

<b>App.No:</b> 151006	<b>Decision Due Date:</b> 23 November 2015	<b>Ward:</b> St Anthonys
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 12 December 2015	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 25 October 2015 <b>Neighbour Con Expiry:</b> 25 October 2015 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Retrospective application requiring further information.		
<b>Location:</b> 14 Maple Road, Eastbourne.		
<b>Proposal:</b> 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.		
<b>Applicant:</b> Mr Nick Brewer		
<b>Recommendation:</b> Approve planning permission subject to conditions.		

### **Executive Summary:**

There have been two Planning Committee site visits to the application property/site to assess the impacts of the proposals.

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.

Whilst there are surrounding residential properties, the site is part of an industrial site and therefore the installation is not completely out of character and it is not considered that a refusal on the grounds of impact on visual amenity of residents could be justified. The lowering of the pipework and the installation of a close board fence on the boundary have already been undertaken. The application also proposes the planting of hedging between the fences to further improve the visual appearance.

We have instructed a consultant AECOM to confirm the findings of the Air Quality Assessment submitted with the application. AECOM have concluded that the modelling demonstrates that even if the boiler runs at full load throughout the year with background concentrations based on the kerbside monitor the effect of the boiler emissions would still be negligible.

It is recommended that planning permission is granted to retain the biomass boiler and associated housing/pipework.

Members are advised that to refuse the application on matters relating to pollution given the Councils consultant response would create a scenario that exposes the Council to a costs claim if challenged at appeal.

**Planning Status:**

Mixed commercial and residential area.

**Relevant Planning Policies:**

National Planning Policy Framework 2012

7. Requiring good design

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

D10A Design

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.

The biomass boiler (the subject of this application) has been in situ and operational for 15 months.

**Relevant Planning History:**

A previous application was submitted to retain the Biomass Boiler this application was withdrawn following a committee resolution to refuse

planning permission as insufficient information had been submitted to show that the Biomass Boiler was not having a detrimental impact on surrounding residential properties.

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 lowering of the pipework and installation of the close board fence has already been completed.

The bio-mass boiler is 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 CO<sub>2</sub> pollution is effectively zero as the carbon cycle is of this period compared to the burning of fossil fuels releasing CO<sub>2</sub> from ancient carbon sources.

On average it is anticipated that 3-4 deliveries of pellets will occur a year.

**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:

In relation to the first (withdrawn) application (ref: 141434) the following objections were received:-

- 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

In relation to the current application the following representations have been received:

17 Tollgate Gardens, 20 Tollgate Gardens and 88 Queens Crescent have raised objections for the following reasons;

- Visual appearance of the housing/flue/pipework
- Noise
- Dust
- Smell
- Potential for fire/explosion

**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 along with the Air Quality Monitoring Report. The Air Quality Modelling Report which considers the potential for residents of neighbouring properties to be exposed to poor air quality caused by the location of the plant. The report concludes that the emission from the plant would cause slight increase in pollutant concentrations but not exceeding any relevant health standards.

In order to verify the contents of the Air Quality Monitoring Report Eastbourne Borough Council commissioned a consultant AECOM to provide a technical review of the report submitted to ensure the applicant's assessment is correct. AECOM raised some queries regarding the first draft of the Monitoring Report and asked for additional information to ensure the modelling is in line with current best practice. This information has been submitted and AECOM have responded.

AECOM state that they are happy that their main points have been addressed or explained and given the large headroom before any of the air quality strategy (AQS) objectives are exceeded it is unlikely that those points to which there is not full agreement between the consultants would lead to a material change in the results of the air quality assessment.

AECOM conclude that from the responses received from the Applicants Consultant the modelling demonstrates that even if the boiler runs at full load throughout the year with background concentrations based on the kerbside monitor the effect of the boiler emissions would still be negligible.

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 between the two existing fences to minimise the view of the structure. Given the industrial location 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.

**Conclusion:**

The visual appearance of the structure and flues is considered acceptable given the context of the site within the industrial location. The application proposes the planting of a new hedge to the boundary between the two existing fences to minimise the view of the structure, this will be controlled by condition.

Our consultant has confirmed that the modelling undertaken by the Applicants consultant as part of their Air Quality Assessment demonstrates that even if the boiler runs at full load throughout the year with background concentrations based on the kerbside monitor the effect of the boiler emissions would still be negligible. Therefore it is recommended that planning permission is granted for the retention of the Biomass Boiler and its associated housing.

**Recommendation:**

To approve planning permission subject to the following conditions

1. Within two months from the date of this notice the close boarded fence shown on the plans hereby approved shall be installed at the site and be retained as such thereafter.
2. Approved drawings
3. Proposed hedge planting shown on approved drawing CWD New hedge planting as shown on drawing PP1 adjacent to properties of Tollgate Gardens shall be completed in first planting season following the date of the approval.