

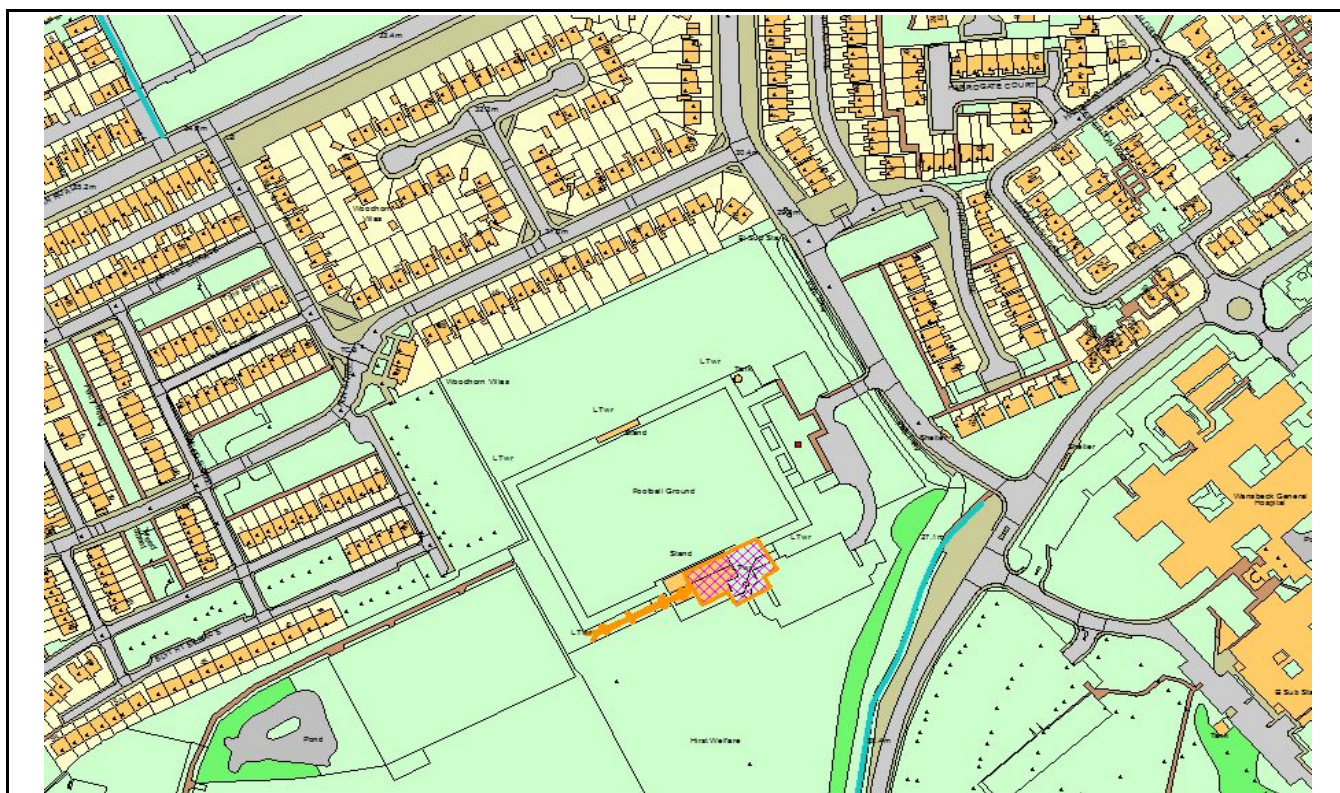


Northumberland County Council

Strategic Planning Committee, 3 December 2019

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| Application No: | 19/03369/CCD | | |
| Proposal: | Retrospective: Installation of ground source heat pump system comprising of 2no. 35kw Heat Pumps and associated ground array. | | |
| Site Address | Ashington Community Association Football Club , Woodhorn Lane, Ashington, NE63 9FW | | |
| Applicant: | Mr Mark Roberts County Hall, Loansdean, Morpeth, Northumberland NE61 2EF | Agent: | Mark Montgomery Mount Wellington, Chancewater, Truro, Cornwall TR4 8RJ |
| Ward | Hirst | Parish | Ashington |
| Valid Date: | 5 September 2019 | Expiry Date: | 14 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

- 2.1 This application seeks retrospective permission for the installation of two ground source heat pumps and an associated underground array at Ashington Community Association Football Club, Woodhorn Lane, Ashington.
- 2.2 The array has been installed in a grassed area to the south west of the main club building which is separated from the building by a palisade fence and the pumps are located within the club house/stand building under the stand.
- 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 array is situated outside the curtilage of the building and 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 an area of 70 square metres and incorporates 10 boreholes to a depth of 100 metres with a piped connection to the west side of the building. The pumps are housed internally within the building.
- 2.6 Ashington Community Football Club is located within the built up area of Ashington. The nearest residential properties are located approximately 100 metres to the north west. Residential properties also lie approximately 160 metres to the north and 150 metres to the south east.

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: Application Permitted

Reference Number: 07/00487/FUL

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

Status: Application Permitted

Reference Number: 09/E/00142/FUL

Description: Proposed construction of extensions to existing grandstand

Status: Application 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: Application 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: Application 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: Application 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: Application Permitted

Reference Number: 19/04432/FUL

Description: Retrospective permission for the erection of a closed circuit television camera with associated mounting pole and the installation of a parking payment machine and Payment options board

Status: Application Received

4. Consultee Responses

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| Ashington Parish Council | No response received. |
| Strategic Estates | No response received. |

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| Public Protection | In principle, the Public Health Protection Unit does not object to this proposal subject to a condition relating to noise complaints being attached to the permission. This is subject to the measures detailed in the application documents being implemented as stated. |
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5. Public Responses

Neighbour Notification

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| 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 4th 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
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

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 football club is located within the built up area of Ashington and is bounded by residential properties to the north and west. The array is located in a grassed area to the south west of clubhouse. The site is

located within the settlement boundary of Ashington 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 grassed area returned to its previous use following installation and in this instance the pumps are housed within an area under the stand of the clubhouse 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 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 100m to the north west of the clubhouse building 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.

Other Matters

Equality Duty

- 7.11 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

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

Human Rights Act Implications

- 7.13 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.
- 7.14 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.
- 7.15 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 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 is therefore considered acceptable. The development complies broadly with the guidance set out in the National Planning Policy Framework and policies in adopted and emerging Local Plan.

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 floor plan as proposed drawing no. GSHP 2 (received 13 August 2019)

Pipework schematic plan 1 drawing no. 001 (received 5 September 2019)

Pipework schematic plan 2 drawing no. 002 (received 5 September 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 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: 12 November 2019

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