

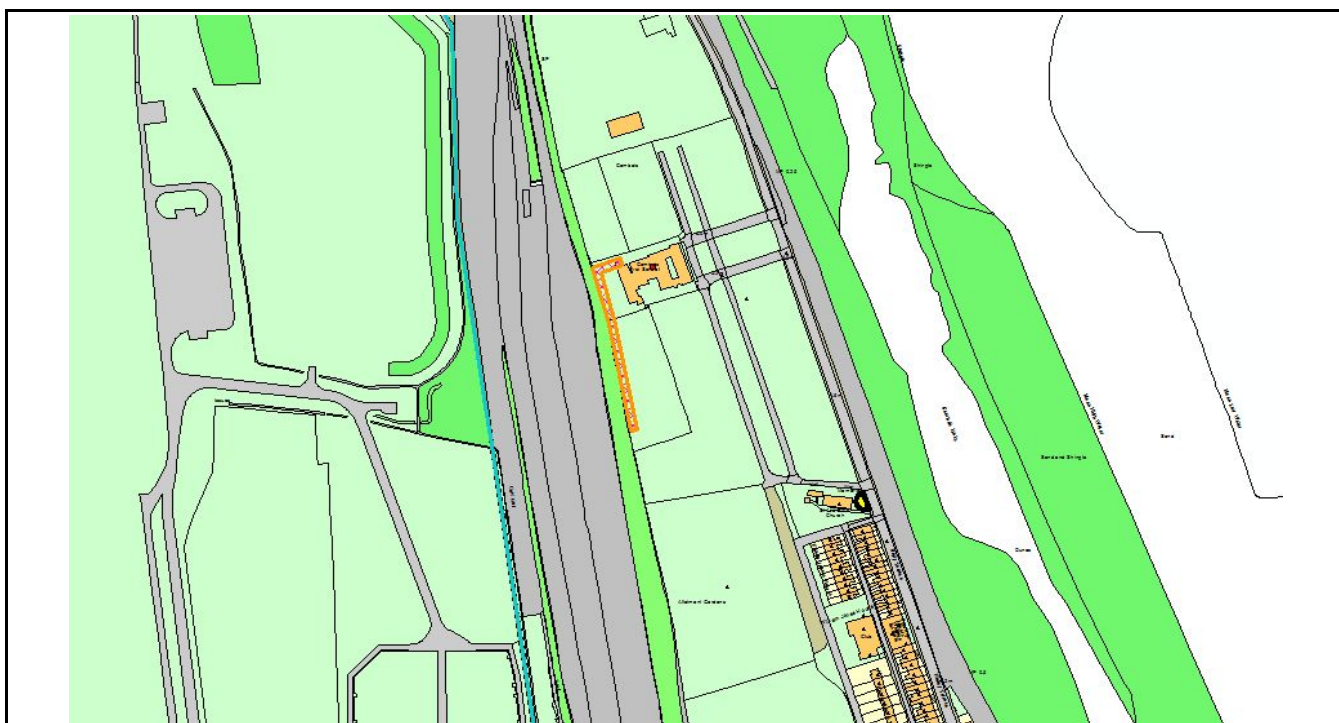


Northumberland County Council

Strategic Planning Committee, 3 December 2019

Application No:	19/03368/CCD		
Proposal:	Retrospective: Installation of ground source heat pump system comprising of 2 heat pumps (1no. 40kW and 1no. 50kW) and array of 10no. boreholes within curtilage of building.		
Site Address	Cambois Primary School, Cambois, Blyth, Northumberland NE24 1RD		
Applicant:	Mr Mark Roberts County Hall, Morpeth, Northumberland, NE61 2EF	Agent:	Mr Mark Montgomery Mount Wellington, Fernsplat, Chacewater, TRURO TR4 8RJ
Ward	Sleekburn	Parish	East Bedlington
Valid Date:	25 September 2019	Expiry Date:	20 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



1. Introduction

- 1.1 This application falls to be determined by 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 Proposal

- 1.1 This application seeks retrospective permission for the installation of two ground source heat pumps and an associated underground array at Cambois Primary School.
- 1.2 The array has been installed within the school playground to the west and school playing field to the south of the school building and the pumps are located within the existing boiler house 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 140 metres and incorporates 10 boreholes with a piped connection to the west side of the building. The pumps are housed internally within the existing boiler house in the building. The application does not state the depth of the boreholes.

3. Planning History

Reference Number: C/09/00208/CCD

Description: Construction of a canopy over existing hard standing

Status: Application permitted

Reference Number: 12/01790/CCD

Description: New main entrance including ramped and stepped access

Status: Development is Permitted Development

4. Consultee Responses

East Bedlington Parish Council	No response received.
Public Protection	Verbal advice received regarding wording of condition

5. Public Responses

Neighbour Notification

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

Notices

A general site notice was posted on site on 17th October 2019
No Press Notice Required.

Summary of Responses:

None received

6. Planning Policy

6.1 Development Plan Policy

Wansbeck District Local Plan (2007)

GP1 Location of Development
GP23 Development causing pollution and nuisance
REC2 Protection of non-strategic open spaces
CF5 Renewable energy

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 plan for this application is the Wansbeck District Local Plan (WDLP) (2007) 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
 - Visual Impact
 - Impact on residential amenity and living conditions
 - Impact on open space

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 importance of renewable and low carbon energy is reflected on a more local scale in WDLP policy CF5 which supports the development of well designed and sustainable renewable energy projects subject to demonstration that no harm would be caused by the proposal and policy REN1 of the emerging Northumberland Local Plan which supports proposals for low carbon energy development.
- 7.7 The school is located to the north of the built up area of Cambois. The array is located in the school playground to the west and school field to the south of the school building. The site is located within the settlement boundary of Cambois and therefore accords with the provisions of policy GP1 of the WDLP.
- 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.

Visual Impact

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 and the grass in the school field area and school playground hardstanding returned to its previous use following installation and in this instance the pumps are housed within the existing boiler house in the school. 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 and accords with the requirements of policy GP30 of the WDLP 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 properties lie approximately 250m to the south west of the boiler house in the school where the heat pumps are located. 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 GP23 of the WDLP in this respect

Impact on Open Space

7.11 The school playing field is designated as open space and it is therefore appropriate to consider the proposal against policy REC2 of the WDLP. This policy aims to protect non-strategic open spaces from inappropriate development. The policy ensures that there would be no significant loss of open space to the community in terms of visual amenity, provision for play and recreation, nature conservation or use for community events. The nature of this development is that the surface has been returned to its previous use thereby ensuring that there has been no loss of open space as a result. The proposal therefore complies with the requirements of this policy.

Other Matters

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 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 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:

Vertical Ground Array Plan 001 dated 04/07/18
Plans Package received on 06/09/19

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 CF5 of the Wansbeck District 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) 19/03368/CCD