

Residential Environmental Health Comments

Soundgarden - 22/0217/RSP

Re: Part Retrospective: Erection of detached open-sided garden structure with pizza oven including associated vent

I note the adjournment of June's planning committee meeting, pending further considerations, including **fitting a scrubber or filter** to the pizza oven flue.

As I visited the above property to make an informed decision, I would further submit that regarding:

a/ The location

The outbuilding comprising the wood burner oven sits in a valley close to woodland; smoke emitted by the wood burner would linger and take longer to disperse if the owner inappropriately lowered the flue height. Therefore, I would not recommend reducing the flue height beyond the manufacturer's recommended specification.

b/ Height and size

There are minimum requirements in height and stature for these pieces of equipment for optimum performance, mainly to prevent wind eddies from interfering with the draw of the flue and the evacuation of smoke during usage. I would not advise any deviations from the Building regulation recommendations offering manufacturers guidance.

c/ Defra Exemptions

Defra Certification ensures that emissions from flues, mainly particulate matter and smoke, are minimised to avoid air quality spikes in smoke-controlled areas. However, if the goal of fitting a scrubber or filter to vents improves the performance of the equipment, I would advise that the owner treads carefully in undertaking alterations to pieces of equipment which potentially invalidate the Defra Exemption.

d/ Type of fuel

Although Three Rivers District Council is not in a smoke-controlled zone, Environmental Health Section is obliged to investigate nuisance complaints under the Environmental Protection Act 1990 relating to public health and nuisance issues, including smoke and fumes from fires or stoves. Given the neighbour's concerns about the wood burner/stove at Soundgarden, I would recommend using "**smokeless**" fuels - the Council's general advice in individual situations if burning wood or coal could cause a nuisance.



Town planning and development



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29th June 2022

Dear David,

Ref: 22/0217/FUL

Retention of detached open-sided garden structure for use as an outdoor domestic kitchen, including retention of pizza oven flue vent

Soundgarden, Berry Lane, Chorleywood, WD3 5ET

I write in respect of the above planning application.

Further to the planning committee meeting of 23 June we have reviewed the position expressed by the committee and additional requests made, namely: -

- a. To consider fitting an additional 'scrubber' or filter to this flue;
- b. To consider painting the remaining pizza flue or to consider lowering this flue;
- c. To remove the proposed trellis screen between the application site and the neighbouring property at Arrin Lodge; and
- d. Adding additional screening to the façade of the open-sided garden structure.

We also noted that during the planning committee meeting on 23 June, a photograph of the application site, [REDACTED] was presented to the committee by Arrin Lodge. This photograph was taken shortly after the erection of the new boundary fence in autumn 2020 – being the same boundary fence which was agreed upon by Arrin Lodge and the applicants. This photograph shows a bleak picture of the

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application site as the greenery which had to be removed to install the fence was not present. Please refer to the pictures at Appendix 1, which shows three photographs of the application site taken by the applicants last week. Unfortunately, the owners of Arrin Lodge have not responded to the applicant's request to circulate to the planning committee, an up-to-date photograph of the application site. It is unfortunate that we were not permitted to comment on this during the meeting of 23 June. The applicants feel that they were unfairly prejudiced due to this (and other reasons explained in this letter) before the planning committee resulting in this matter being unnecessarily protracted to the detriment of all concerned.

Nonetheless, further to extensive discussions (i) with the supplier of the pizza oven and flue, Orchard Ovens (**Orchard**) who have carried out thousands of similar installations across the UK, and (ii) and verbal agreement (followed by confirmation through an exchange of text messages) between the applicants and Arrin Lodge, we provide a response to the above as follows. In short, using the same numbering as above:

1. After the applicant's very extensive enquires with Orchard regarding the potential fitting of an additional filtration / scrubber regarding alleged concerns over smoke / odours, Orchard have unequivocally advised that additional filtration is **not required and in fact, would in fact not only be detrimental to the DEFRA certification given to the pizza oven and flue, but would also render the pizza oven and flue less effective**, for the following reasons:

- a. As advised by David Heighton in his report to the committee dated 23 June 2022 the oven and flue are **DEFRA certified**. Consequently, **the oven and flue can be used anywhere in England, Scotland and Wales, including Smoke Control Areas** that exist in urban environments in the UK. Pursuant to *Statutory Instrument 2007 No.2462 – Clean Air, England – The Smoke Control Areas (Exempt Fireplaces)(England) Order 2007*, which includes the same Orchard Ovens Valoriani oven and flue which has been installed at the application site (which is **not in a smoke control area**), can be used within smoke control areas. This effectively means that emissions, including particulate matter and smoke, is minimised to such an extent that they would not be considered to add to any pre-existing air quality hazard such as that from traffic pollution.

