

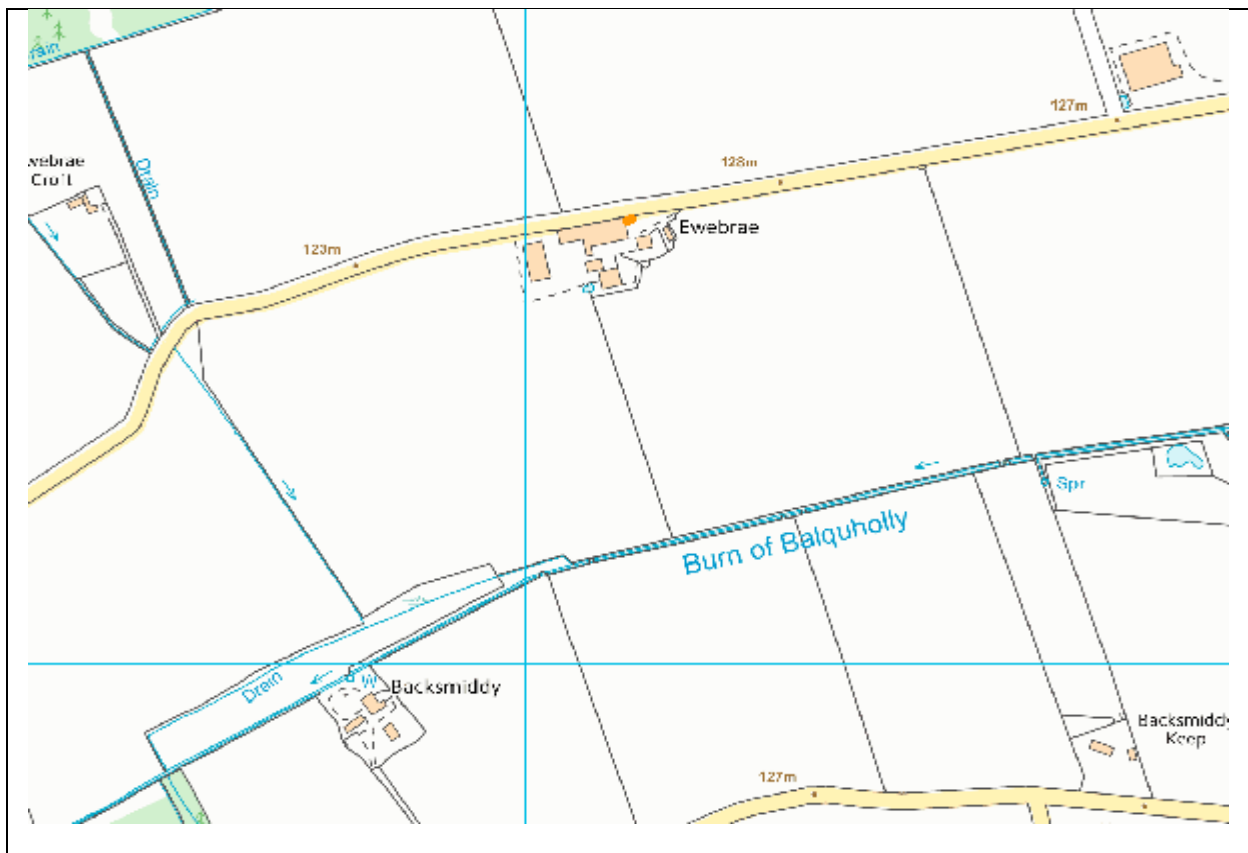
Formartine Area Committee Report - 5 June 2018

Reference No: APP/2018/0159

Full Planning Permission for Change of Use of Existing Building to House Biomass Boiler including Flue (8.5m Total Height), at Ewebrae, Cuminestown, Aberdeenshire, AB53 8JB

Applicant: Mr Colin Sievwright
Agent: James G Ironside Limited

Grid Ref:	E:378096 N:846429
Ward No. and Name:	Turriff And District
Application Type:	Full Planning Permission
Representations:	0
Consultations:	1
Relevant Proposals Map Designations:	Aberdeenshire Local Development Plan RHMA
Complies with Development Plans:	Yes
Main Recommendation	Grant



NOT TO SCALE

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.



