

Application No: 14/2310N

Location: Morris Care, Corbrook Court Care Home, Corbrook, Audlem, Crewe, CW3 0HF

Proposal: Proposed construction of an outbuilding to house biomass boilers to serve Corbrook Court Care site

Applicant: Morris Care

Expiry Date: 07-Jul-2014

**SUMMARY RECOMMENDATION:** Refuse.

**MAIN ISSUES:**

- Principle of the development
- Design, layout and scale
- Amenity
- Ecology
- Trees and Landscaping
- Highways

**REASON FOR REFERRAL**

The application has been called in to Committee by Cllr Rachel Bailey on the following grounds:

*“BE1 Impact on Amenity*

*The need of alternative forms of energy is understood however the proposed site will result in loss of greenspace/countryside.*

*Concern in relation to existing highway issues and potential impact.”*

**DESCRIPTION AND SITE CONTEXT**

The application relates to Corbrook Court at Audlem, which is a former country residence, which has been converted and heavily extended in order to form a nursing home.

The site is designated as being within the Open Countryside in the adopted local plan.

## **DETAILS OF PROPOSAL**

The proposal seeks consent for the erection of an outbuilding to house 2 biomass boilers to serve the Corbrook Care site. The building would be approximately 9.8m wide and 13.7m deep. The roof height would be approximately 4.5m at the eaves 5.8m at the ridge. It would be constructed of a timber frame with a grey fibre cement roof and a concrete base.

The building would be sited to the south of the complex of buildings close to an existing garden store.

## **RELEVANT HISTORY**

The site has an extensive planning history, the most recent of which are:

12/3740N 2012 Approval for alterations to Cedar Court to provide a 35 bed nursing home

10/4845N 2011 Approval for extensions to provide 12 nursing bedrooms and change of use of part of the building from Extra Care to nursing home use.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Policy**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

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); and

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).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of

State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy SE 1 Design  
Policy SE 2 Efficient Use of Land  
Policy SE 3 Biodiversity and Geodiversity  
Policy SE 4 The Landscape  
Policy SE 5 Trees, Hedgerows and Woodland  
Policy SE 8 Renewable and Low Carbon Energy  
Policy SE 9 Energy Efficient Development  
Policy SE 12 Pollution, Land Contamination and Land Instability  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy PG 5 Open Countryside  
Policy EG1 Economic Prosperity

The relevant policies saved in the **Crewe and Nantwich Replacement Local Plan 2011** are:

NE.2 Open Countryside  
BE.1 Amenity  
BE.2 Design  
BE.3 Access and Parking

### **Other Material Considerations**

National Planning Policy Framework.

### **CONSULTATIONS (External to Planning)**

#### **Environmental Health:**

Recommend conditions relating to the stack heights of the boilers and the operation maintenance and deliveries.

#### **Highways:**

None received at the time of report writing.

### **VIEWS OF TOWN/PARISH COUNCIL**

Audlem Parish Council voted unanimously to object to the application.

There was great concern about the loss of amenity for local residents and specifically environmental health issues relating to fume emissions and noise pollution. There was concern that these significant aspects of such an installation had been given little

consideration in the proposed building, both in terms of its close proximity to residential properties and modifications to the building to minimise its impact.

Councillors also objected to the application on the grounds of the poor access point onto the public highway for the large delivery vehicles associated with the regular fuel deliveries required to biomass boilers; there is limited visibility of the access point due to the bends in the road, even smaller, more manoeuvrable vehicles find exiting this point challenging.

Furthermore, Councillors were also concerned to hear that the area is regularly utilised by local bat populations; a large building with exhaust fumes and noise prevalent particularly in evening (when demand for the boilers would be greatest) could severely impact bat flight routes through this piece of countryside.

Audlem Parish Council do hope that you will give due consideration to these concerns.

## **OTHER REPRESENTATIONS**

Two objections have been the occupiers of Corbrook Lodge, which is the neighbouring residential property. They express concerns about the following issues:

- Lack of warning about and consultation on the application
- Adverse impact on the character of the Open Countryside
- Excessive size and scale which will be overbearing and dominate their outlook
- The building seems to be larger than it needs to be
- The building is located too close to residential properties
- Inappropriate design
- Noise
- Emissions and the effect on health
- Adverse impact on wildlife
- Transplanting of trees
- Loss of privacy because of delivery drivers and maintenance staff
- Fire risk
- Highway safety

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the Open Countryside where Policy NE.2 applies. This Policy states that *“Within Open Countryside only development which is for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.”*

Policy SE 8 of the Cheshire East Local Plan Strategy – Submission Version states that *“The development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure will be positively supported and considered in the context of sustainable development and any impact on the landscape.”*

The proposal is broadly supported in paragraphs 97 and 98 of the NPPF that seeks to *“help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.”* The NPPF also states that applications should be approved *“if its impacts are (or can be made) acceptable.”*

## **Design and Scale**

The proposal is for a single outbuilding to house biomass boilers. The building would be 9.8m wide and 13.7m, with a maximum ridge height of 5.8m. It would be a timber frame building with a fibre cement roof. The outbuilding would have the appearance of a small agricultural building which is considered appropriate in this rural location.

