

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:** Approve with conditions

**MAIN ISSUES:**

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

**PREVIOUS MEETING**

The application was deferred by Members on 2<sup>nd</sup> July 2014 for the following reasons:

- For a Committee site inspection to enable Members to assess the impact of the proposed development
- To enable the applicant and Officers to consider an alternative site for the building
- For a response to the application from Environmental Protection and the attendance of an Environmental Protection Officer when the matter returns to Committee for consideration

**REASON FOR REFERRAL**

The application was 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:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 8 Renewable and Low Carbon Energy  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG 5 Open Countryside  
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 hours of operation maintenance and deliveries. A detailed assessment of impact on air quality is contained within the Amenity and Health section of this report.

#### **Highways:**

No objection.

## **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 local households have objected to the proposals expressing the following concerns:

- 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
- Smells
- Adverse impact on wildlife
- Transplanting of trees
- Loss of privacy because of delivery drivers and maintenance staff
- Fire risk
- Highway safety
- A safer drive for vehicles and a pedestrian pathway should be provided by the existing oil tanks

## **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. There would be two boiler flues that would be 7m from ground level at their highest point. It would be a timber clad 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, a resident of the complex 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](#).

At the request of the Council the applicant has submitted further information detailing dispersion modelling of the emissions and the estimated ambient pollutant concentrations

arising from the proposed development. This was in response to concerns regarding the adequate dispersion of the pollutants given the proposed stack height and fuel specifications.

The report considers the impacts at all residential receptors in the area surrounding the proposed biomass plant. The receptors and the stack positions are identified by their national grid references. The model uses meteorological data derived from Manchester Airport. Whilst this data may not be fully representative of meteorological conditions at the site, in the experience of Environmental Protection Officers, dispersion models run in this area using this data have given acceptable results. A wind rose measured more locally would likely have a more evenly distributed wind direction from the south west quadrant than the Manchester Airport wind rose shown in the report. However, it is considered that these differences in the wind data would not significantly affect the results of the study.

The oxides of nitrogen (NO<sub>x</sub>) and particulate matter (PM<sub>10</sub>) emissions parameters used have been considered as acceptable and models a conservative scenario where the emission limits set out the Renewable Heat Incentives model have been assumed to be emitted from each stack. Information supplied by the applicant has demonstrated that the proposed boilers would not emit pollutants at these levels given the proposed fuel specification and assuming adequate plant maintenance. For a conservative estimate of ambient pollutant concentrations the boilers have been assumed to be operating for 50% of the year which is likely to be longer than in reality. A revised drawing showing higher stack heights of 7 metres has been submitted. The emissions are modelled using AERMOD software and the methodology and the inputs are considered acceptable.

Existing background levels of nitrogen dioxide and PM<sub>10</sub> are known to be low and well below the national health based standards for these pollutants. The report estimates that increases in short and long term concentrations of these pollutants would result from the proposed development at all sensitive receptors. For long term concentrations these increases can be considered as small and, given the low background levels, these increases are also not considered as significant and levels are predicted to remain well below the health objectives. The predicted increases in short term concentrations are considered as moderate. However the low existing levels mean that the increases are again considered to be insignificant.

The assessment has therefore shown that adverse health impacts should not occur if the biomass plant is correctly installed, operated and maintained. Therefore it is considered that appropriate planning conditions should specify the design, operation and maintenance of the plant.

Notwithstanding the operational controls for normal operation of the boiler, biomass burners have the potential to cause higher short term emissions and annoyance from smoke emissions. With the exception of plant start up, there should be no visible smoke emissions from the stacks.

There is the potential for fugitive dust emissions from the delivery and storage of wood fuels. Good practice measures can control these emissions and implementation of these should be conditioned.

Given the above it is considered that the refusal of the application on the grounds of adverse impact on air quality could not be sustained.

Therefore given the information submitted and the distance to sensitive receptors it is recommended that if planning permission is granted conditions should be imposed to control 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 raised concerns about the size and frequency of vehicles delivering fuel to the site. The route to the site is the A529 which is a primary route network road. This road has sufficient capacity to carry the service vehicles to

and from this site. Indeed the existing heating mechanisms require the delivery of fuel oils by tanker, which are also heavy commercial vehicles.

The frequency of heavy commercial vehicle trips to the site would be 52 per year (26 in and 26 out), given that some of the existing delivery vehicles would be replaced, any net impact would be negligible.

Injury accident records demonstrate that there are no collisions related to the access junction in the last 5 years. In fact the last recorded road traffic crash in the vicinity of the junction into the site occurred in 2004 when a single vehicle lost control and turned over after dark in wet conditions. Causal factor was driver losing control. No other vehicle was involved and the vehicle was not negotiating the access into the application site. The existing access geometry and visibility combined with the safe operational record demonstrates that this access does operate safely with existing heavy commercial vehicle use and that there is no reason to consider that the changed heavy commercial vehicle movements will be less safe.

The Strategic Highways Manager has stated that there is no foundation for a highways reason for refusal on this site.

### **Alternative Siting**

Members and the objectors have requested that an alternative siting for the building should be considered. The applicants reviewed the possibility of locating the building elsewhere within the site, however they do not wish to do this. The reasons for this are that it is in a closer position to the access for deliveries, it is a relatively short distance to pipe the heat and there would be less trenching that could impact on Great Crested Newts. In addition to this Officers would not wish to see the building located further into the open countryside where it would have a greater impact on openness.

However; In order to make sure that there is no conflict with the tree canopy the building has been moved a further 2m away from the hedgeline.

### **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 necessary mitigation measures prior to commencement of development**
- 8. Stack heights of both boilers shall not be less than 7m above ground level and shall be positioned as shown on drawing no. 431.4A**
- 9. The boiler shall be installed, maintained 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 order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his/her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

