

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

13 January 2016

AUTHOR/S: Planning and New Communities Director

Application Number: S/2448/15/FL

Parish: Bourn

Proposal: Installation of 2 x Biomass Boilers & 2 x Drying Kilns (Retrospective)

Site address: Rockery Farm, Broadway, Bourn, Cambridge, Cambridgeshire, CB23 2TA

Applicant(s): Mrs Wendy Ward

Recommendation: Delegated Approval

Key material considerations: Character and appearance of the area, highway safety, and neighbour amenity

Committee Site Visit: 12 January 2016

Departure Application: No

Presenting Officer: Alison Twyford, Senior Planning Officer

Application brought to Committee because: Parish Council recommendation conflicts with Officer recommendation to approve

Date by which decision due: 18 November 2015

Relevant Planning History

- S/1151/10** – Two affordable dwellings and use of land for outdoor playspace (approved)
S/1004/09/F – Erection of 8 affordable homes to form extension to the existing development of 9 affordable homes (refused and dismissed at appeal)
S/0973/05/F- Extensions – Approved
S/0502/01/F- Extension – Approved
S/2237/87/F - Use as buildings as workshop for the preparation and treatment of timber fencing materials and open storage area- Approved

Planning Policies

- National Planning Policy Framework (NPPF) 2012*

National Planning Practice Guidance

3. *South Cambridgeshire LDF Development Control Policies DPD, 2007:*
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
NE/15 Noise Pollution
NE/16 Emissions
4. *South Cambridgeshire LDF Supplementary Planning Documents (SPD):*
District Design Guide SPD – Adopted March 2010

Consultation

5. **Bourn Parish Council** - Recommends refusal and makes the following comments: -
 1. Concerns on grounds of disturbance and loss of amenity to local residents of the Broadway.
 2. Concerns of medical issues and environmental issues created from the smoke from boilers.
 3. Smoke that will blown in an easterly direction may have effects upon the health and amenity of nearby residents
6. **Local Highways Authority** – Recommend refusal.
The applicant has failed to provide a drawing showing the required visibility splays.

The application is not supported by sufficient transport information to demonstrate that (retrospective) development would not be prejudicial to the satisfactory functioning of the highway.

A Transport Statement could be considered in relation to the proposal.
7. **Environmental Health Officer – Air Quality** – No objection but informatives to be added to the decision if approved.
8. **Environmental Health – Licensing and Business Team** – Conditions and informatives recommended for attachment should the application be approved.
9. **Environment Agency** – “If the boilers have a combined design capacity of more than 50 kilograms per hour, but less than 3 tonnes per hour then it will be considered a Small Waste Incineration Plant regulated by the Local Authority. Alternatively, if the boilers have a combined design capacity of less than 50 kilograms per hour, and a total net rated thermal input of less than 0.4MW, then the activity of burning waste wood will require a D6 Exemption registration from the Environment Agency. For details please see the GOV.UK website <https://www.gov.uk/guidance/waste-exemption-d6-disposal-by-incineration>”

Representations

10. A petition containing 42 signatures from local residents has been received in relation to this application which states:

“We as residents of the Broadway, Bourn, object to the above Retrospective Planning Application on the grounds of the Statutory Nuisance that the burning, smoke and pollution has caused since the above installations in January 2015. Many households have suffered from breathing difficulties and increased asthma as a result. We have

suffered dizziness, sore throats and stinging eyes as a result of the fumes produced. We are unable to open windows, use our gardens and hang washing on the line as a result of the burning. Our houses have been full of fumes on numerous occasions. In addition our children have been unable to play outside due to the smoke and pollution coming from the burning at Rockery Farm.”

11. 38 Broadway-
 - Concerns that the smoke, fumes and pollution are causing a statutory nuisance
 - Unable to air laundry outside as a result of continuous burning
 - Unable to leave windows and doors open as a result of continuous burning
 - Unable to enjoy garden as a result of continuous burning
 - Concern the installations could have a detrimental affect on the health and lifestyle of the occupants.

