
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

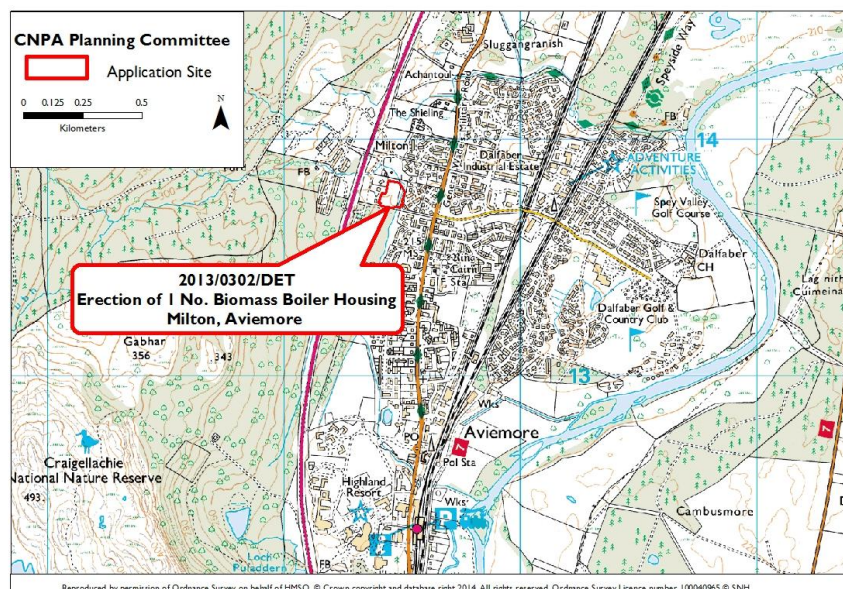
DEVELOPMENT PROPOSED: ERECTION OF 1 NO. BIOMASS BOILER HOUSING TO SERVICE PROPOSED HOUSING DEVELOPMENT AT LAND SOUTH EAST OF MILLSIDE HOUSE, MILTON, AVIEMORE

REFERENCE: 2013/0302/DET

APPLICANT: ALLAN MUNRO CONSTRUCTION LTD

DATE CALLED-IN: 23 September 2013

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



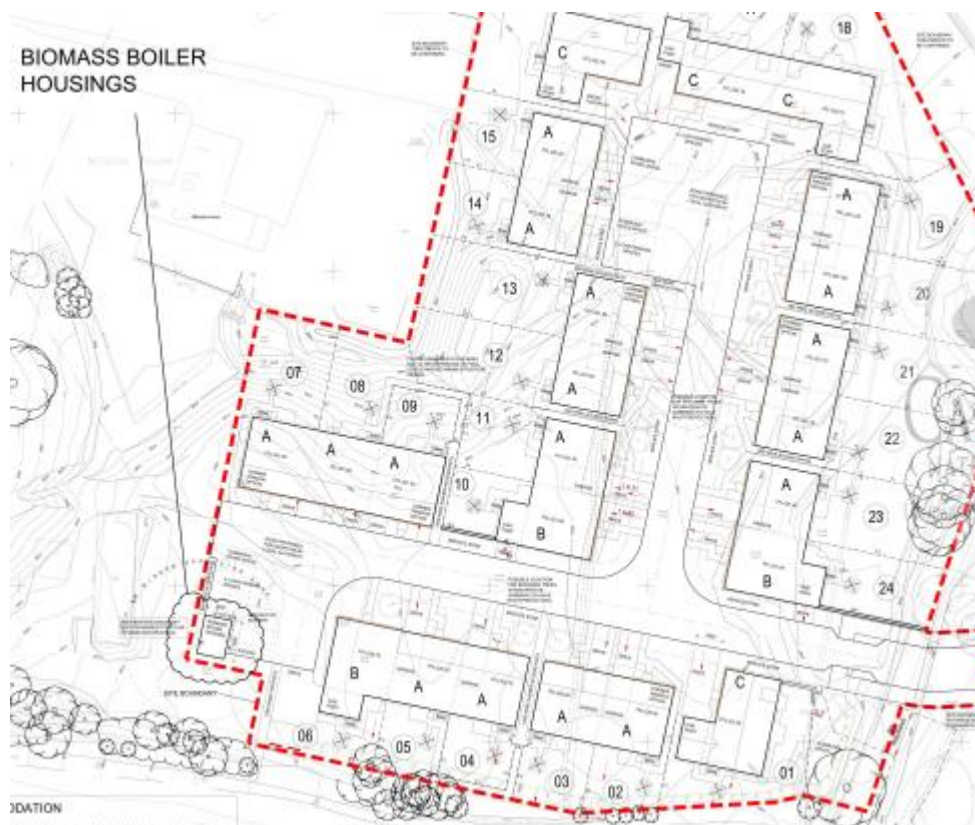
Grid reference: (E/28945, N/813744)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application seeks full planning permission to construct a biomass boiler house to provide heating to a small housing scheme to the south east of Millside House, Milton, off Grampian Road, Aviemore.
2. This housing site is under construction and is located to the east of the A9 towards the northern end of Aviemore. The wider housing site is bounded to the east by the Milton Burn, to the south by the Aviemore orbital path, and to the west by a sloping site containing two houses (Millside and Aanside) and the remains of a former mill. The area to the north rises gently towards two further detached dwellings and further housing lies to the east at Grampian View. Access to the site is via Grampian View through an established residential area and across the Milton Burn.
3. The proposed boiler house is located in the south west corner of the site beside a parking area, with the nearest housing being that under construction on plot 6 some 13 metres to the east. To the west is land occupied by a former mill building. This location is shown in **Figure 2** below.

