

Perth and Kinross Council
Development Management Committee – 20 February 2013
Report of Handling by Development Quality Manager

**Installation of biomass heating system at Rattray Primary School, High Street
Rattray PH10 7DG**

Ref. No: 12/01960/FLL

Ward No: 3 – Blairgowrie and Glens

Summary

This report recommends approval of a stand alone biomass heating system, including an 8 metre flue situated within the rear grounds of Rattray Primary School, adjacent to the existing boiler house.

BACKGROUND AND DESCRIPTION

- 1 The application site relates to an isolated area of 30sqm within the grounds of Rattray Primary School. The existing school building structures are a composition of various architectural styles, façade treatments and finishes, highlighting various past extensions to the original stone building. The building elements are all linked, with a mixture of single and two storey with both pitched and flat roof sections.
- 2 The proposed biomass installation is being pursued to provide a more environmentally friendly and economic means of providing heating and hot water to the existing school and proposed adjacent community facility. The proposed installation is intended to replace the existing oil fuelled boilers, which have been identified as highly inefficient in respect of current standards and subject to considerable ongoing maintenance costs. The proposed biomass installation is anticipated to reduce the CO₂ emissions of the school by approximately 130 Tonnes per annum compared to the existing oil boiler.
- 3 The proposed stand alone biomass unit was identified to be sited in the north east corner of the principal school grounds, adjacent to the existing plant room and in sight from Ferguson Park to the north west, following a comprehensive, site selection process. At this location, the biomass unit would be located adjacent to the west of the existing single storey flat roofed plant room, incorporating a flat roof finish. At this position, there are only limited and obscured views from Rattray High Street, with the installation largely masked by the bulk of the main school building.
- 4 The rectangular, single storey structure will be finished externally in vertical Scottish larch cladding and 'Merlin Grey' painted doors on the north and west elevations. The associated fence and gate will also be clad in Scottish larch. The biomass polished steel chimney flue as part of the proposed installation terminates 8.5 metres above finished ground level. The distance from the flue to the corner of the nearest house in Ferguson Park to the west is approximately 53 metres and 52 metres to the nearest residential building in the ongoing housing development to the east.

- 5 The existing oil boilers are refuelled by vehicles crossing the bituminous bound, school playground and it is intended that the proposed biomass fuel store will be refuelled/replenished by the same means of access, limited to periods outwith school hours.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars. Of particular relevance to this planning application are:-

Scottish Planning Policy 2010

- 7 This SPP is a statement of Scottish Government policy on land use planning and contains:
- the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

Relevant Paragraphs

- Paragraphs 22 – 23: Development Management
- Paragraphs 25 – 27 : Determining Planning Applications
- Paragraphs 34 – 39 : Sustainable Development
- Paragraphs 182 – 186: Renewable Energy

PAN - 1/2011: Planning & Noise

- 8 This Planning Advice Note (PAN) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. It supersedes Circular 10/1999 *Planning and Noise* and PAN 56 *Planning and Noise*. Information and advice on noise impact assessment (NIA) methods is provided in the associated Technical Advice Note. It includes details of the legislation, technical standards and codes of practice for specific noise issues.

DEVELOPMENT PLAN

- 9 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Eastern Area Local Plan 1998.

TAYPlan 2012

- 10 Under the Tayplan the principal relevant policy is in summary:

Policy 2: Shaping better quality places

- 11 Seeking to shape better quality places through requiring new development to be fit for place, supporting more sustainable ways of life for people and businesses.

Eastern Area Local Plan 1998

- 12 Under the Eastern Area Local Plan the application site is located centrally within the settlement boundary for Rattray, where the principal relevant policies are in summary: -

Policy 58 – General Residential and Background Policies

- 13 Ancillary development such as neighbourhood shops and community facilities will be permitted in residential areas provided the character or amenity of the area is not damaged by the development.

Policy 69 – Public Utilities, Social and Community Facilities

- 14 Proposals Map B identifies areas for public utilities, social and community facilities. There will be a presumption in favour of retaining these sites for such uses.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012

- 15 Members will be aware that on the 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.

Under the LDP, the following policies apply:

Policy RD1: Residential Areas

- 16 Identifies area of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.

- 17 Generally encouragement will be given to proposals which fall into one or more of a series of categories of development and which are compatible with the amenity and character of the area, with the principle one of relevance in this instance being:-

(e) Proposals for improvements to community and educational facilities.

Policy PM1: Placemaking

- 18 Development must contribute successfully to the quality of the surrounding built and natural environment.

Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction

- 19 Sustainable design and construction will be integral to new development in Perth and Kinross.