12. 40 Broadway-
 - Since the installation of equipment occupants have suffered from pollution, fumes and acrid smoke
 - Concern inappropriate materials have been burned
 - Concern controls put in place may not be adhered to
 - Affect upon amenity from having to close windows and door and enjoyment of the garden

13. 54 Broadway-
 - Breathing difficulties have been experienced by family members since the installation of the boilers.
 - Polluted scents experienced from black smoke omitted from the chimneys
 - Unable to leave windows and doors open
 - Unable to dry washing on line causing need of extra cost of rewashing or tumble drying
 - Concern over permitted size of boilers
 - Concern inappropriate materials have been burned

14. 60 Broadway-
 - Since January 2015 occupants have suffered severe pollution and fumes from the burning which has caused a statutory nuisance.
 - “Since the installation we have suffered the following
 - Unrestricted burning, from the early hours of the morning until late into the night 7 days a week
 - Ill health, continuous sore throats & light headedness
 - Been unable to enjoy our garden due to high levels of smoke and fumes and had to restrict our daughter playing outside
 - Unable to have doors and windows open in the summer months and also had to close trickle vents on windows
 - Unable to hang washing out to dry resulting in damp in our home and higher energy costs”
 - “The Biomass Boilers have been proven to be over 10 times the capacity that would be permitted to be used so close to a residential area.”

- Concern inappropriate materials have been burned leading to thick smoke and odour issues
- Concerns of long term health implications.

64B Broadway-

- 15.
- Photographs and video clips have been forwarded to illustrate the level of smoke omitted from the boilers.
 - Since January 2015 occupants have experienced pollution and fumes from burning at the site which has caused a Statutory nuisance
 - Health issues have been experienced since the installations have been operating which are considered to be in relation to the omissions
 - Unable to air laundry outside as a result of continuous burning
 - Unable to leave windows and doors open as a result of continuous burning
 - Unable to enjoy garden as a result of continuous burning
 - Issues have been reported to other departments and agencies
 - Concerns burning may impact upon enjoyment of proposed children's play area adjacent to property

66 Broadway-

- 16.
- Since January 2015 occupants have suffered severe pollution and fumes from the burning which has caused a Statutory nuisance.
 - "Since the installation we have suffered the following
 - Unrestricted burning, from the early hours of the morning until late into the night 7 days a week
 - Ill health, continuous sore throats & light headedness
 - Been unable to enjoy our garden due to high levels of smoke and fumes and had to restrict our daughter playing outside
 - Unable to have doors and windows open in the summer months and also had to close trickle vents on windows
 - Unable to hang washing out to dry resulting in damp in our home and higher energy costs"
 - "The Biomass Boilers have been proven to be over 10 times the capacity that would be permitted to be used so close to a residential area."
 - Concern inappropriate materials have been burned leading to thick smoke and odour issues
 - Concerns of long term health implications.

Site and Proposal

17. The site is located outside of the village framework of Bourn and in the designated countryside within the larger planning unit of Rockery Farm, Bourn. The application site itself comprises of 150m² of concrete hardstanding situated behind a row of conifer trees on the western side of the larger farm property.
18. The proposal seeks to retain 2 biomass boilers and 2 associated drying kilns which will be used in connection with an existing timber product company known as

“Cambridge Outdoor Living”. The boilers themselves measure 1.9 metres in width at their widest point, 2.2m in length and have a height of 7.9 metres. The drying kilns are situated on either side of the biomass boilers and measure approximately 2.4m wide by 2.6m high by 12.2m long.

Planning Appraisal

19. The proposed development is considered development that needs to be located in the countryside and is in accordance with the stipulations of policy DP/7. The key issues to consider in the determination of this application relate to the impact of the development upon the character and appearance of the area, highway safety, and neighbour amenity.

Impact on character of the area

20. The proposed development is situated within the larger Rockery Farm site. It is bordered on the western side by a row of large, well established conifer trees and to the east by an established tall hedge. The drying kiln structures are subordinate in scale to many of the existing structures that occupy the site. The biomass boilers are screened by the kilns with the exception of the flues which are then sufficiently screened by the existing buildings trees and hedges.
21. The location of the works, adjacent to existing buildings is considered to relate well to the built up extent of the existing site and thus the impact of the site upon the surrounding countryside is not considered to be materially increased.