1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there was an unresolved objection from a consultee.
- 1.2 This application was deferred at the last meeting of the Formartine Area Committee on 15th May 2018 for further information. The submitted information relates to mitigation measures which would avoid smoke and odour from affecting neighbouring properties by the shutting down of the boiler during specified wind directions as mentioned below and within the attached Condition.
- 1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application was originally presented to the Formartine Area Committee on 15th May 2018 where it was requested by Committee that the application be deferred to allow Environmental Health to assess further information which was submitted on the 14th May 2018.
- 2.2 This application seeks retrospective planning permission for the change of use of existing building to house a biomass boiler including flue (8.5m total height) at Ewebrae which is located approximately 4.9km to the south of the village of Cuminstown.
- 2.3 Ewebrae Farmhouse which is owned by the applicant is approximately 15m to the south west of the building in which the boiler is installed and a number of outbuildings lie to the west and south west of the application site. Immediately to the north of the boiler is an unclassified road whilst beyond there are open fields belonging to the applicant. Surrounding the application farm complex there are fields belonging to the applicant. There are 2 other dwellinghouses within approximately 400 metres of the steading and the location of the boiler. The nearest is Bogside which is approximately 370 metres to the north of the boiler. Appendix 2 contains the Location Plan and Appendix 3 contains the Site Plan.
- 2.4 The boiler is located within a converted steading and only the flue is visible externally. The boiler measures approximately 3.6m x 1.7m x 2.6m, whilst external section of the flue would protrude approximately 4m beyond the ridge line. Appendix 4 contains the Cross Sections and Elevations.

2.5 In support of this application the agent has provided the following reports:

- Non-domestic Renewable Heat Incentive Emissions Certificate dated 2nd June 2015
- Air Quality Impact Assessment by The Airshed Ltd dated 26th March 2018

2.6 The application was submitted as a result of an Enforcement complaint (COMP/2017/0037) for unauthorised development for the alleged installation of Biomass boiler without prior notification or planning permission. A S33A notice was served on 3rd August 2017 requiring the developer to submit a retrospective planning application.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Infrastructure Services (Environmental Health)** have removed their earlier objection to this proposal on the grounds that a condition is attached in relation to the fitting of a Weather Station Control to the biomass boiler.

5. Discussion

5.1 The main issue to consider within this report relates to the additional information submitted to Environmental Health post the Formartine Area Committee on 15th May 2018 and whether this would reduce the impact of the boiler on the amenity of the neighbouring dwellinghouses. The Members were satisfied with the principle of the development, the visual impact and all other matters except for the initial objection from Environmental Health on the grounds of Air Quality as the emissions from the development would result in undue loss of amenity for the surrounding properties.

Principle of development

5.2 Policy C2 Renewable energy states that we will support biomass energy developments which are in appropriate sites and the right design. It is necessary to consider the impact of the development upon neighbouring dwellinghouses in order to determine compliance with this policy.

Mitigation Measures

5.3 The applicant has proposed that a 'Hager Intelligent KNX Weather Station Control' is fitted to the biomass boiler in association with a 'Domovea User Interface Unit', which will control the combustion process of the said boiler during specified wind directions thereby avoiding smoke and odour from affecting neighbouring properties by the shutting down of the boiler during such wind directions.

Environmental Health are satisfied with the proposed Weather Station, as long as it is specified within the attached Condition the specified wind direction of southerly winds predicted between 350 degrees and 10 degrees (covering Bogside) and easterly winds predicted between 270 degrees and 280 degrees (covering Ewebrae Cottage).

Given that there are 2 no. dwellinghouses that are in private ownership located in close proximity to the biomass boiler and flue stack that are being affected by smoke/odour emanating from the flue stack during unfavourable wind directions and wind speeds, Environmental Health are satisfied that this proposal and condition would mitigate these current issues.

Conclusion

- 6.1 In conclusion, on the grounds that Environmental Health have withdrawn their objection to the biomass boiler on the grounds that a 'Hager Intelligent KNX Weather Station Control' is fitted to the biomass boiler in association with a 'Domovea User Interface Unit', which will control the combustion process of the said boiler during specified wind directions thereby avoiding smoke and odour from affecting neighbouring properties by the shutting down of the boiler during such wind directions, the Planning Service are therefore recommending approval of the proposal.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application was a Departure from the valid Local Development Plan. The application has also been advertised. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT subject to the following condition:-

01. No later than 6th July 2018 the following equipment, 'Hager Intelligent KNX Weather Station Control' and the 'Domovea User Interface Unit', must be fitted to the biomass boiler hereby approved and be fully operational. The equipment must shut down the combustion process of the boiler hereby approved during Southerly winds predicted between 350 degrees and 10 degrees (covering the property Bogside) and Easterly winds predicted between 270 degrees and 280 degrees (covering the property Ewebrae Cottage). Once operational the aforementioned equipment must remain in operation at all times and be maintained for the lifetime of the boiler.

