

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
25 June 2013**

Agenda Item	5.5
Report No	PLS/037/13

**13/01148/FUL: The Highland Council
Kirkhill Primary School, St Mary's Road, Kirkhill, Inverness**

Report by Area Planning Manager – South

SUMMARY

Description: Installation of packaged biomass plant to replace the existing electric heating in the building

Recommendation: GRANT

Ward: 13 – Aird and Loch Ness

Development category: Local

Pre-determination hearing: Not required

Reason referred to Committee: Development by the Council

1. PROPOSAL

- 1.1 The proposal involves the siting of a biomass boiler house immediately to the north (front) of the school premises and close to the main vehicular entrance to the school. The boiler house consists of a mono pitched timber clad plant room, measuring 11.3 metres x 3.1 metres and 3.4 metres high. The plant room will feature an external flue projecting approximately 5 metres above ground level.
- 1.2 Since submission, the boiler room has been re-positioned a few metres south of its original location to remove it from a grassed open space area onto a hardstanding area presently occupied by bicycle stands which are to be relocated.

2. SITE DESCRIPTION

- 2.1 Single-storey primary school building with access and parking area, landscaped/grassed areas of open space and a playing field adjacent to the building. The premises are located within Kirkhill at St Mary's Road and are adjacent to existing residential properties.

3. PLANNING HISTORY

- 3.1 There is no planning history associated with the school.

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour.

Representation deadline: 03 May 2013.

Timeous representations: 1

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Proposed site is too close to neighbouring residential property;
- Possible noise disturbance as a result of the operation of the plant;
- Smoke and fumes may affect adjacent residential property causing adverse health implications;
- Vehicular access to provide fuel to the pellet store would appear to cross grassed area adjacent to residential property;
- Plant room has a large footprint and rainwater will drain onto the school grounds causing flooding problems.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Environmental Health:** The proposal has been assessed in accordance with Council's standards and a Biomass Boiler Stack Height Assessment has been submitted. This indicates that a stack height of 5 metres will be sufficient to ensure that it complies with requisite air quality standards for emissions. It is noted that the biomass boiler is situated 26 metres from the nearest residential property and to minimise noise nuisance it is recommended that a condition is attached limiting operating noise.

6. POLICY

6.1 The proposed development complies with Development Plan policy. There are no policy implications arising from this proposal.

7. PLANNING APPRAISAL

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 This is a straightforward application involving a minor development and is referred to Committee because it is a development in which the Council has an interest as landowner. There are no policy implications and no technical or consultee objections.

- 7.3 In response to the points raised in the objection, the plant room has been relocated from the initial 1 metre at its closest point to the school boundary to approximately 9 metres from the boundary. Refuelling will take place from the existing vehicular hardstanding surrounding the plant room. Environmental Health are satisfied that the location of the plant room will not adversely impact on air quality, and a condition regulating noise levels will ensure that the operation of the facility does not adversely affect the amenity of adjacent residential properties. Finally, any surface water run-off will be collected by the existing drainage infrastructure.
- 7.4 The proposal is therefore recommended for grant of planning permission.

8. CONCLUSION

- 8.1 The proposal accords with policy and provides necessary additional facilities for the school by replacing the existing electrical heating in the building providing a more cost effective and sustainable heating resource.

9. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **GRANTED** subject to the following condition and reason / notes to applicant:

1. The biomass boiler and any associated equipment shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise sensitive premises with windows open for ventilation purposes to the satisfaction of the planning authority.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

REASON FOR DECISION

The proposal accords with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

Copies of the notices referred to are attached to this consent for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Signature: Allan J Todd
Designation: Area Planning Manager – South
Case Officer: John Kelly, Planner
Background Papers: Highland-wide Local Development Plan, Inverness Local Plan
Relevant Plans: Plan 1: Location Plan
Plan 2: Site Plan – as amended
Plan 3: Section and elevation plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Garry Lightbody	29 Newton Park, Kirkhill, Inverness	29 April 2013	Against