

App.No: 141434	Decision Due Date: 12 January 2015	Ward: St Antonys
Officer: Richard Elder	Site visit date: 14 January 2015	Type: Planning Permission
Site Notice(s) Expiry date: 17 December 2014		
Neighbour Con Expiry: 14 March 2015		
Press Notice(s): n/a		
Over 8/13 week reason: Retrospective application requiring further information.		
Location: 14 Maple Road, Eastbourne.		
Proposal: Application seeking retrospective planning permission for the retention of a biomass boiler, flue, and associated housing within the car park together with a 2.1 metre high boundary fence and lowering of the associated boiler pipework below and behind the top of the fence. (Amended description).		
Applicant: Mr Nick Brewer		
Recommendation: Refuse		

Executive Summary:

This application relates to the retention of a biomass boiler, flue and associated housing being used to provide heating to an existing business on a long standing industrial estate.

No evidence has been supplied outlining that the existing flue is fit for purpose. As it has not been shown that the flue is sufficient to disperse fumes/emissions from the boiler it is considered likely given the low height of the flue compared with surrounding buildings, that the boiler has a detrimental impact in terms of amenity through smells and fumes on the surrounding residential properties and therefore it is recommended that planning permission is refused. As the application is retrospective it is also recommended that enforcement action is authorised to seek the removal of the structure/boiler.

Planning Status:

Mixed commercial and residential area.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres

3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C13 St Anthony's Neighbourhood Policy

D1 Sustainable Development

Eastbourne Borough Plan Saved Policies 2007

UHT1 Design

UHT4 Visual Amenity

HO20 Residential Amenity

Supplementary Planning Document
Sustainable Building Design SPD 2013

Site Description:

A 2 storey B2 light industrial unit with integral B1 offices located on the south east side of Maple Road within the Birch Road industrial estate.

The site comprises customer and employee parking areas to the front and north east side. The structure containing the bio-mass boiler is located to the end corner of the north east car park side adjacent to rear gardens at 17-20 Tollgate Gardens and a sheltered housing building at New Derby House to the north.

The structure itself is 3m in height 9.9m in length and 3.8m in width, with flues extending 2.7m in height above the structure.

Relevant Planning History:

No planning applications specifically relevant to this application.

This application is the result of an Enforcement Investigation into the siting of the structure containing the biomass boiler. The investigation commenced following a complaint from a member of the public that the structure had been erected at the end of September 2014. In accordance with our Enforcement Policy Brewers were advised to submit a planning application to retain the works.

Proposed development:

Application seeking retrospective planning permission for the retention of a biomass boiler, flue, and associated housing within the car park together with a 2.1 metre high boundary fence and lowering of the associated boiler pipework below and behind the top of the fence.

The bio-mass boiler would be housed within a structure located on the north east corner of the site within the existing car park area. The structure measures 9.9 metres long, 3.88 metres wide, 3 metres high with a 2.7 metres high flue on top of that situated close to the north side centre of the structure. It is fuelled by wood pellets.

The container is divided approximately 40% fuel store and 60% plant room. The plant can only burn manufactured wood pellet fuel approximately 8mm in diameter and around 15-20mm in length. Deliveries of pellets are expected to take place 3-4 times per year dependent on the heat demand.

The fuel pellets are manufactured from sustainable short term coppice or managed plantations and sawdust from timber mills. Generally the trees harvested are around 30 years old thus the contribution to atmospheric CO₂ pollution is effectively zero as the carbon cycle is of this period compared to the burning of fossil fuels releasing CO₂ from ancient carbon sources.

Consultations:Specialist Advisor (Pollution and Licensing) -

Pollution Prevention and Control 1999 -Eastbourne Borough Council would permit an installation that's output was between 20 Megawatt and 50 Megawatt. Installed is an ETA 200kW woodchip boiler this equates to 0.2 of a MW therefore does not require a permit.

The Clean Air Act 1999 - Powers to request the technical details of this biomass boiler, emission concentrations, fuel specification, fuel storage and delivery arrangements. These have been submitted to Eastbourne Borough Council and on inspection of these documents and visiting the site it meets all the requirements.

Future monitoring and complaints - We have legislative power to remedy any problems using the Environmental Protection Act 1990 and the Clean Air Act 1999.

Neighbour Representations:

Objections have been received from;

A petition of 14 signatures from Tollgate Gardens and New Derby House.

17 Tollgate Gardens

8 Tollgate Gardens

23 Hambelton Close

A petition of 14 signatures from Tollgate Gardens and New Derby House.

Covering the following points;

- Too close to residential properties
- Visual appearance of the structure and pipes
- Health impacts from the fumes/emissions
- Inappropriate location adjacent to residential properties
- Possibility of fire/explosion
- Deliveries (timing and noise)
- Times of operation of the boiler (noise impacts)
- Smell

Appraisal:

Principle of development:

There is no objection in principle to the use of Biomass boilers such as this given the environmental benefits compared with conventional boilers/heating systems, providing they are sited to minimise any impacts on residential properties and flues/ventilation are shown to be suitable for the location and type/size of boiler in accordance with relevant sections of the National Planning Policy Framework 2012, Policies of the Core Strategy Local Plan 2013, and saved policies of the Borough Plan 2001-2011.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The boiler is sited to the north-east corner of the site on the edge of the industrial estate. It is considered that the boiler and structure could have been sited in a more suitable location away from the residential properties.

Documents/manufacturers material in relation to the boiler have been submitted. However our Specialist Advisor for Pollution and Licensing requested a D1 Stack Assessment or equivalent assessment be submitted to show that the flue provided was sufficient to disperse pollutants given the flue is actually lower than the surrounding properties. To date no such assessment has been submitted, therefore it has not been shown that the boiler does not have a significant detrimental impact on the amenity of the surrounding residential properties.

Design issues:

The visual appearance of the structure with the large flues is not completely out of character given the industrial location. The application proposes the planting of a new hedge to the boundary to minimise the view of the structure. It is not considered that a reason for refusal on the application could be justified on the visual appearance of the structure.

Sustainable development implications:

Policy D1 of the Eastbourne Core Strategy states that all development proposals will need to demonstrate that:

The Energy Opportunities Plan (EOP)(i) has been considered, ensuring that: Planning applications for new development demonstrate how they contribute to the current Energy Opportunities Plan. Contributions towards national energy and CO2 targets, applications for standalone energy generation and other CO2 reductions in Eastbourne will be considered favourably

In principle the Council would support the use of Biomass boilers given the environmental benefits. However the siting is considered inappropriate given the close proximity of residential properties.

The National Planning Policy Framework requires a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; in this instance the likely impacts on the amenity of the surrounding properties are considered to outweigh the benefits of the biomass boiler.

Other matters:

The siting of the structure displaced two car parking spaces which have been relocated adjacent to the main building. Therefore as there is no net loss of parking spaces there is no objection to the application parking/highways grounds.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Recommendation:

Refuse Planning Permission and authorise enforcement action for the following reason;

Insufficient evidence has been submitted to show that the flue of the boiler is sufficient to disperse pollutants/emissions. Therefore it is likely that the boiler would have detrimental impacts on the amenity, through fumes/emissions, on the surrounding residential properties of Tollgate Gardens and New Derby House, and thereby materially affecting the resident's quality of life. The scheme would be contrary to the National Planning Policy Framework 2012, policy B2 of the Core Strategy Local Plan 2013 and Saved Policy HO20 of the Borough Plan 2001-2011.