Reason: To ensure that emissions from the development do not result in the undue loss of amenity for surrounding neighbouring properties by way of a nuisance through odours and smoke.

11.2 Reason for Decision

01. The proposal now complies with the Local Development Plan as Environmental Health are prepared to withdraw their objection to the biomass boiler on the grounds that a 'Hager Intelligent KNX Weather Station Control' is fitted to the biomass boiler in association with a 'Domovea User Interface Unit', which will control the combustion process of the said boiler during specified wind directions thereby avoiding smoke and odour from affecting neighbouring properties by the shutting down of the boiler during such wind directions. The Planning Service are therefore recommending approval of the proposal.

Stephen Archer
Director of Infrastructure Services
Author of Report: Jennifer Chalmers
Report Date: 23 May 2018

APP/2018/0159

Appendix 1 – Report as presented to Formartine Area Committee on 15th May 2018

1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report. They are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application seeks retrospective planning permission for the change of use of existing building to house a biomass boiler including flue (8.5m total height) at Ewebrae which is located approximately 4.9km to the south of the village of Cuminestown.
- 2.2 Ewebrae Farmhouse which is owned by the applicant is approximately 15m to the south west of the building in which the boiler is installed and a number of outbuildings lie to the west and south west of the application site. Immediately to the north of the boiler is an unclassified road whilst beyond there are open fields belonging to the applicant. Surrounding the application farm complex there are fields belonging to the applicant. There are 2 other dwellinghouses within approximately 400 metres of the steading and the location of the boiler. The nearest is Bogside which is approximately 370 metres to the north of the boiler. Appendix 1 contains the Location Plan and Appendix 2 contains the Site Plan.
- 2.3 The boiler is located within a converted steading and only the flue is visible externally. The boiler measures approximately 3.6m x 1.7m x 2.6m, whilst external section of the flue would protrude approximately 4m beyond the ridge line. Appendix 3 contains the Cross Sections and Elevations.
- 2.4 In support of this application the agent has provided the following reports:
 - Non-domestic Renewable Heat Incentive Emissions Certificate dated 2nd June 2015
 - Air Quality Impact Assessment by The Airshed Ltd dated 26th March 2018
- 2.5 The application was submitted as a result of an Enforcement complaint (COMP/2017/0037) for unauthorised development for the alleged installation of Biomass boiler without prior notification or planning permission. A S33A notice was served on 3rd August 2017 requiring the developer to submit a retrospective planning application.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Infrastructure Services (Environmental Health)** has objected on the grounds of Air Quality as the emissions from the development will result in undue loss of amenity for surrounding properties

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2017

Policy P1 Layout, siting and design

Policy P4 Hazardous and potentially polluting developments and contaminated land
Policy C2 Renewable energy

5.4 Other Material Considerations

None

6. Discussion

- 6.1 The main issue to consider is the impact of the boiler on the amenity of the neighbouring dwellinghouses. Further to this the proposals must be assessed in terms of the visual impact on the character of the steading and the surrounding area.

Principle of development

- 6.2 Policy C2 Renewable energy states that we will support biomass energy developments which are in appropriate sites and the right design. It is necessary to consider the impact of the development upon neighbouring dwellinghouses in order to determine compliance with this policy.

Design and Visual Impact

- 6.3 In consideration of the visual impact from the boiler, there are no concerns as the boiler is small scale and is located within an existing steading which lies within a wider agricultural complex.
- 6.4 In relation to the steading the only external changes is the introduction of a flue which extends beyond the ridge of the steading roof by approximately 4m. This is not considered to have a detrimental visual impact on the surrounding area or on the steading itself as there are multiple heights of surrounding buildings in the farm and there are also telegraph poles adjacent on the road verge.

