

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00257/FUL

APPLICANT : Mr & Mrs David & Jane Gordon

AGENT : David Jane Architects

DEVELOPMENT : Replacement windows and installation of chimney flue

LOCATION: 5 High Street
Innerleithen
Scottish Borders
EH44 6HA

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
13011-101-B	Elevations	Refused
ECOLINK SOLUTIONS	Sections	Refused
EMISSIONS GRAPHS	Specifications	Refused
13011-LOC	Location Plan	Refused
ABCAT TEST	Report	Refused
ABCAT BACKGROUND	Report	Refused
PRODUCT SPECIFICATIONS	Specifications	Refused
RESIDUALS OF WOOD BURNING	Specifications	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Environmental Health:

The indicated flue height is insufficient to allow fumes to disperse properly and will affect the amenity of other occupiers.

Recommendation
Object.

Innerleithen and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards
Policy HD3 Protection of Residential Amenity
Policy EP9 Conservation Areas

Recommendation by - Craig Miller (Lead Planning Officer) on 13th April 2017

Much of the earlier application (15/01079/FUL) Handling Report provides useful background to this resubmission, as follows:

"These works relate to a shop/office property which fronts onto the High Street in Innerleithen, restricted to the rear part of the building adjoining the R Smail Printing Works along Leithen Crescent. The proposals relate to the erection of a grey powder coated metal flue serving a proposed internal stove and replacement of two windows with uPVC units.

The windows are in compliance with Development Plan Policy and Supplementary Planning Guidance on replacement windows within a Conservation Area. Neither current window unit is traditional sash and one is totally concealed to public view on the west facing wall of the office building. Replacement with white uPVC casement units would not be of any consequence to the character of this part of the building or the Conservation Area and consent can be granted for them.

The flue proposal causes no significant aesthetic issues as the proposal is for a grey coloured modest flue emerging from the hipped roof of the office and terminating just above office ridge. Whilst visible from Leithen Crescent, the flue would be a maximum of two metres in length and its grey colour and minimal projection above the ridge of the office roof means that there is no Conservation Area reason to oppose it.

However, the flue serves a solid fuel appliance inside the office and the response from Environmental Health has been one of objection, despite several additional submissions from the applicant. The EHO, who quite often will merely request an Applicant Informative, believes that this proposal is likely to give rise to insurmountable smoke complaint due to the level of venting and the location of neighbours' residential window openings. The applicant has attempted to display that the impacts would not be as severe by proposing a raising of the flue by one further metre, stating that residential properties are not downwind of the prevailing wind and providing a HETAS guarantee of safe installation of such a stove and flue. These subsequent submissions and a meeting with Environmental Health have not dissuaded them from a sustained objection. Had there been support for a one metre raising of the flue, then the revised plans would have needed to be the subject of a new planning application and a fresh assessment of the impact on the Conservation Area and visual amenity carried out. The taller the flue, the greater the impact from Leithen Crescent and the greater the impact on the amenity of the Conservation Area.

As any additional raising of the flue is likely to be opposed on visual amenity grounds and as one metre is not sufficient to allow removal of the EHO objection, this element of the application cannot be supported. Based upon the guidance from the EHO, it would be likely to convey smoke and air pollution issues to nearby windows, even allowing for the fact that the premises seeking the flue are commercial shop/office premises which would only be likely to be seeking heating during office hours. However, if there is a demonstrable problem with lack of flue height and proximity of residential windows, then restrictions in operating hours are an unsatisfactory patch over a more fundamental problem."

The windows remain acceptable but they received planning permission under 15/01079/FUL. An informative will be attached to this decision to advise that the windows can be proceeded with under that consent. The position with the flue remains the same. Environmental Health have considered the new submission but remain opposed to the application as the indicated flue height is insufficient to allow fumes to disperse properly and will affect the amenity of other occupiers.

The applicant had submitted additional information outlining a gas oxidizing catalytic converter to reduce nuisance from wood stoves and boilers through flues. Output information and particulate tests before and after the converter were also supplied. The advice from Environmental Health is still one of objection and, therefore, it has to be concluded that Local Development Plan Policy EP16 Air Quality cannot be complied with. Despite the mitigation proposals, Environmental Health maintain that the flue height is too low in relation to surrounding windows belonging to residential property.

Unlike the St Ronan's Hotel case, a significant increase in the flue pipe height in this location would be far more prominent in the Conservation Area and impact on the public realm in a more significant and adverse way. Such a solution to meet air quality issues would be likely to create insurmountable aesthetic and visual amenity impacts in this location.

The application, therefore, should be refused as being contrary to LDP Policy EP16.

REASON FOR DECISION :

The application is contrary to Policy EP16 of the Scottish Borders Local Development Plan in that the proposed flue is of insufficient height to allow fumes to disperse properly without adversely affecting the air quality and residential amenity of surrounding property occupiers.

Recommendation: Refused with informatives

- 1 The application is contrary to Policy EP16 of the Scottish Borders Local Development Plan in that the proposed flue is of insufficient height to allow fumes to disperse properly without adversely affecting the air quality and residential amenity of surrounding property occupiers.

Informatives

It should be noted that:

- 1 Please note that the replacement windows may still be proceeded with under planning permission reference 15/01079/FUL.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

