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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

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(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)**

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**DEVELOPMENT PROPOSED: Formation of no. 1 Bio-Mass Boiler Housing Unit to serve housing development At Land South East Of Millside House Milton Aviemore**

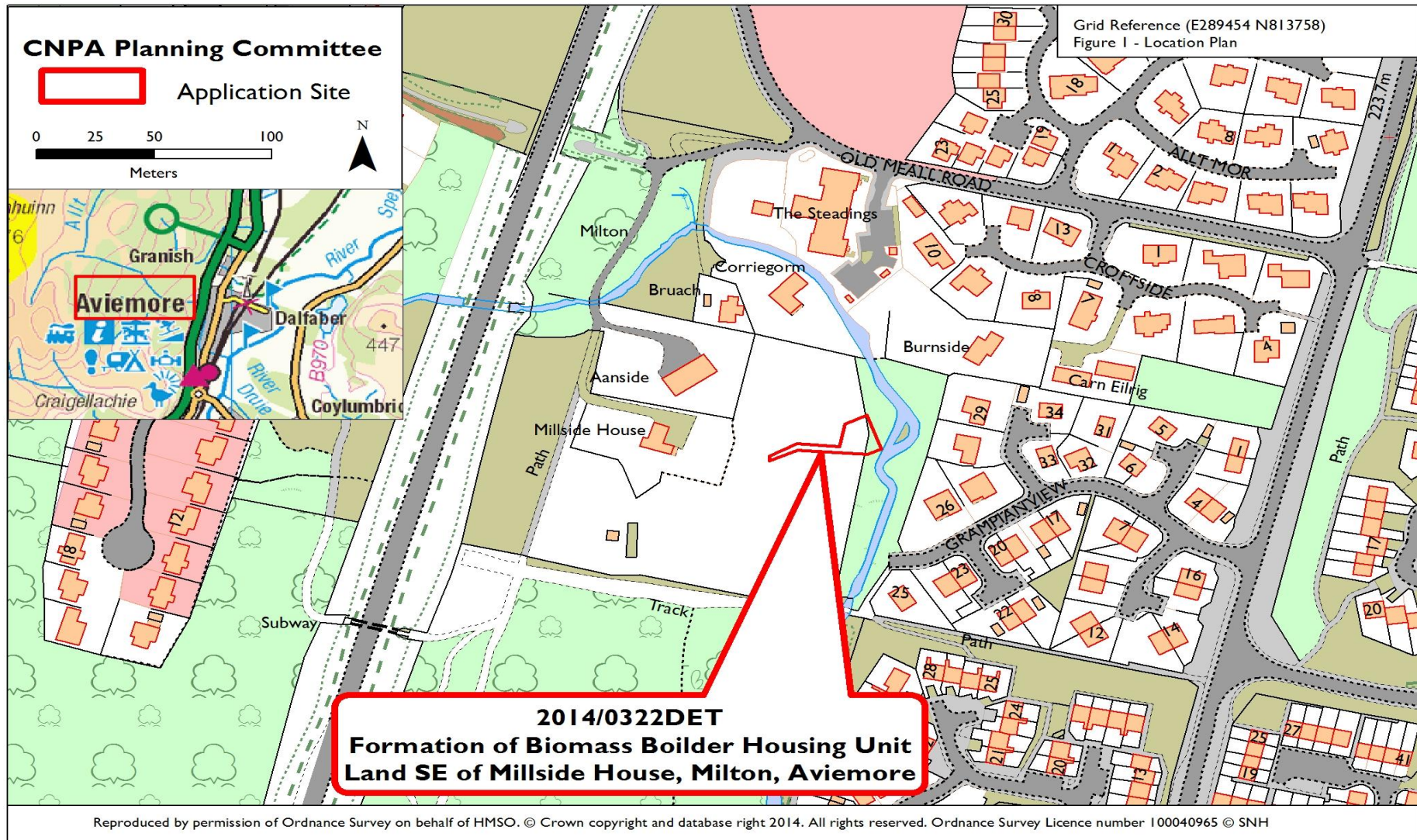
**REFERENCE: 2014/0322/DET**

**APPLICANT: ALLAN MUNRO CONSTRUCTION LTD**

**DATE CALLED-IN: 27 October 2014**

**REASON FOR CALL IN: The proposed development is directly related to applications previously determined by the Cairngorms National Park Authority and it is therefore considered to be of significance to the collective aims of the National Park**

**RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS**



## **SITE DESCRIPTION AND PROPOSAL**

### **Plans and Documents**

1. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below and are available on the Cairngorms National Park Authority website at:

<http://www.eplanningcnpa.co.uk/online-applications/#searchApplications>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan</b>	<b>Date Received</b>
Site Layout As Proposed	3918/02/022	3 October 2014	
Boiler Housing Adjacent Plot 19 Elevations and Visual	3918/08/020 Rev B	29 April 2014	
Location Plan	3918/02/001	Aug 2013	
Boiler House Adjacent Plot 19 Elevations	3918/08/015 Rev A	4 September 2014	

2. Supporting information was also submitted including certification details from the manufacturer and completed biomass information request forms for Environmental Health officers to assess.

### **Site Description and Development Proposal**

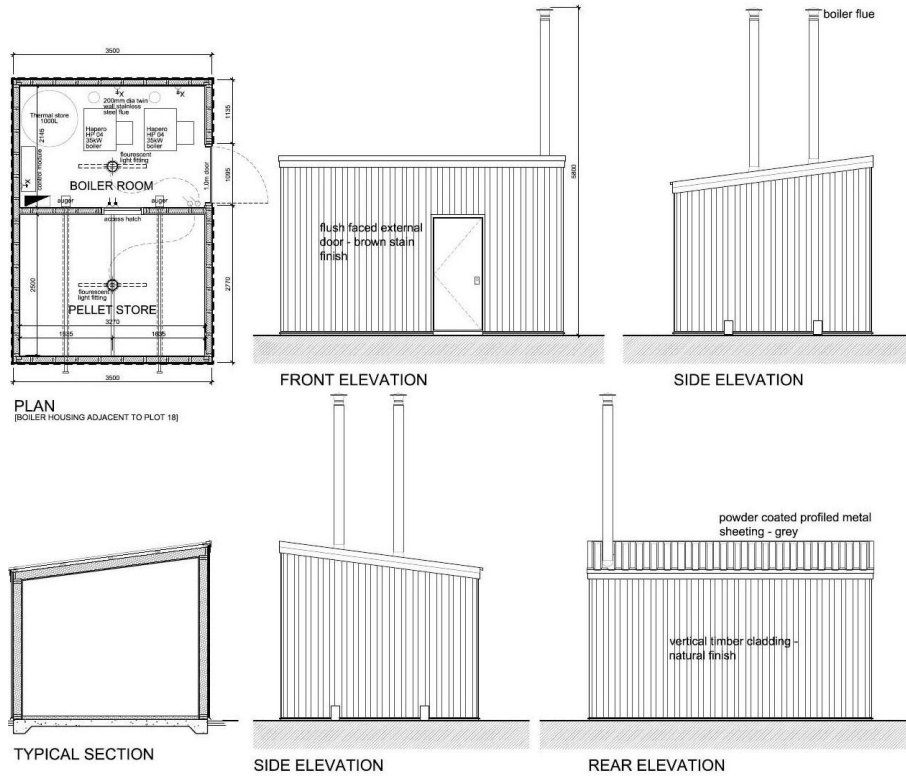
3. This application seeks full planning permission to construct a biomass boiler house to provide heating to a small housing scheme to the south east of Millside House, Milton, off Grampian Road, Aviemore.
4. This housing site is under construction and is located to the east of the A9 towards the northern 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 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.
5. The proposed boiler house is located in the north east corner of the site to the rear of housing plots accessed by a pathway between plots 18 and 19. It will be located around 5 metres from the houses. The site is bounded to the east by open land and the Milton Burn, with houses located at further east on the other side of this sloping land at a higher level. This location is shown in **Figure 2**.