Impact on the amenity of nearby residents from smoke and odours

- 6.5 The boiler is within 400m of 2 dwellinghouses. Environmental Health have considered the information submitted by the applicant regarding the biomass boiler. An Air Quality Impact Assessment has been carried out to assess local air quality. The assessment considers the potential adverse impacts of emissions on human health in terms of statutory EC air quality Limit Values for (Nitrogen Dioxide -NO₂) and the Scottish Government's Objectives for particles (Particulate Matter - PM₁₀).
- 6.6 The results from this assessment indicate that the emissions from the boiler comply with the EC Statutory Annual Mean Limit Value for NO₂ and the Scottish Government's Air Quality Objective for PM₁₀. The predicted increases in the annual mean NO₂ from the boiler are predicted to be negligible at all sensitive receptors considered within the study area in terms of the non-statutory professional Guidance published by the Institute of Air Quality Management. The

predicted impact in terms of PM₁₀ is of slight adverse significance at Ewebrae Farm and insignificant elsewhere. Overall, air quality impacts are highly unlikely to exceed the EC Limit Values for NO₂ and the Scottish Governments Objectives for PM₁₀.

- 6.7 Environmental Health have considered the findings within the Air Quality Impact Assessment and accept the findings for PM₁₀ and NO₂, however, Environmental Health still have concerns regarding the smoke and odour associated with these emissions as a result of burning such 'approved' fuel, which is causing nuisance to the nearby sensitive receptors. There are 2 dwellinghouses that are in private ownership located in close proximity to the biomass boiler and flue stack that are having to endure the smoke / odour during favourable wind directions and wind speeds.
- 6.8 Environmental Health Service is of the opinion that there will be an impact on the amenity of the surrounding properties due to the operation of the said boiler and the resultant smoke emissions from the flue stack. There is currently no arrestment or filtration of the smoke emissions to minimise the aforementioned impact. As a result the emissions from the development is causing undue loss of amenity for the surrounding properties. The Planning Service share these concerns and considers that the proposal fails to comply with Policy C2 as there would be negative impacts on occupiers of nearby properties and Policy P4 due to detrimental impacts on air quality.

Conclusion

- 6.9 In conclusion, notwithstanding the change of use of the agricultural steading being considered acceptable, Environmental Health have objected to the smoke and odour nuisance and potential impact of the biomass boiler upon the amenity of neighbouring residents. The Planning Service share these concerns and find that the proposed biomass boiler fails to comply with Policy C2 and Policy P4 in that the development would cause a significant impact on amenity to the surrounding dwellinghouses. The application is therefore recommended for refusal.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy C2 Renewable energy

Policy P4 Hazardous and potentially polluting developments and contaminated land

10.3 The application is a Departure from the valid Local Development Plan. The application has also been advertised. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

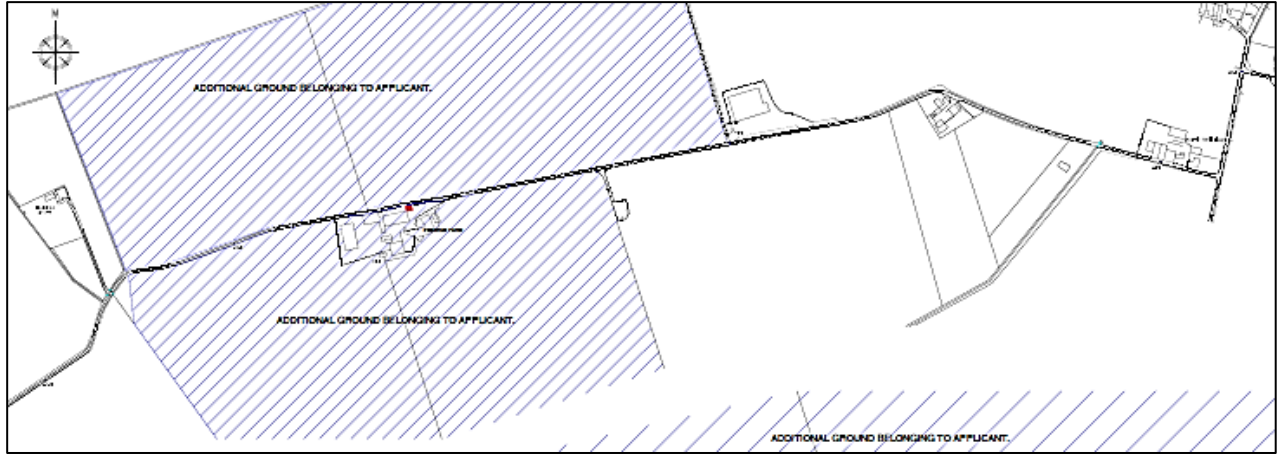
11.1 REFUSE for the following reason:-

01. The proposal fails to comply with Policy P4 Hazardous and potentially polluting developments and contaminated land and Policy C2 Renewable energy of the Aberdeenshire Local Development Plan 2017 as emissions will cause an unacceptable loss of amenity to nearby dwellinghouses.

