that the rating level of noise emitted from any plant associated with the proposed development shall be 5 dB(A) below the background noise level (as measured as an LA90) at any time as measured at the nearest noise sensitive |

| Condition number | Condition code | Condition text   |
|------------------|----------------|--|
|                  |                | <p>receptor.</p> <p>The measurement and assessment shall be made in accordance with BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound).</p> <p>ii) The scheme shall be implemented in full prior to operation and retained thereafter; any variation to the agreed scheme shall be agreed in writing with the Local Planning Authority prior to any works being undertaken. All equipment shall be maintained according to manufacturers recommendations.</p> |
| 5                | MC14           | If the use of the biomass boiler hereby approved permanently ceases, it shall be removed from the site within six months of that cessation and the site/building shall, as far as practical, be restored to its condition before development took place.   |

**Reason(s) for condition(s)**

| Reason number | Reason code | Reason text  |
|---------------|-------------|--|
| 1             | RSN TM01    | To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.  |
| 2             | RSN PL01    | For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.   |
| 3             | RSN GPMT02  | For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded. |
| 4             | RSN AC01    | To reduce an increase in background noise levels and to prevent a loss of amenity to the residential properties  |
| 5             | MISC09      | In order to return the land to its former condition and comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the landscape of the National Park.  |

| <b>Informative(s)</b>     |                         |   |
|---------------------------|-------------------------|---|
| <b>Informative number</b> | <b>Informative code</b> | <b>Informative text</b>   |
| 1                         | MC INF02                | The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or on the <a href="#">ground stability web site</a> . |

## Consultation responses

### Parish

No Objections

### Environmental Health Officer

From the calculations on the emission screening tool, the boiler does not exceed the emissions limits, however, there has been no information on the sound or noise the boiler would produce. I therefore recommend that prior to the installation a scheme to control noise from the premises shall be submitted to and approved in writing by the Local Planning Authority

### Publicity expiry

28 May 2024

## Views of Low Newbiggin House and Farm



## Background

Low Newbiggin House is a traditional and isolated farmstead set within the valleys at Aislaby, just above the North York Moors railway. The site comprises the main farmhouse, several converted outbuildings, and some traditional agricultural buildings.

Previous planning applications relate to the conversion of redundant outbuildings to form holiday cottages, the erection of a swimming pool building and subsequent discharges of condition.

This application seeks to install a flue within the most northerly agricultural building to facilitate a biomass boiler which will supply energy to the farmstead.

Planning permission is required because the flue exceeds the height of the building by 2m when then Permitted Development height limit above the height of the existing building is 1 m.

## Main issues

### Local policy context

The most relevant policies contained within the North York Moors Local Plan 2020 to consider with this application are Strategic Policy C (Design) and Policy CO17 (Householder Development).

Strategic Policy C seeks to maintain and enhance the distinctive character of the National Park by considering siting, orientation, layout, and density of proposals in addition to appropriate scale, height and massing and form. Proposals should utilise good quality materials and be of a high-quality, sustainable design that reflects and complements the architectural character and form of the original building and/or that of the local vernacular.

Policy CO17 seeks to ensure that development within the domestic curtilage of dwellings should take full account of the character of the local area and the special qualities of the National Park. Development will only be permitted where: the scale, height, form, position, and design of new development no not detract from the character and form of the original dwelling and its setting; the development does not adversely affect the amenity for the existing and neighbouring occupiers; and that the development reflects the principles of the Authority's design guide.

### Material considerations

The proposal seeks permission to install a flue within a current agricultural building which is to facilitate a new biomass boiler.

In view of Strategic Policy C and Policy CO17, the proposal includes a fairly tall flue to facilitate a large unit. However, the existing building and farmstead is isolated and the building in question is well screened by surrounding woodland. The most visible view is

from the trains which pass at the bottom of the valley. As such, it is considered that the principle of the flue is acceptable, and the applicant was advised that colouring it matt black would make it more sympathetic to the surrounding setting. This has also been secured by condition. Additionally, the installation of a biomass boiler is to facilitate cleaner energy for the farmstead.

However, there was a concern from the Environmental Health Officer about the noise that the unit may produce. Other assessments and calculations have been included and considered within the supporting information. As such, it was recommended and conditioned to provide a noise assessment prior to the installation of any equipment.

As such, it is considered that given the sympathetic placement and style of the flue, it would not result in unacceptable harm to neighbouring amenity or the character and appearance of the dwelling or wider area.

### **Conclusion**

In view of the above, it is considered that the proposal adheres to Strategic Policy C and Policy C017 of the Authority's adopted policies, set out within the Local Plan, and is therefore recommended for approval.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

Not applicable.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social, and environmental conditions of the area.