Orchard advises that whilst some councils have queried the ovens usage within smoke-controlled areas, any objections are unfounded as the ovens burn so cleanly, with the DEFRA Certification to prove this. In this respect, the Valoriani ovens are regarded as one of the cleanest burning pizza ovens, with the only

requirement being the use of dry wood with a moisture content of less than 20%.

Orchard advises that the addition of an additional filter would invalidate the DEFRA certification. By gentle reminder, DEFRA certification is the highest national level of certification regarding emissions in the UK.

Secondly, regarding odours, Orchard have advised that fitting additional filters to wood-fueled pizza ovens is not necessary, since smells associated with cooking burn off at 60 degrees Celsius, whereas the exhaust gasses from a pizza oven will normally be at a temperature of around 200-400 Celsius. Therefore, any odours are naturally burnt off in the flue itself.

In light of the above, we trust that members of the committee can be satisfied that the applicant has extensively explored their suggestion but will accept that the pizza oven and its flue are specifically designed to remove harmful emissions to an acceptable level governed by DEFRA. As a result, we submit that additional filtration is not necessary and if additional filtration were to be fitted, this would invalidate the DEFRA certification and potentially reduce performance of the oven. The conclusion is that the pizza oven and flue as designed represent the best, most appropriate and moreover, the most legally acceptable method of handling emissions from their use which should not give rise to any tangible complaint.

- b. Orchard advises that the current height of the flue is optimal to ensure that the pizza oven and the flue work to the most fuel-efficient level. Consequently, lowering the flue may result in lower performance of the oven and flue, which is not desirable for anyone. In light of this conclusion, the applicants and the owners of Arrin Lodge have agreed that the flue height should not be reduced but that the flue should be painted dark green. The applicants have offered the owners of Arrin Lodge to pick the colour of their choice and we expect that this can be secured by a condition of approval.
- c. The applicants agree to the omission of a trellis screen from the plans.
- d. The applicants have agreed to a request made by the owners of Arrin Lodge to install screening within the application site, in the form of additional boards to the western façade of the open-sided garden structure. The applicants have offered the owners of Arrin Lodge to pick the height / colour / make of such

screening, which is yet to be confirmed by them, and we expect that this can be secured by a condition of approval.

With regard to the matters summarized above, we provide below, further details which may be of interest to the planning committee.

Considerations of fitting a scrubber or other filter

We understand the potential for this was suggested by a representative of the parish council which then attracted the attention of district council planning committee members on the evening of the committee. Whilst this was discussed in front of the appellant and ourselves, it is unfortunate that we were not permitted to add our own response to this debate on the night.

Notwithstanding, following the committee meeting, the applicants have discussed, at length, the potential for adding additional filtration or 'scrubbing' devices with representatives at Orchard.

Orchard have clearly advised that additional filtration is not required in respect of the Valoriani pizza oven as installed at the application site. Orchard state quite clearly that as a company importing these ovens from Italy for sale in the UK they spent a great deal of money and time **having the ovens tested to gain DEFRA certification, precisely so that the ovens, if using the correct wood (kiln dried hardwood of a moisture content of less than 20%) can be used anywhere in England, Scotland and Wales, including the many Smoke Control Areas** that exist in urban environments in the UK. To this end, we attach *Statutory Instrument 2007 No.2462 – Clean Air, England – The Smoke Control Areas (Exempt Fireplaces)(England) Order 2007*, which specifically includes the same Orchard Ovens Valoriani ovens as here at the application site within Schedule 2 of the Order, which confirms that they are exempt within such areas in. This effectively means that emissions, including particulate matter and smoke, is minimised to such an extent that they would not be considered to add to any pre-existing air quality hazard such as that from traffic pollution.