Figure 2 – Location of Boiler House

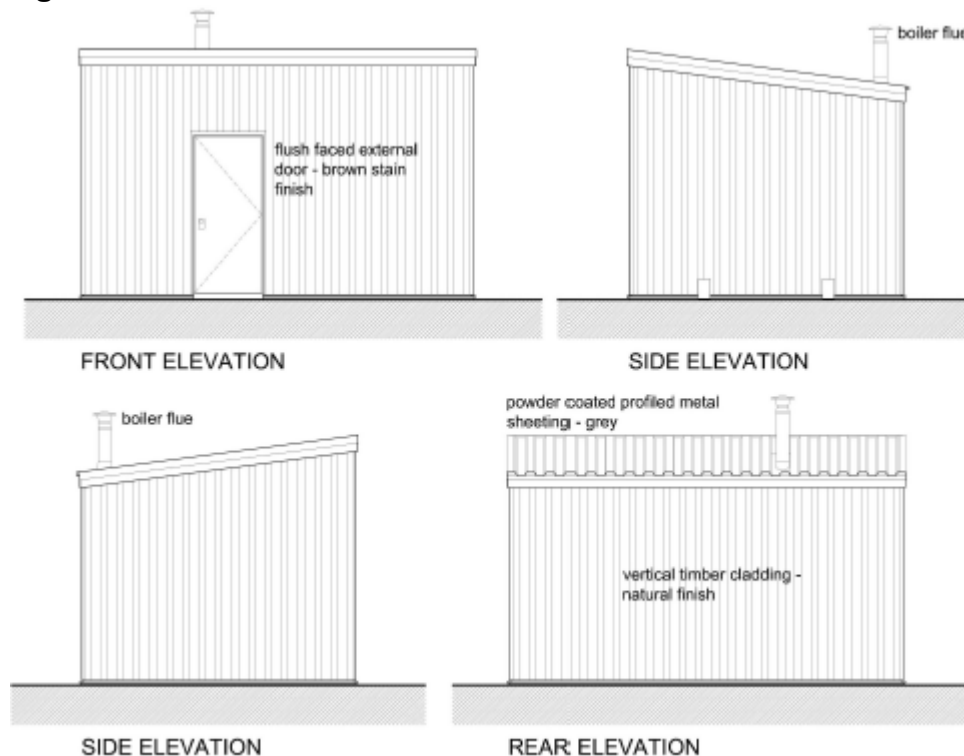


Development Proposal

4. The proposed boiler house is of simple, functional design being a lean-to building with timber clad walls and profiled grey metal sheeting monopitch roof. It will measure 3.5 metres by 5 metres and 3 metres high. A flue will be situated above the

roof to a height of around 1 metre. The proposed design is shown in **Figure 3** below.

Figure 3 –Elevations of Boiler House



5. The building will contain two 35 kW boilers (one of which is a back up) and this will provide heating to the southern half of the scheme by providing underground ducted hot water for both space and water heating.
6. The applicant's agent advises that each boiler modulates between 7.4 and 35 Kw meaning that the 35 kW is only called upon when required, and the system can run at a reduced level to reflect demand. Both boilers are set up in a cascade system so that the second boiler will only be in use when there is demand. The boilers will be fed by wood pellets which will be stored within the boiler house. The store will be filled by blowing the pellets from the delivery lorry and around 3 deliveries per year are anticipated.
7. The proposal was originally submitted for two boiler houses one of which was located further north within the scheme, beside plot 13. Following concerns raised by Highland Council's Environmental Health Service regarding the need to meet air quality requirements in relation to window heights of adjacent houses this boiler house was withdrawn from the submission. The application was duly amended to one boiler house only and those parties who had made representations were advised accordingly.