OTHER COUNCIL POLICIES

- 20 None applicable.

SITE HISTORY

- 21 12/01332/FLL - There is no relevant planning history for this site.

CONSULTATIONS

Environmental Health Manager

- 22 Following clarification of calculations, the proposed bio-mass boiler received no objection, subject to appropriately worded conditions attached to any granting of consent.

REPRESENTATIONS

- 23 None.

ADDITIONAL STATEMENTS

24	Environmental Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement or Design and Access Statement	None
	Report on Impact or Potential Impact.	Calculated and presented as background information including boiler scale, capacity and relative flue height against surrounding buildings.

APPRAISAL

Development Plan Policy

- 25 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Eastern Area Local Plan (EALP) in this instance are Policies 58 and 69. The Council's Proposed Local Development Plan 2012 is a relevant material consideration in this instance.

Proposed LDP

- 26 Within the proposed LDP, there are no specific land uses identified for the site. The proposal would most appropriately be considered against RD1 – Residential Areas, PM1 – Placemaking and fundamentally, Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

Design & Visual Impact

- 27 The introduction of a new biomass plant at this location will introduce an additional flue stack in association with the existing traditional boiler stack to the rear of the school grounds. Due to the relative orientation of the school grounds backing onto a public park and the residential area of Ferguson Park, the proposed biomass plant cannot be completely screened or obscured from public view. The proposed location has however been carefully selected to relate to the original plant unit, which is considered most appropriate for site logistics and will have minimal visual impact on the wider street scene. The proposed vertical timber cladding is considered an appropriate material finish, softening the impact of the industrial looking unit, whilst tying all elements together uniformly. The proposed stainless steel stack will produce some glare from sunshine rays, but this is not considered to impact adversely on neighbouring residential amenity through the relative distance and orientation to associated residential properties.

Impact on Residential Amenity

- 28 A biomass boiler of the size proposed has the potential to affect both PM10 and Nitrogen dioxide levels within the vicinity, and was therefore assessed in line with Technical Guidance 09 (TG09).
- 29 The Technical Guidance states that buildings within 5 times the stack height (i.e. within 42.5 metres) must be considered. The proposed boiler location has within this area a two storey school building of 10 metres in height however the height of opening windows is 6.65 metres.

- 30 From the information supplied and the assessment in compliance with TG (09) of the proposed biomass boiler, Environmental Health are satisfied that the discharge stack is sufficient to disperse the emitted NO₂ and PM₁₀ and therefore a more detailed assessment is not required. However emission levels and potential smoke odour are also largely dependent on the fuel stock used and the continual effective running of the boiler. An operational condition is therefore recommended to control these elements.
- 31 Another issue with this development could be noise from the boiler and associated plant. The manufacturer's acoustic test data indicates that there should be no loss of amenity to the adjacent residential property however the Environmental Health team recommend that a condition regarding noise attenuation be attached to any consent.

Sustainability

- 32 The proposed installation of this biomass plant will assist in working towards both national and local goals of producing heat demand from renewable sources, resulting in less dependency on fossil fuels and reducing emissions. The proposed biomass plant is both resource and operationally efficient, in line with current best practice, fuelled by a renewable energy source and is anticipated to result in a reduction of 130 Tonnes of CO₂ output annually.

Access

- 33 The proposed access arrangements to stock the biomass plant are consistent with existing arrangements, which do not impact adversely on existing residential amenity or school operations. There is not considered to be any issue or conflict of interests with the current access arrangements or proposed vehicular movements.

PLANNING AUTHORITY WITH AN INTEREST OF THE LAND

- 34 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENTS REQUIRED

- 35 No legal agreement is required for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 36 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions

by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 37 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Eastern Area Local Plan 1998 and Tayplan 2012. There are considered to be significant community benefits through this proposal. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to the commencement of works, precise details of all external finishes shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full, to the satisfaction of the Council as Planning Authority.
- 3 All associated plant or equipment associated with operation of the boiler shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any nearby residential property, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart, all to the satisfaction of the Council as Planning Authority.
- 4 The boiler shall only operate on fuel prescribed and stored in accordance with the manufacturers' instructions; the boiler, flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions and a written record retained of these activities.

Reasons:

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.
- 3 In order to safeguard the neighbouring residential amenity in the area.

- 4 In the interests of sustainability and long term best practice operation of the boiler facility to ensure an ongoing satisfactory standard of local environmental quality.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.

Background Papers: None.

Contact Officer: Callum Petrie– Ext 75353

Date: 4 February 2013

Nick Brian
Development Quality Manager

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