Orchard state that they went through this process anticipating that unless the ovens achieved this certification, customers could have problems using the ovens in smoke controlled areas. Orchard states that whilst some councils have queried the ovens usage within these areas, any objections are unfounded as the ovens burn so cleanly, with the DEFRA Certification to prove this.

To this end, their view on this is that the addition of an extra filter or 'scrubber' would disrupt the air flow up the flue and in turn alter the specific combustion process. In their view this would be likely to invalidate the DEFRA certification, or require additional testing with a filter/scrubber in place. **The testing process costs thousands of pounds and a minimum of two years to achieve, and in their view is wholly unnecessary given that the ovens have already achieved the highest required national level of certification where emissions are concerned for use in the UK.**

As far as odours are concerned, the experience of Orchard, through liaison with Environmental Health Officers and filter manufacturers, is that **fitting additional filters to wood-fueled pizza ovens is not necessary, since smells associated with cooking burn off at 60 degrees Celsius, whereas the exhaust gasses from a pizza oven will normally be at a temperature of around 200-400c.** Thus, any odours carried on the chemical odour categories of Amides and Amines would be naturally burnt off in the flue itself. Orchard explain that whilst there could be a 'smoke' smell from the carbonic particles not destroyed by temperature, **this is where DEFRA testing is focused on the amount of carbon the oven produces. In this respect, the Valoriani ovens are regarded as one of the cleanest burning, with the only requirement being the use of dry wood with a moisture content of less than 20%.** This is in contrast to some other oven manufacturers which do not comply, and so can require additional filtration in certain circumstances.

In light of the above, we trust that members of the committee can be satisfied that the applicant has explored their suggestion to install additional filtration or 'scrubbing' in this instance, but will accept that the ovens are specifically designed to remove harmful emissions to an acceptable level governed by DEFRA. **As a result, we submit that additional filtration is not necessary even in smoke control areas (the site is not in a smoke control area). Indeed, we are advised that the addition of a filter of 'scrubber' would invalidate the DEFRA certification and potentially reduce its performance.** Members should therefore be assured that this matter has been investigated at their request, but the conclusion is that the pizza oven and its flue, as designed, represent the best, most appropriate and moreover, acceptable method of handling emissions from their use which should not give rise to any tangible complaint.

For information, we also attach a receipt for the purchase of the appropriate kiln-dried wood required for the ovens to operate at their optimum level. We understand that initially a condition on the type of fuel used was proposed by officers but declined on grounds of enforceability. The applicants would have happily agreed to such a condition however, we trust that the attached receipt of purchase demonstrates that the applicants have no intention of using fuel that is not recommended by the manufacturers.

In addition, the applicants have agreed that the neighbours at Arrin Lodge will plant additional bushes and screening within their own land adjacent to the outbuilding, which of course, is and was entirely within their gift in any case.

We trust that above can be considered and reported back to committee at your earliest opportunity. **As planning consultants I would stress that in this case it is my professional view that the applicants have gone ‘above and beyond’ to meet the objections and concerns of their neighbour, and their local parish council who appear to have sided wholly with this one particular resident.** Nonetheless, I trust that with the amendments and additional information above, this matter can be recommended for approval and finally granted permission at the next planning committee.

[REDACTED]

Finally, whilst we understand that the Council’s planning committee has its procedures, we do feel that matters were discussed at the recent meeting that could have been resolved or clarified had the applicant been asked to confirm or respond at that time or been allowed to add further comments to members. The primary examples of this are (i) the photograph used [REDACTED] is over 18 months old, and (ii) the fact that the pizza oven and flue is DEFRA certified, which was mentioned in detail, in David Heighton’s report dated 23 June 2022.

Furthermore, as expressed in David Heighton's report, the planning team recommend that retrospective conditional planning permission is granted; there has been no objection to the application from the Council’s Health Environment Officer, the Council’s Conservation Officer or the Council’s Environmental Protection Officer. Thus, should the

members' discussion of these points require or benefit from any input from the applicant at the next meeting itself, it would be in the interests of all to allow this to occur.

Yours sincerely,

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