Recommendation Report for Planning Permission

REF NO: **BR/318/13/**

LOCATION: Rear of
13 and 15 Richmond Avenue
Bognor Regis

PROPOSAL: Placement of Biomass cabin and pellet store to rear garden including pipework.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The biomass boiler cabin and pellet store are to be housed in two attached buildings measuring a total of 4.9 metres in width by 6.069 metres in length and 2.5 metres in height. Two 2 metre high flues will be mounted on the roof of the building. The boiler will provide heat for the residential care home via underground pipework. The buildings would be located to the rear of the site where a pergola currently stands on an area of lawn and adjacent to a single storey flat roofed garage.
SITE AREA	Approximately 1580 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear of the site is enclosed by a mix of brick walling and various styles of timber fencing, up to approximately 2 metres in height.
SITE CHARACTERISTICS	The site is occupied by a residential care home which is housed within a group of interconnected 2.5 storey buildings. There are various detached buildings & structures to the rear of the primary buildings.
CHARACTER OF LOCALITY	The site is located within the built-up area on a residential road which is characterised by a high density arrangement of residential buildings. A service road passes directly to the rear of the site.

RELEVANT SITE HISTORY

BR/204/88	Extension to 13 Richmond Avenue, Alterations to 13 & 15 Richmond Avenue, First floor link between 15 & 17 Richmond Avenue.	ApproveConditionally 03-05-1988
BR/100/90	Extension to existing Residential Care Home	ApproveConditionally 09-04-1990
BR/199/96	Construction of electric vehicle garage and an arts and crafts building	ApproveConditionally 10-10-1996
BR/27/05/	Conservatory extension to residential dwellling.	ApproveConditionally 18-02-2005

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

Arun D.C. Environmental Health:

INITIAL RESPONSE - "The application includes the installation of 2X90kw biomass boilers served by a single chimney terminating 2m above roof height. As the boilers are situated in an urban area, an air quality assessment should be required. Conditions relating to assessment and certification, fuel quality and maintenance should be attached to any approval."

RESPONSE AFTER FURTHER INFORMATION RECEIVED - "Upon consideration of the information available I consider it unlikely that the boilers will give rise to an exceedence of Air Quality Objectives, consequently the requirement to submit an air quality assessment is unnecessary. It is also apparent that the boilers are certified exempt for use in smoke control areas under Clean Air Act 1993. Conditions relating to fuel quality and maintenance should remain."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN21	Renewable Energy
	GEN32	Noise Pollution
	GEN34	Air Pollution

Publication Version of the Local Plan (October 2014):

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The two biomass boilers and associated pellet store will be housed in two timber clad steel containers. The total size of this twin structure will be 4.9 metres in width by 6.069 metres in length and 2.5 metres in height (but then with two 2 metre high flues extending from the flat roof). It will be operational all year around.

The site is located within the built up area where development is permitted, subject to the other policies in this plan. The proposal is therefore acceptable in principle. Furthermore, the general thrust of the National Planning Policy Framework and the purpose of the planning system is "to contribute to the achievement of sustainable development" (paragraph 6) & "support the transition to a low carbon future in a changing climate..... and encourage the use of renewable resources (for example, by the development of renewable energy)" (paragraph 17). To this end, in order to support the move to a low carbon future, local planning authorities should "actively support energy efficiency improvements to existing buildings" and "recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions" (paragraphs 95-98).

The proposal to install two 90kW biomass boilers to meet the energy requirements of the care home will reduce the existing carbon footprint and introduce a renewable energy source into an area where it will set an example to others. It therefore meets the fundamental wider planning objective of achieving sustainable development and tackling climate change. On this basis, the proposal is considered to be in accordance with the National Planning Policy Framework.

Notwithstanding, the site is located within a residential area where it could result in noise, visual or air pollution to nearby residents. The design of the building is considered to be simple and aside from the two flues unobtrusive. The location of the site is also key - with the boiler cabins being adjacent to a back street at the end of the gardens and therefore some distance away from actual residential accommodation. In this context, it is not considered that the proposal is out of character with the surroundings.

With regards to air quality and noise, Environmental Health Officers have considered the proposals and initially proposed a series of conditions including the requirement for an air quality assessment. However, following the submission of further information, it was no longer

considered necessary to provide one. A number of conditions are still recommended and these are shown below under the recommendation for approval. As stated above, the boilers are located at the back of the site and are adjacent to a back street. Therefore, whilst in a residential area, the boilers have been sited carefully to minimise any impact on residential amenity. It is also noted that no residents have objected (and site notices were placed both on Richmond Avenue and on the back street where residents of both Richmond Avenue & Aldwick Road park their cars or access their properties from).

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans: "Cabin pellet/boiler store design" (02/10/2013); "Block Plan" @ 1:500; CR-NOV13-01 "Elevations/Cabin Layout"; "Location Plan" @ 1:1250; CR-NOV13-01 "Elevations/Pipe Run" (2 drawings); and CR-NOV13-01 "Plan/Pipe Location".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7, GEN32 & GEN34 of the Arun District Local Plan.

3 Development shall not commence unless and until a written declaration that wood pellets conforming to a recognised fuel quality standard will be consistently used in the biomass boiler has been submitted to and approved in writing, by the Local Planning Authority. The stated fuel standard shall be used in the biomass boiler in the future.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN34.

4 Development shall not commence until full details of the maintenance and management of the biomass boiler is submitted to, and approved in writing, by the Local Planning Authority. The management/maintenance plan shall include details in respect of the removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning. The site owner shall strictly adhere to and implement the recommendations contained within the management/maintenance plan.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN34.

5 Before the development hereby permitted commences, a scheme shall be submitted and approved by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

6 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7 INFORMATIVE: The applicant is advised that the further requirements of the Clean Air Act 1993 still apply, and that non-compliance is an offence. Section 4 requires the notification to this Authority of the installation of any furnace with a maximum heating capacity of >16.12kW. Section 6 requires furnaces burning solid matter at a rate >45.4kg per hour to be fitted with grit & dust arrestment plant approved by this Authority (certain classes of furnaces are exempt from this requirement). Sections 14-16 require the height of chimneys serving furnaces burning solid matter at a rate >45.4kg per hour to be approved by this Authority. In assessing the height of the chimney reference should be made to the Third Edition of the 1956 Clean Air Act Memorandum on Chimney Heights. There is an overriding minimum requirement that a chimney should terminate at least 3m above the level of any adjacent area to which there is general access (i.e. ground level, roof areas or adjacent openable windows). A Clean Air Act application form is available from the following link: http://www.arun.gov.uk/documentHandler.cfm?dld=3063&pflag=docm93jijm4n3063.