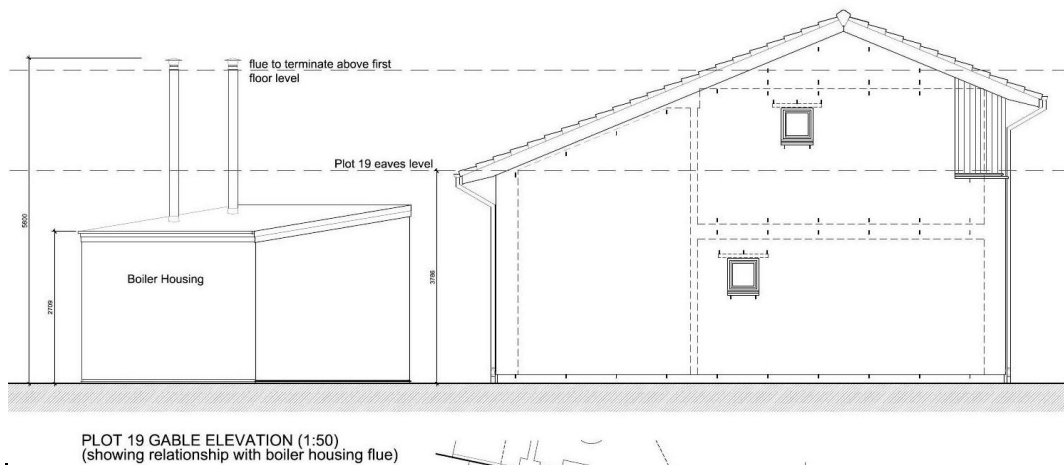


**Figure 2 - Site Plan (extract from applicants' drawing 3918/02/022 for information only)**

6. 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. There will be two flues of height around 3 metres above roof level and a height from ground level of 5.8 metres. The proposed design and relationship to the house approved on plot 19 is shown in **Figures 3 (a) and (b)**.



**Figure 3(a) - Proposed Elevations (Extract from Applicants' Drawing 3918/08/015 Rev A for information only)**



**Figure 3(b) - Proposed Elevations relative to Plot 19 (Extract from Applicants' Drawing 3918/08/020 Rev B – for information only)**

7. The building will contain two 35 kW boilers (one of which is understood to be a back up) and this will provide heating to the northern half of the scheme by providing underground ducted hot water for both space and water heating. 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.

8. A second boiler house serving the southern half of the scheme was approved in June 2014 by the Cairngorms National Park Authority (CNPA) and this has now been constructed. At the time of that application further discussion took place with the applicants, and CNPA and Environmental Health staff to consider suitable locations and appropriate flue height for a second boiler unit.

### Site History

9. 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.
  - c) 2013/0302/DET – an application for a similar boiler house unit in the south west corner of the overall housing site was approved at the June 2014 meeting of the CNPA Planning Committee. (At this time a second boiler house proposed for the centre of the site was removed during consideration of the application by officers in order to discuss alternative locations.)
  - d) 2014/0336/DET – an application for revised house types is currently pending and is the subject of another item on the agenda.
10. Subsequent to these decisions work has been ongoing on the construction of the houses.

## DEVELOPMENT PLAN CONTEXT

### National policy

11. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.

12. The SPP sits alongside four other Scottish Government planning policy documents:
- The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
  - **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
  - **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
  - **Circulars**, which contain policy on the implementation of legislation or procedures.
13. 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)**

14. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. It shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
15. Three long term outcomes for the Park are set out as follows:
- 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.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

16. 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.
17. 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.
18. The CNP Partnership Plan can be viewed on the Cairngorms National Park Authority website at <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=299>

### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

19. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
20. 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. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
  - Chapter 3 - Conserving and Enhancing the Park;
  - Chapter 4 - Living and Working in the Park;
  - Chapter 5 - Enjoying and Understanding the Park.
21. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
22. *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.



23. *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.
24. *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.
25. *Policy 12: Water Resources* which seeks to ensure that resources are used sustainably, with a presumption against development which does not meet various criteria relating to flooding.

### **Supplementary Planning Guidance**

26. 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.

