

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**14 June 2007**

**Report of the Director of Planning, Transport and Leisure**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 DEVELOPMENT OF COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION – PERMITTED DEVELOPMENT RIGHTS FOR DOMESTIC MICROGENERATION**

**Summary**

**To recommend a response on this consultation paper relating to new initiatives for energy generation.**

- 1.1** The current consultation paper puts forward a range of proposed options for making various microgeneration structures and equipment 'permitted development' as set out in the table below:

|   | <b>Normal Buildings</b>  | <b>Buildings in Conservation Areas and World Heritage Sites</b>        |
|---|--|--|
| Solar Panels on buildings (solar water heating and photovoltaics) | Permitted for the roof & walls unless it protrudes more than 150 mm above roof plane.                                | Permitted as normal, except on principal elevation fronting a highway. |
| Solar stand alone panels (solar water heating and photovoltaics)  | Permitted if less than 4 metres height. At least 5 metres to any boundary. Area of array a maximum 9m <sup>2</sup> . | Permitted as normal except in front of principal elevation.            |
| Ground Source Heat Pumps (GSHP)                                   | Permitted.   | Permitted.   |

|                                     | <b>Normal Buildings</b>  | <b>Buildings in Conservation Areas and World Heritage Sites</b>             |
|-------------------------------------|--|---|
| Air Source Heat Pumps (ASHP)        | Permitted if – internal noise <30dB, external noise <40dB, “garden” noise <40dB.   | Permitted as normal except on principal elevation fronting a highway.       |
| Water Source Heat Pumps (WSHP)      | Permitted.   | Permitted.  |
| Wind Turbines on building           | Permitted if <3m above ridge (including the blade) and diameter of blades <2m. Also internal noise <30dB, external noise <40dB, “garden” noise <40dB. Up to 4 turbines on buildings >15m (as with antennas). Vibration <0.5mm/s. | Not Permitted.  |
| Wind Turbines (Stand Alone)         | Permitted if <11m (including the blade) high and diameter of blades <2m. At least 12m from a boundary. Also internal noise <30dB, external noise <40dB, “garden” noise <40dB. Vibration <0.5mm/s.                                | Permitted as normal except in front of principal elevation.                 |
| Bio Mass (effectively wood burning) | Permitted – Limit of Flue height 1m above ridge.   | Flues permitted as normal except on principal elevation fronting a highway. |
| Combined Heat and Power (CHP)       | Permitted – Limit of Flue height 1m above ridge.   | Flues permitted as normal except on principal elevation fronting a highway. |
| Hydro                               | No change.   | No change.  |

## 1.2 Analysis

1.2.1 I would offer the following comments and advice on the various proposals.

1.2.2 With the exception of the fact that solar panels can be reflective by their very nature and the fact that they face south, I consider that there is little to be

concerned about this part of the proposals. Solar panels are relatively simple in application and as it is proposed that the free standing facilities do not exceed the height limit for say, a garden shed, then there should be no significant issues.

- 1.2.3 Heat pumps appear to raise few issues. The air source version seeming to be much like a domestic air conditioning unit. The one concern is the potential for noise disturbance and this is dealt with below as a generic issue.
- 1.2.4 Wind turbines raise two key issues, noise and visual impact. To some extent the latter has to be accepted as a matter of fact if any inroad into generation from this source is to be delivered. The Council has approved one such generator, at Walderslade, but it has not, as far as I am aware, been installed.
- 1.2.5 Biomass and Combined Heat and Power (CHP) would seem to raise few issues, for single domestic installations, than would arise from the use of chimneys, open fires, or wood burning stoves.
- 1.2.6 Hydro power is likely to have minimal effect in the Borough, or indeed nationally, and the Government do not intend to extend permitted development rights in any event.
- 1.2.7 The issue of potential noise impact is most likely to arise for wind generation or air source heat pumps. The noise impact of the Walderslade scheme was tested by the Council's Environmental Health Officers in some detail before permission was granted. The Director of Health and Housing (DHH) has commented on this consultation as follows:

"The maximum permitted noise levels (Annex 2) are reasonable. However, I have one issue of detail and a fundamental issue of principle.

On the point of detail, I have concerns about the limit of 40 dB over not less than 50% of a private amenity space not solely associated with the host dwelling. I think it might be possible for the turbine noise to be above 40 dB in the part of the private amenity space that is the most sensitive e.g. a patio, terrace or lawn which is likely to be nearest to the noise source but be below 40 dB in a less sensitive part of the garden e.g. a vegetable plot. I am sure that this is not what is intended.

On the point of fundamental principle, how is a householder who proposes to install a wind turbine to know whether it will meet these noise limits? Would it be better to adopt a "type approval" approach whereby equipment manufacturers have to obtain certification that their equipment meets specified noise criteria? It seems to me this would be a better way forward than trying to resolve problems after a turbine has been installed."

- 1.2.8 The current suggested measurement criteria would prove to be extremely complex to invoke in the event that the Council were to receive a complaint that a wind turbine installed as permitted development was not complying with the noise

limitations. Testing such a complaint would be far more practical if the approach adopted by DHH were to be the method for the employment of noise criteria. This would equally apply in my view to air source heat pumps.

1.2.9 There would be no change in Listed Building controls which would still apply.

### **1.3 Response to consultation**

1.3.1 Suggested responses are set out in the following ***Annex 1 - Permitted Development Rights for Householder Microgeneration – Responses to Questions***

### **1.4 Legal Implications**

1.4.1 None directly emanating from this report

### **1.5 Financial and Value for Money Considerations**

1.5.1 None directly emanating from this report

### **1.6 Risk Assessment**

1.6.1 None directly emanating from this report

### **1.7 Recommendations**

1.7.1 That the comments set out in ***Annex 1 - Permitted Development Rights for Householder Microgeneration – Responses to Questions*** **BE SUBMITTED AS THIS COUNCIL'S RESPONSE** to the consultation.

The Director of Planning, Transport & Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Lindsay Pearson

Nil

Steve Humphrey  
Director of Planning, Transport and Leisure