



Northumberland County Council

Strategic Planning Committee, 3 December 2019

Application No:	19/02871/CCD		
Proposal:	Retrospective: Installation of ground source heat pump (GSHP) comprising of 3no. heat pumps (1no. 75kW, 1no. 60kW, & 1no. 17kW) and array of 18no. boreholes located within curtilage of building		
Site Address	Seahouses Primary School, James Street, Seahouses, Northumberland		
Applicant:	Northumberland County Council County Hall, Loansdean, Morpeth, Northumberland NE61 2EF	Agent:	Mr Mark Montgomery Mount Wellington, Fernsplatt, Chacewater, Truro TR4 8RJ
Ward	Bamburgh	Parish	North Sunderland
Valid Date:	27 September 2019	Expiry Date:	22 November 2019
Case Officer Details:	Name: Mrs Katherine Robbie Job Title: Senior Planning Officer Tel No: 01670 622633 Email: katherine.robby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

- 1.1 This application falls to be determined by the members of the Strategic Planning Committee, in accordance with the Council's current Scheme of Delegation, as Northumberland County Council is the applicant.

2. Description of the Proposals

- 2.1 This application seeks retrospective permission for the installation of three ground source heat pumps and an associated underground array at Seahouses Primary School.
- 2.2 The array has been installed within the school playing field to the south east of the school building and the pumps are located within the existing plant room within the school building
- 2.3 The Town and Country Planning (General Permitted Development) Order 2015 (amended) sets out the parameters under which ground source heat pumps can be installed without the need for planning permission. The development falls outside these parameters by virtue of Part 14 Class L – *the installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a building other than a dwellinghouse or block of flats* and the limitation contained within paragraph L.1 (b) –the development must not result in the presence within the curtilage of more than one ground source heat pump.
- 2.4 Therefore, the installation requires planning permission as the system contains more than one pump. The need for planning permission has come to light as part of the applicant's submission to BEIS for Renewable Heat Incentive (RHI) funding and therefore needs to be regularised.
- 2.5 The trenching for the array covers a length of approximately 230 metres and incorporates 18 boreholes to a depth of 188 metres with a piped connection to the east side of the building. The pumps are housed internally within the plant room in the building.
- 2.6 The school building is located to the north west corner of the school site and is accessed from James Street. There are playing fields to the east and south. Residential properties are located to the north and east of the school site and agricultural fields to the south and west.
- 2.7 The site lies within the settlement boundary of Seahouses and is within the North Northumberland Coast Area of Outstanding Natural Beauty (AONB).

3. Planning History

Reference Number: 11/01986/CCD

Description: Installation of solar photovoltaic panels on the school roof

Status: PER

Reference Number: 15/03839/CLPROP

Description: Erection of 2 no. external canopies and external ramps to reception & nursery

Status: PER

4. Consultee Responses

Natural England	No objection
Northumberland Coast AONB	No objection
Strategic Estates	No response received.
Public Protection	Verbal advice received regarding wording of condition
County Ecologist	No objection
North Sunderland And Seahouses PC	No objection
County Archaeologist	No objection

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

A general site notice was posted on site on 9th October 2019
No Press Notice Required.

Summary of Responses:

None received

6. Planning Policy

6.1 Development Plan Policy

North Northumberland Coast Neighbourhood Plan (2018)

Policy 1 Sustainable Development
Policy 8 Settlement Boundary

Berwick upon Tweed Borough Local Plan (1999)

F2 - Coastal Zone

C12 - Renewable Energy Schemes

C20 - Renewable Energy projects within the Coastal Zone

6.2 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019

REN1 Renewable and low carbon energy and associated energy storage

6.3 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Policy Guidance (NPPG) (2014, as updated)

7. **Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to the policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the relevant development plans for this application are the North Northumberland Coast Neighbourhood Plan (NNCNP) (2018) and Berwick upon Tweed Borough Local Plan (BBLP) (1999) and the proposed works shall be considered in the light of the saved policies of these documents.

7.2 The Northumberland Local Plan (NLP) (Publication Draft Plan) was published for consultation in January 2019 and was submitted to the Planning Inspectorate for examination on 29 May 2019. In accordance with Paragraph 216 of the NPPF; the policies contained within the document at this stage carry some weight in the assessment of planning applications.

7.3 The main issues for consideration in the determination of this application are:

- Principle of development
- Impact on landscape and visual amenity
- Impact on residential amenity and living conditions
- Impact on archaeology
- Impact on ecology

The Principle of Development

7.4 National energy and planning policy framework for renewable energy developments provide an established and supportive policy framework for tackling climate change. The NPPF outlines the Government's planning policies. The guiding principles of the NPPF support the transition to a low

carbon future and encourage the use of renewable technologies and resources.