Site History

8. There have been a number of planning applications on this site, the key ones can be summarised as follows:

- a) 09/0153/CP - planning permission was refused by the CNPA planning committee for the erection of 25 houses and formation of access road at this site. This decision was successfully appealed to the Scottish Government's Directorate of Environmental and Planning Appeals and full planning permission was granted subject to conditions in September 2010. (Prior to this decision there had been a number of previous applications for housing.) This consent remains live.
 - b) 2013/0303/DET - an application under section 42 of the planning act to amend a planning condition in order to revise the finished floor levels of the houses on the approved scheme was approved at the November 2013 meeting of the CNPA Planning Committee.
9. Subsequent to these decisions work has been ongoing on the construction of the houses. In April this year it was brought to the attention of the Enforcement Officer that work appeared to have started on construction of a boiler house. On investigating the situation it was found that the base for the currently proposed boiler house had been installed. The developer immediately stopped work. It is understood that the work had proceeded in order to install piping infrastructure beneath the base to avoid damage at a later date.

DEVELOPMENT PLAN CONTEXT

National policy

10. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth and has the basic aim "to achieve the right development in the right place."
11. SPP sets out the Scottish Government's commitment to increase the amount of electricity generated from renewable resources as a vital part of the response to climate change. It highlights the importance of heat production from renewable sources and the contribution that can be made through district heating schemes and biomass plants.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

12. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Par. These are designed to deliver the four aims of National Parks in Scotland and include:
 - a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and

- c) People enjoying the park through outstanding visitor and learning experiences.
- 13. Specific policy priorities are set out to help deliver the long term outcomes of the Partnership Plan. Of particular relevance to this application is Policy 2.8 which seeks to enhance the design and sense of place in new development and existing settlements by amongst other matters promoting a high standard of sustainable design, energy efficiency, sustainability sourced materials and construction in new development.
- 14. Also relevant is Policy 1.3 which supports the development of a low carbon economy with a particular focus on increasing renewable energy generation, particularly biomass and hydro that is compatible with conserving the special qualities of the National Park. This policy also seeks to support communities to use less energy and maximise the benefits to communities of using locally generated energy as well as promoting high standards of sustainable design and efficient use of energy and materials in construction.

Local Plan Policy Cairngorms National Park Local Plan (2010)

- 15. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at:
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
- 16. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop and all relevant policies of the Plan apply. The following paragraphs list a range of the key policies that are appropriate to consider in the assessment of the current development proposal.
- 17. Policy 16: Design Standards for Development which sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of the sustainable design guide.
- 18. Policy 6: Landscape which sets out that there will be a presumption against development which does not conserve and enhance the landscape character of the National Park unless any significant adverse effects are outweighed by social or economic benefits of national importance and all adverse effects can be mitigated.
- 19. Policy 15: Renewable Energy Generation is also of relevance which supports small scale renewable energy schemes which support the aims of the National Park, the Park Plan's strategic objective regarding energy production, and where they contribute positively to the minimisation of climate change and complement the sustainability credentials of the development.

Supplementary Planning Guidance

20. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. With this application the key document is the Sustainable Design Guide which sets out the principles to be considered when planning new development in the Park and highlights the role of incorporating small scale renewable or low carbon energy systems into developments.

CONSULTATIONS

21. **Scottish Environment Protection Agency (SEPA)** originally objected to the application on the grounds of lack of information. The Agency also advised that they had no objections in relation to flood risk issues as the site lay outwith the 1 in 200 year flood extent estimated in the original flood risk assessment for this site. They recommended that the applicant contact the local Flood Prevention Unit for advice on appropriate levels of free board in the area.
22. Following receipt of additional information SEPA removed their objection and noted that the Environmental Health colleagues would be able to advise on any regulation issues as this size of boiler would not be regulated by SEPA. (The Agency regulates systems of 20 mW or more)
23. **Highland Council Environmental Health Service** has assessed the proposals in relation to technical guidance on air quality and “Biomass and Air Quality guidance for Local Authorities.” They conclude that the location of the proposed single boiler house is acceptable in relation this guidance and should not have a significant impact upon local air quality due to its location relative to housing (some 13 metres distant). They have also recommended imposition of a planning condition to cover noise levels.
24. **Aviemore and Vicinity Community Council** was consulted and objected to the original application for two boiler houses on the following grounds :
- a) Design of boiler houses are simply sheds which will not fit in with the standard of design for the new houses. In particular the boiler house beside plot 13 will stand out in the middle of the scheme.
 - b) Lack of information submitted to consider impacts of smell, noise and dust on housing in the area which is located in a natural hollow where houses sit above the site whereby they will be directly affected by these factors.
 - c) Public health concerns regarding safety of storage of wooden pellets and dangers of carbon monoxide poisoning for any parties seeking to gain unauthorised access to the unit.
25. The Community Council has requested the opportunity to be heard at Committee in order to comment on issues identified in any subsequent submission on this application. As noted in paragraph 7 earlier, when the application was revised to one boiler house only, all parties who made representations, including the Community Council, were advised of this situation.