### **Proposed Cairngorms National Park Local Development Plan (LDP)**

27. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the proposed Cairngorms National Park Local Development Plan (LDP) over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt in February 2015. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.
28. There are no significant differences between the policies contained in the Proposed LDP (as modified) relating to the current application as compared to the 2010 Local Plan policies as noted above.

## CONSULTATIONS

29. **Scottish Environment Protection Agency (SEPA)** has no objections. They note that according to their flood maps the site lies adjacent to a medium likelihood flood extent area. A previous flood risk assessment for the overall site demonstrated that there was no risk to the development. This proposed boiler house is outwith the 1 in 200 year flood extent and SEPA have no objections. They recommend that the developer contacts the local Flood Prevention Unit for advice on appropriate levels of freeboard for the area.
30. **Highland Council Flood Prevention Unit** advises that they have assessed the application and a 600 mm freeboard level on finished floor levels is recommended.
31. **Highland Council Environmental Health Service** has no objection subject to a standard noise condition being attached. They have also assessed the proposals air quality and are satisfied that the impact should not be significant and have no objections.
32. **Highland Council Transport Planning Team** have no objections but note that access to the boiler is via a footway which may cause some access issues for delivery of pellets and maintenance. Also that the layout of the turning head may restrict manoeuvring by delivery vehicles. *Note – these comments were passed onto the applicants' agent who has contacted the supplier, who has confirmed that the layout complies with their requirements that there should be a maximum distance of 20 metres from delivery lorry to boiler unit.*
33. **Aviemore and Vicinity Community Council** advise they have no comments.

## REPRESENTATIONS

34. The application was advertised in the local press and no representations have been received. The applicants' agent has requested to be **heard** at Committee.

## APPRAISAL

### Principle

35. 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. The key planning issues to consider are those of design and environmental impacts including residential amenity as set out below.

### **Design and Location**

36. The simple, functional design of the boiler house is considered to be entirely appropriate in this location. The location itself is visually discrete, to the rear of housing. Whilst the flue height is relatively high this is necessary to achieve air quality requirements and the development will be enclosed and viewed as part of the housing development. In addition there is likely to be various rear garden outbuildings and ancillary structures over time in the wider housing scheme. Overall the proposed development is considered to comply with Local Plan Policies 6 and 16 on Design and Landscape, respectively.

### **Environmental Impacts**

37. The boiler house meets the requirements of air quality guidance and is acceptable to our technical advisors in Environmental Health. A noise condition is recommended to regulate noise emissions and the building will require to be constructed to comply with this to ensure that there will be no adverse impact upon the amenity of neighbouring properties. It is also considered that there should not be any adverse impacts upon future residents in the housing scheme, who will benefit from the sustainable energy provision secured. The proposals therefore comply with Policy 15 Renewable Energy Generation.
38. Both SEPA and the Highland Council Flood Prevention Unit have raised no objections to the proposals. It is suggested that an informative be added to recommend the incorporation of a 600 mm of freeboard on finished floor levels as recommended by Highland Council's Flood Prevention Unit. Accordingly, the proposals comply with Policy 12 Water Resources.

### **CONCLUSION**

39. In these overall circumstances the application is considered to comply with Local Plan policies and is welcomed as a positive step towards providing a 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**

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

**Promote Sustainable Use of Natural Resources**

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

**Promote Understanding and Enjoyment of the Area**

42. 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**

43. 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 the Formation of no. 1 Bio-mass Boiler Housing Unit to serve housing development at Land South East Of Millside House Milton Aviemore, subject to the following conditions:**

1. No development shall commence until details of the proposed boundary enclosures have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The boundary enclosures shall thereafter be completed in full accordance with the approved details before the unit is brought into operation.

**Reason:** To ensure the development fits in with and enhances the amenity of the surrounding area in accordance with Local Plan policies 6 and 16 on sustainability and design

2. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority the finishes of the boiler house shall be completed in full 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 6 and 16 on sustainability and design.

3. 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 15 and 16 on renewable energy and design.

**Informatives:**

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. 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. The development should be designed to incorporate 600 mm of freeboard on finished floor levels as recommended by Highland Council's Flood Prevention Unit.
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: 16 December 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.