

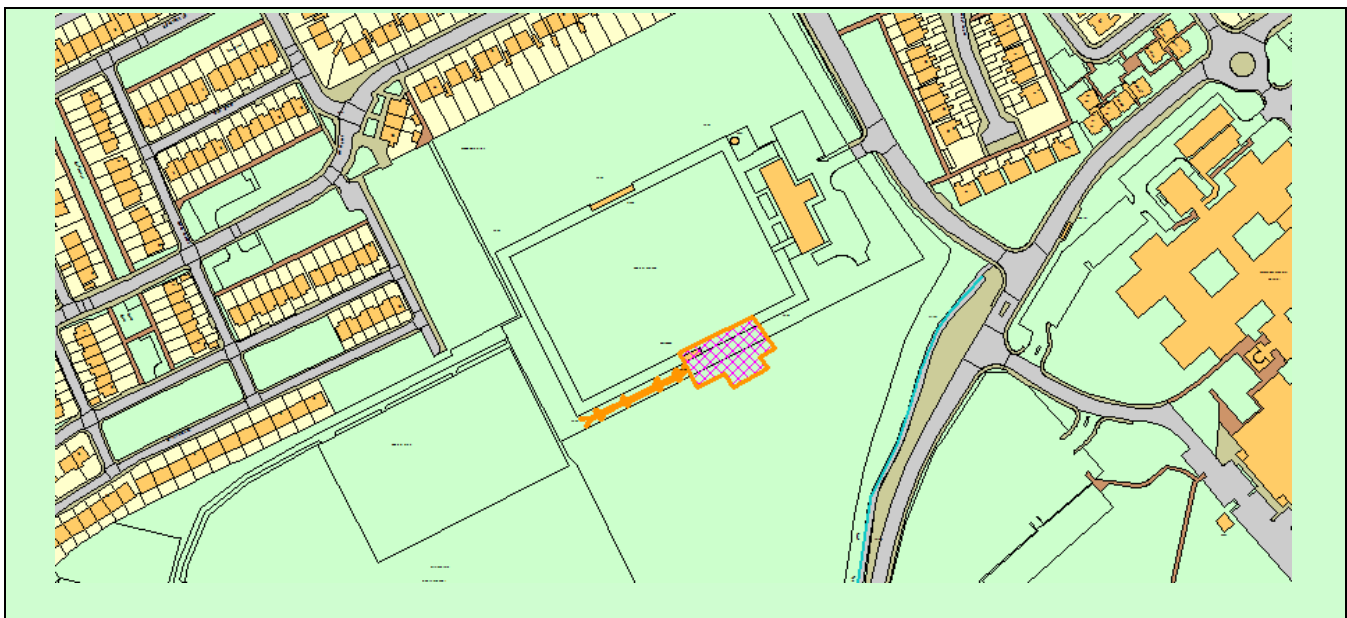


# Northumberland County Council

## ASHINGTON & BLYTH LOCAL AREA COMMITTEE 13TH NOVEMBER 2019

<b>Application No:</b>	19/03369/CCD		
<b>Proposal:</b>	Retrospective: Installation of ground source heat pump system comprising of 2no. 35kw Heat Pumps and associated ground array.		
<b>Site Address</b>	Ashington Community Association Football Club, Woodhorn Lane, Ashington, NE63 9FW		
<b>Applicant:</b>	Mr Mark Roberts County Hall, Loansdean, Morpeth, Northumberland NE61 2EF	<b>Agent:</b>	Mark Montgomery Mount Wellington, Chancewa .ter, Ruro, Cornwall TR4 8RJ
<b>Ward</b>	Hirst	<b>Parish</b>	Ashington
<b>Valid Date:</b>	5 September 2019	<b>Expiry Date:</b>	31 October 2019
<b>Case Officer Details:</b>	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

### 1. Introduction

- 1.1 This application is being reported to the Local Area Committee as the proposal has been submitted on behalf of Northumberland County Council.

### 2. Description of the Proposals

- 2.1 The application seeks retrospective planning permission for the installation of 2no ground source heat pumps (GSHP) and associated ground array at Ashington Football Club, Woodhorn Lane.
- 2.2 The 2no GSHP's are located within the existing plant room with the associated ground array extending westwards away from the building. Works were completed on site on 3<sup>rd</sup> July 2017.
- 2.3 Schedule 2, part 14, Class L of the General Permitted Development Order (2015) (as amended) (GPDO) does allow for the provision of 1no GSHP within the curtilage of a site without the need for planning permission. As 2no GSHP's have been installed at the site, planning permission is therefore required.