- 7.5 Chapter 14 of the NPPF provides support for the use and supply of renewable and low carbon energy, stating in paragraph 154 that local authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 7.6 The site lies within the settlement boundary of Seahouses defined by policy 8 of the NNCNP which sets out the criteria upon which development is considered acceptable. Policy 1 of the neighbourhood plan considers whether development is sustainable or not. This proposal presents no conflict with either of these policies.
- 7.7 Saved Policy C12 of the Berwick upon Tweed Borough Local Plan (1999) outlines the criteria for Renewable Energy Development and states that proposals within the Coastal Zone should refer to Saved Policy C20. Saved Policy C20 states that in considering small scale renewable energy projects designed to supply individual premises will have regard to their satisfactory integration into the landscape, or townscape, to avoid materially adverse effects or cumulative effects and that the development accords with Policies elsewhere in the Plan. Saved Policy F2 identifies the Coastal Zone on the Proposals Map stating that primary importance will be attached to the conservation and enhancement of the landscape and coast and policy REN1 of the emerging Northumberland Local Plan which supports proposals for low carbon energy development.
- 7.8 In principle, therefore, the development can be regarded as being acceptable provided that it would cause no adverse impacts on the environment and neighbouring uses.

Impact on the Landscape and Visual Amenity

- 7.9 The nature of the proposal is such that there is no part of the development visible once it has been installed. The array is underground within the school grounds and has been returned to its previous use following installation and the pumps are housed within the existing school building. There is, therefore, no impact on the landscape arising from the proposal and the development does not have any adverse impacts on visual amenity in the area or the character of the Northumberland Coast AONB and therefore accords with the requirements of policies F2 and C20 of the BBLP and the provisions of paragraph 124 of the NPPF which requires good design to be a key aspect of sustainable development.

Impact on Residential Amenity and Living Conditions

- 7.10 The nearest residential property is the School House which lies approximately 13m to the north of the part of the school building where the pumps are located. The next nearest residential property lies approximately 50m to the north east of the school building. The heat pumps are unlikely to generate

noise which would cause any adverse impact on residential amenity in the area; however no noise assessment has been carried out to substantiate this. It would therefore be appropriate to attach a condition to the permission which would require the operator of the system to investigate and mitigate any noise arising from the pumps if a substantiated complaint is received in the future. There are no other issues which could have an impact on the living conditions of nearby residents. The proposal therefore accords with the requirements of paragraph 127 (f) of the NPPF and policy C12 of the BBLP in this respect.

Impact on Archaeology

- 7.11 The Council's Archaeologist has been consulted on the application. The proposed development is located in a landscape which contains known archaeological spanning the prehistoric to medieval periods. No archaeological remains are recorded within the present application site. Whilst the site is located in an area which retains potential for unrecorded archaeological remains, the scale of development proposed via this application is relatively small. The potential for development of this scale to impact significant archaeological remains is therefore considered to be low. Taking account of the character, extent and distribution of known archaeological remains in the surrounding area and the anticipated construction impact of the proposed development, the proposed development is unlikely to adversely affect significant archaeological remains.

Impact on Ecology

- 7.12 With regard to the retrospective nature of the application there would be no benefit to carrying out ecological surveys which would normally be required for proposals of this type. The site of the arrays is a school playing field which has been returned to its previous use now that the array has been installed. There has been no opportunity therefore to establish the impact that the proposal has had on the ecology of the locality or to request any mitigation or enhancement as a result. The development, due to its nature, is unlikely to have had a significant impact on the ecology in this area, and the playing field has now been returned to its previous use and is therefore considered acceptable in this respect.

Other Matters

Equality Duty

- 7.13 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

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

Human Rights Act Implications

7.15 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.

7.16 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.

7.17 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 National and local planning policies together with national energy policy provide a positive framework for encouraging renewable energy developments, where appropriate. It is considered that the proposal would not have an adverse impact on the area.

8.2 The ground source heat pump array would occupy a relatively small area of land which has been returned to its original use following the installation of the array. There would be no impact upon visual amenity in the area. Any potential impacts on residential amenity can be covered by a condition relating to adverse noise arising from the installation and the development has not had any adverse impacts on the historic or natural environment.

8.3 The development in this location of a ground source heat pump system is therefore considered acceptable. The development complies broadly with the guidance set out in the National Planning Policy Framework and policies in the

adopted and emerging Local Plan and Neighbourhood plan which covers this location.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be retained in complete accordance with the approved plans and documents. The approved plans and documents for this development are:

Ground Array Plan no: 002 dated 10/08/2018
Hydraulic Design Plans received on 01/10/2019

Reason: To ensure that the approved development is retained in complete accordance with the approved plans.

02. If the development permanently ceases to generate power the operator shall notify the Local Planning Authority in writing within 1 month of power generation ceasing. The array, heat pumps and associated pipework, cabling and all other equipment shall be removed from the land within 12 months of the date of last power generation and the land restored to its former condition within 6 months.

Reason: To ensure the development site is appropriately restored once the development ceases power generation

03. 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 assessment shall be undertaken in accordance with the methodology described in BS 4142:2014. The applicant shall submit a report based on the consultant's findings to the Local Planning Authority for written approval.

Where the noise levels from the development exceeds the background level (LA90) by 5dB (decibels), at the complainants property, appropriate mitigation measures shall agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise intrusion in accordance with policy C12 of the Berwick upon Tweed Borough Local Plan.

Informatives

Statutory Nuisance

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.

Ground Source Heat Pumps - Advice to LPA/Applicant

The Environment Agency's Good Practice Guide relating to the installation and operation of open and closed loop ground source heating and cooling systems can be found on the Ground Source Heat Pump Association website at: http://www.gshp.org.uk/pdf/EA_GSHC_Good_Practice_Guide.pdf

Date of Report: 15 November 2019

Background Papers: Planning application file(s) 19/02871/CCD