REPRESENTATIONS

26. The application was advertised in the local press and three representations were received which are attached as **Appendix I**. These are from residents at Millside House to the north west of the proposed boiler house site. They raise concern regarding the following:
- a) Proximity of boiler house to Millside House will result in poor air quality and health concerns , and residents will not be able to open windows
 - b) This above concern is aggravated due to trees being removed on site, prevailing wind being from east and Millside house lying at higher level to the site.
 - c) Noise concerns from operation.
 - d) Odour concerns from smell of smoke permeating house and outdoor drying areas.
 - e) These concerns are based on experience of other biomass installations which are usually located in more remote positions relative to housing
 - f) Concerns re operation of boiler and future deterioration if lower quality wood pellets are used.
 - g) Reference is made to documents submitted at the time of the original housing application which concluded, in terms of sustainability assessment, that biomass boilers were not suitable on this site due to issues with particulates and also advised that a 30 unit scheme was not viable for district heating.
27. As noted earlier in this report, following revision of the original application to remove one of the boiler houses all parties who made representations were advised of the revision and were also advised that unless this Service heard to the contrary their objections would be considered to remain. No further correspondence has been received so it is assumed that the concerns remain as stated above.

APPRAISAL

Principle

28. The principle of using sustainable energy sources is supported by both national and local planning policies and has been employed in other housing developments throughout Scotland. It is therefore welcomed in principle in this scheme. However the key planning issues to consider are those of design and environmental impacts including residential amenity which will now be considered.

Design and Location

29. The simple, functional design of the boiler house is considered to be entirely appropriate to the location which is to the rear of the housing development in an area visually connected to open space and woodland to the south, whereby use of timber cladding is in keeping. The building is small scale and discretely located adjacent to a car parking, where it can be considered to form part of the infrastructure of the housing development. Overall it is considered to readily comply with Local Plan policies on design.

Environmental Impacts

30. The boiler house meets the requirements of air quality guidance and is acceptable to our technical advisors in Environmental Health in terms of proximity to housing, the nearest being at plot 6 on the development site. The concerns of residents are noted, but in this case the boiler house is around 50 metres from Millside House and as such it is not considered that there should be any particular impacts upon that property. A noise condition can be attached to regulate noise emissions and the building will require to be constructed to comply with this.

Other Concerns

31. Concern relating to the safety of parties entering the boiler house building without consent is not a matter for the Planning Authority to control, although it is noted that the developers intend to make the building secure which would be in their own interests too.

Conclusion

32. In these overall circumstances the application, as now amended for one boiler house in the south west part of the site, is considered to comply with Local Plan policies and is welcomed as a positive step towards providing sustainable energy source for a new development. Approval is therefore recommended subject to appropriate planning conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

33. The simple design and discrete siting of the proposed development does not detract from this aim.

Promote Sustainable Use of Natural Resources

34. The proposed development readily supports this aim by providing a sustainable energy source.

Promote Understanding and Enjoyment of the Area

35. The proposed development does not relate directly to this aim, although it does provide an opportunity to highlight to residents the principles and benefits of sustainable energy.

Promote Sustainable Economic and Social Development of the Area

36. The provision of sustainable energy should help support this aim by providing a cheaper energy source for residents which will be of economic and social benefit. The construction of the boiler house and its supporting pipework will also be of economic benefit during the construction stage for workers and provision of materials.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for ERECTION OF 1 NO. BIOMASS BOILER HOUSING TO SERVICE PROPOSED HOUSING DEVELOPMENT AT LAND SOUTH EAST OF MILLSIDE HOUSE, MILTON, AVIEMORE: subject to the following planning conditions:

1. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority the finishes of the boiler house shall be completed in accordance with the approved plans.

Reason: To ensure the development fits in with and enhances the amenity of the surrounding area in accordance with Local Plan policies on sustainability and design.

2. Noise levels from the development hereby approved (i.e. the design, installation and operation of any plant, machinery or equipment) shall comply with Noise Rating Curve 25 when measured and/or calculated within any nearby noise sensitive dwelling, and no structure borne vibration shall be perceptible within any nearby noise sensitive dwelling.

Reason: To ensure there is no loss of residential amenity in accordance with Local Plan policies.

Advice notes:

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. It is recommended that construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
3. It is recommended, in line with SEPA's comments dated 7 October 2013 that the developer contacts Highland Council's Flood Prevention Unit for advice on appropriate levels of free board in the area.
4. The developer should take all necessary measures to avoid nuisance to neighbouring residents caused by dust or odour arising from any operations.

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Date: 24 May 2014

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of

the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.