### **3. Planning History**

**Reference Number:** 07/00133/FUL

**Description:** The provision of a new football pitch with additional facilities including single storey club house and changing rooms, car park, training pitches, two grandstands (one for seated spectators and one for standing spectators), pitch floodlighting columns and perimeter and internal fencing (amended plans received 25.05.2007)

**Status:** Permitted

**Reference Number:** 07/00487/FUL

**Description:** Fixed flood lighting to football pitch (Amended plan received 04.01.2008)

**Status:** Permitted

**Reference Number:** 09/E/00142/FUL

**Description:** Proposed construction of extensions to existing grandstand

**Status:** Permitted

**Reference Number:** 10/S/00396/FUL

**Description:** new changing rooms and pitches. Extension to parking areas as amended by drawings received 05/08/10

**Status:** Permitted

**Reference Number:** 14/01839/FUL

**Description:** Demolition of existing club facilities and construction of new club house, football stand and associated facilities including new car park

**Status:** Permitted

**Reference Number:** 15/03684/ADE

**Description:** Display of 2No. information hoarding at site entrance to site and 3 No. fascia signs located on various elevations of building

**Status:** Permitted

**Reference Number:** 16/00233/PA

**Description:** Installation of a solar PV system to roof

**Status:** Prior approval required and granted

**Reference Number:** 17/00485/DISCON

**Description:** Discharge condition 3 (coal mining legacy issues) 4 (protective measures) 5 (disposal of foul and surface water) 6 (construction samples) and 7 (cycle parking) on approved planning application 14/01839/FUL.

**Status:** Permitted

#### 4. Consultee Responses

Ashington Parish Council	No response received.
Strategic Estates	No response received.
Public Protection	No objection subject to recommended condition and informative.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	0
Number of Objections	0
Number of Support	0
Number of General Comments	0

##### Notices

General site notice, 4th October 2019.

No Press Notice Required.

##### Summary of Responses:

None received

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PW4NEMQSJ2H00>

#### 6. Planning Policy

##### 6.1 Development Plan Policy

Wansbeck District Local Plan (2007) (WDLP)

Policy GP1 - Settlement Boundaries

Policy GP26 – Noise

Policy GP30 – Visual impact

##### 6.2 National Planning Policy

National Planning Policy Framework (2019) (NPPF)

National Planning Policy Practice Guidance (2019) (NPPG)

### 6.3 Other documents/strategies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) (NLPPD)

Policy STP 1 – Spatial strategy

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Wansbeck District Local Plan (2007) (WDLP). The main considerations in the assessment of this application are:

- Principle of development
- Design and visual character;
- Residential amenity;

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) can therefore be given some weight in the assessment of this application.

### **Principle of the development**

7.2 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development.

7.3 Policy GP1 details that providing '*proposals are in accordance with other policies of the Plan, development on previously-developed sites and buildings within settlement limits, as defined on the Proposals Map, will be permitted*'. The application site is located within the settlement boundary for Ashington as defined by the Wansbeck District Local Plan Proposals Map which accompanies the Plan with the works being located within an existing building.

7.4 The principle of the development is therefore considered in accordance with both local and national planning policy.

## **Design and visual character**

- 7.5 Policy GP30 of the WDLP stipulates that all *‘proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused’*.
- 7.6 Paragraph 124 of the NPPF recognises *‘good design as a key aspect of sustainable development’*. Paragraph 127 of the NPPF goes on to note that developments should *‘function well and add to the overall quality of the area’* whilst being *‘sympathetic to local character and history’*.
- 7.7 As the GSHP’s are housed internally, there would be no adverse impacts caused upon the visual character of the area. Furthermore, the associated ground works are located below ground level and therefore are not visible within the public domain with hard and soft landscaping made good following the works.
- 7.8 The proposal is therefore considered in accordance with both local and national planning policy in terms of design.

## **Residential amenity**

- 7.9 Paragraph 127, part f) of the NPPF stipulates that developments should provide a high standard of amenity for existing and future users. Policy QOP 2 of the NLPPD (including minor modifications) notes that development will be required to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in, working in or visiting the local area.
- 7.10 As the 2no GSHP’s are housed internally, along with considerable separation distances existing to neighbouring residential properties, it is not considered that there would be any detrimental impacts caused in terms of the amenity of neighbouring residents. The local authority’s Public Protection team have requested that a condition be attached in the case of any noise complaints being received.
- 7.11 Taking the above into consideration, the works are therefore considered to accord with both local and national planning policy in terms of residential amenity.

## **Equality Duty**

- 7.12 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

## **Crime and Disorder Act Implications**

- 7.13 These proposals have no implications in relation to crime and disorder.

## **Human Rights Act Implications**

- 7.14 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.15 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.16 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

- 8.1 The main planning considerations in determining this application have been set out and considered above whilst having regard to the appropriate local plan policies. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.
- 8.2 The application is therefore recommended for approval, subject to appropriate conditions.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

## Conditions/Reason

01. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-
- 1) Location plan (received 5<sup>th</sup> September 2019)
  - 2) Ground floor plan as proposed drawing no. GSHP 2 (received 13<sup>th</sup> August 2019)
  - 3) Pipework schematic plan 1 drawing no. 001 (received 5<sup>th</sup> September 2019)
  - 4) Pipework schematic plan 2 drawing no. 002 (received 5<sup>th</sup> September 2019)

Reason: To ensure the development is carried out in accordance with the approved plans.

02. Within 21 days from receipt of a written request from the Local Planning Authority notifying the applicant of a justified noise complaint, alleging disturbance at a dwelling, the applicant shall employ a competent independent acoustic consultant to assess the level of noise emissions from the development at the complainant's property. The report shall be approved in writing by the local planning authority with any approved mitigation implemented in full.

Reason: To protect residential amenity and provide a commensurate level of protection against noise intrusion.

### **Informatives**

- 1) The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

In all cases, the Council retains its rights under Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

**Date of Report: 31st October 2019**

**Background Papers:** Planning application file(s) 19/03369/CCD