## **Amenity and Health**

Having regard to neighbouring amenity, the care home stands in its own grounds and is a large complex. The nearest residential property is Corbrook Lodge and the building would be sited approximately 17m away from the boundary with this property and approximately 30m away from the nearest house itself. The occupiers of this property have expressed several concerns about the application, including loss of privacy and an overbearing impact on their outlook. However it is not considered that a building of an agricultural appearance such as this would have a significant overbearing impact on this property, given its size, design and siting.

Both the occupiers of the neighbouring property and the Parish Council have raised concerns about emissions and noise pollution and these are addressed below.

Biomass burning can lead to increased emissions of particulates due to the combustion process. In addition, in comparison to conventional gas burning, biomass can lead to an overall increase in emissions of nitrogen oxides. In certain areas, this can be a problem as the increase at ground level could lead to local exceedances of the [air quality objectives](#).

Several factors can influence this, including the type of fuel, moisture content of the fuel, emission rating of the boiler and its location. The proposed site is not located in or near to an Air Quality Management Area or smoke control area however, further information was requested on the specification and use of the boiler.

This was subsequently submitted by the applicant and allowed a screening check of the minimum recommended boilers stack heights to ensure adequate dispersion. It is also recommended that the fuel type, fuel storage, operation and maintenance procedures are conditioned to ensure that public health is protected.

Therefore given the information submitted, the distance to sensitive receptors it is recommended that planning permission is granted subject to conditions relating to stack heights, installation, operation and maintenance, the fuel used, method of delivery and visible smoke emissions.

Having regard to noise, Environmental Protection have recommended an informative relating to noise generative operations and a condition relating to delivery hours. However, given that deliveries of fuel (oil) to the site are not restricted currently, it would not be reasonable to impose such a condition.

Having regard to noise generated by the boilers, whilst Environmental Protection have no specific concerns about noise generated by the boilers, in order to ensure that they would not cause detriment to the amenity of the neighbouring property, a condition should be imposed requiring submission of a noise report together with any necessary mitigation methods, prior to commencement of development.

### **Landscaping and Trees**

Three small trees are proposed to be relocated in order to accommodate the building. The occupiers of Corbrook Lodge have expressed concern about the trees being located nearer to their property having an overbearing effect and whether in fact they would survive being relocated. It is considered that in order to ensure that the building is adequately screened, a condition requiring submission of landscaping proposal should be imposed.

Having regard to other trees present tree protection measures should be secured by condition.

### **Ecology**

Great Crested Newts have been identified as breeding at one of the ponds at this site. The proposed development is located on habitat of low value for great crested newts. The only adverse impacts associated with the development relate to the potential risk posed to any Great Crested Newts that may venture onto the development during the construction phase.

In order to address this risk the applicant's ecologist has recommended a suite of non-licensable reasonable avoidance measures. It is recommended that, if planning consent is granted, provided the recommended reasonable avoidance measures are secured by condition, the proposed development would be unlikely to significantly affect Great Crested Newts or result in an offence under the Habitat Regulations. Consequently it is not necessary to have regard to the requirements of the Habitats Regulations during the determination of this application.

### **Highways**

Both the Parish Council and the neighbours have also raised concerns about the size and frequency of vehicles delivering fuel to the site. A formal consultation response has not been received from the Strategic Highways Manager (SHM), however Planning Officers have discussed this with the SHM, who does have experience with the application that Members approved at Sandbach High School (13/4818C), also for a Biomass boiler. In the assessment of that proposal a site visit was undertaken to a school in Chester. This visit revealed that fuel deliveries take place on average every 10 days and less frequently in the summer months.

Given that the site already has deliveries of approximately 53,000 litres of oil to service its existing boilers, it is not considered that there would be a significant adverse impact on highway safety, such that a reason for refusal could be sustained at appeal.

#### **CONCLUSIONS AND REASONS FOR THE DECISION:**

It is considered that the application proposes an acceptable form of development. On the basis of the very thorough analysis carried out by the EHO, in this context it is unlikely to overly impact on neighbouring residential (by issues of noise, disturbance or emissions) and visual amenity. Therefore, it is considered that the proposal is in accordance with the relevant policies of the Development Plan and is therefore recommended for approval.

#### **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Materials as application**
- 4. Submission of landscaping scheme prior to commencement of development**
- 5. Implementation of landscaping scheme**
- 6. Submission of tree protection measures prior to commencement of development**
- 7. Submission of Noise Report and mitigation measures prior to commencement of development**
- 8. Stack heights of both boilers shall not be less than 6.2m above ground level and shall be positioned as shown on drawing no. 431.4**
- 9. The boiler shall be installed and operated in accordance with the manufacturer's recommendations**
- 10. The boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard (such as CEN/TS 14961:2005 or ONAD)**
- 11. The operator shall notify the LPA of any changes in the fuel type/quality and if required to do so, submit a declaration that the new fuel complies with a recognised fuel quality as set out in condition 10**
- 12. Prior to first use, the method of fuel delivery, to incorporate sheeting and fully enclosed receptacles to minimise spillages and fugitive emissions in all weather conditions shall be submitted and approved by the LPA**
- 13. Prior to first use, the operator shall agree a written maintenance schedule with the LPA, to include removal of ash, inspection, maintenance of particulate arrestment plant and servicing schedule**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chair/Vice Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair/Vice Chair of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

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