Highway Safety

22. Representations have been received from the Local Highways Authority who have recommended refusal due to lack of information in relation to visibility splays and details that would demonstrate that the development would not be prejudicial to the satisfactory functioning of the highway.
23. The site is located within an existing commercial site with an existing access. The planning statement that accompanies the application estimates that the plant will involve an additional two vehicle deliveries per month.
24. The reasonably low level of deliveries together with the existing maneuvering area already provided within the site is not considered to lead to a development that would be detrimental to highway safety.
25. In order to ensure that the deliveries do not increase to a level that could cause problems to both Highway Safety and residential amenity it is considered reasonable to attach conditions that limit the number of deliveries connected with the installations, and require a log to be kept so that effective monitoring of the situation can take place.

Residential Amenity

26. Complaints were received by Planning Enforcement Officers in August 2015 regarding smoke and odours coming from Rockery Farm. Planning Enforcement Officers confirmed that the smoke and odours were coming from the biomass boilers which required formal planning permission. A retrospective planning application was invited for consideration and a temporary stop notice was served on 13th October 2015 to prevent air pollution that had been reported by local residents. The temporary stop

notice resulted in the biomass boilers not being used for a period of 28 days, during which time Officers from the Environmental Health section advised that only clean and uncontaminated wood should be used as fuel for the boilers.

27. Officers visited the site once the temporary stop notice had expired on 9th November 2015 and witnessed the boilers and kilns being operated using the correct fuels.
28. The correct operation and refilling of the boilers is not considered to result in unacceptable levels of noise and disturbance or emissions that would harm the amenity of neighbours subject to conditions to ensure that the correct fuel is used.
29. A number of representations have been raised regarding health concerns that are considered to have been caused as a result of inappropriate fuel being used. Officers consider that a condition which ensures the use of the correct fuel is suitable for attachment to the decision if approved.
30. The Environmental Health Officer also recommends conditions that restrict any other fires on the site and restrict the storage of contaminated waste materials on the site. As the application only refers to part of the larger site it is not considered reasonable to impose conditions on the wider site. In addition, it is not considered reasonable to restrict the use of other parts of the land for storage of other materials through this application. Officers therefore do not agree with the attachment of these conditions.
31. The first two informatives proposed by Environmental Health relate to the use of appropriate materials. As this is to be conditioned, further informatives are not considered to be required.
32. An Informative which refers to a U4 Exemption was also proposed by the consultee in Environmental Health. During the application process Officers were advised that the applicant had obtained the exemption and this informative was no longer required.
33. Other recommended Informatives advised the applicant to refer to the manufacturer's technical advice and to take all relevant precautions to minimise any potential for nuisance. These Informatives are considered reasonable to be attached to a decision if approved to ensure no further impact to neighbouring amenity.

Recommendation

32. Officers recommend that the Committee approve the application, subject to:

Conditions

33. (a) Time Limit (3 years) (SC1)
(b) Drawing numbers (SC95)
(c) Delivery Restriction-
*No more than 30 deliveries per year associated with the use, hereby permitted, shall take place unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)*
(d) Delivery times-
Deliveries or collections associated with the use, hereby permitted, shall not take place outside the hours of 08.00–18.00 on weekdays and 08.00–13.00 on Saturdays (nor at anytime on Sundays and Bank Holidays) unless otherwise previously agreed in writing with the local Planning Authority. A daily record of all vehicle movements, including details of all road movements into and out of the site, shall be maintained by

the site operator and made available within one week of a written request by the local planning authority. (Reason -In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007 and to minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

(e) Biomass materials-

The biomass boiler shall only burn, or be operated using, clean uncontaminated and untreated wood.

(Reason - To protect the occupiers of adjoining buildings from the effect of fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)

INFORMATIVES:

f) The Council would advise the applicant to consult the manufacturers of the plant for technical advice regarding the issues raised above.

g) The applicant should take all relevant precautions to minimise the potential for causing a nuisance to the occupants of neighbouring properties.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/2448/15/FL

Report Author:

Alison Twyford

Telephone Number:

Senior Planning Officer

01954 713264