Stephen Archer
Director of Infrastructure Services
Author of Report: Jennifer Chalmers
Report Date: 27 April 2018

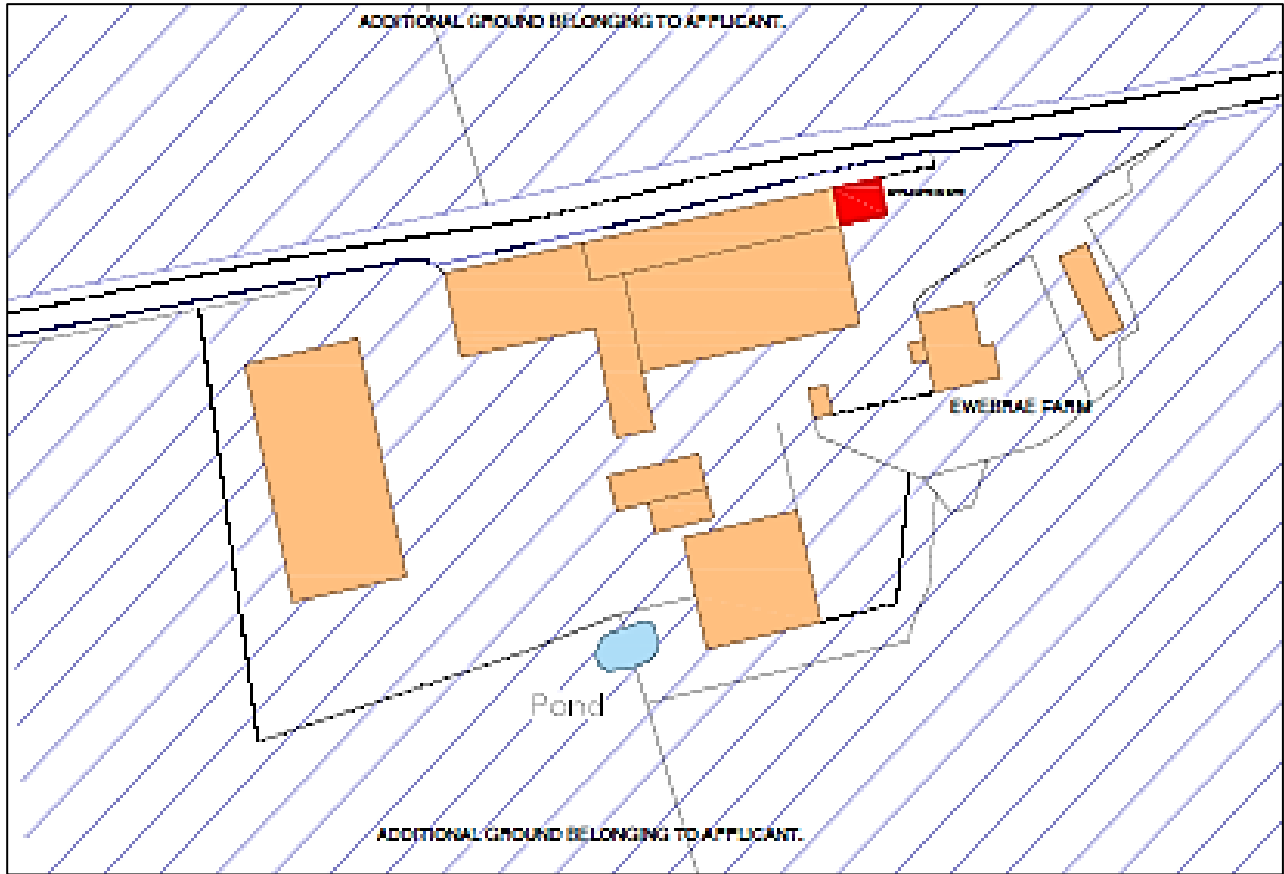
APP/2018/0159

Appendix 2
Location Plan



APP/2018/0159

Appendix 3
Site Plan



APP/2018/0159

Appendix 4
Elevations & Cross Section

