

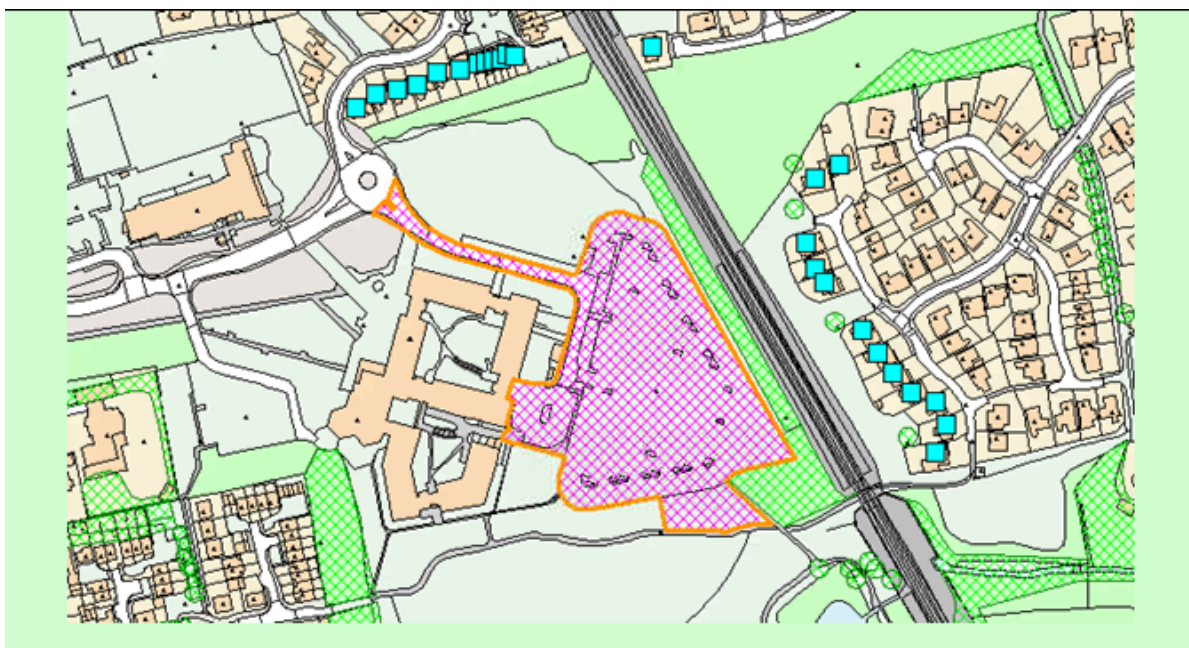


# Northumberland County Council

## Castle Morpeth Local Area Council Committee 13<sup>th</sup> February 2023

<b>Application No:</b>	22/04405/CCD		
<b>Proposal:</b>	Resurfacing and realignment of the staff car park and associated areas. Construction of 800kW solar array supplying a 400kW battery energy storage system which will feed 120 electric car charging points. Construct a water attenuation system to improve drainage.		
<b>Site Address</b>	Staff Car Park, County Hall, Loansdean, Morpeth Northumberland NE61 2EF		
<b>Applicant:</b>	Property Services C/o Agent (Mr R Flowdy - UKPNS North), The Mill, South Hall Street, Salford Manchester M5 4TP	<b>Agent:</b>	Mr Roy Flowdy The Mill, South Hall Street, Salford, Manchester M5 4TP
<b>Ward</b>	Morpeth Kirkhill	<b>Parish</b>	Morpeth
<b>Valid Date:</b>	12 December 2022	<b>Expiry Date:</b>	20 February 2022
<b>Case Officer Details:</b>	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

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



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### 1. Introduction

1.1 The proposal is an application by Northumberland County Council and falls to be determined by the Local Area Committee as per the scheme of delegation.

## **2. Site Description and Proposal**

2.1 The application site is currently used as the staff car park for County Hall in Morpeth. It is bounded by the County Hall building to the west, railway lines to the east and amenity grassland to the north and south. A small portion of this grassland is included within the red line boundary where temporary works are proposed to improve drainage.

2.2 This application is for the installation of a canopy of solar panels to cover approximately three quarters of the existing staff car park at County Hall in Morpeth and provide electric vehicle charging points for 120 vehicles. A battery storage unit will be constructed to the west of the canopy. Some work to improve drainage conditions is proposed to take place on the grassed area to the south.

## **3. Planning History**

**Reference Number:** CM/78/D/57

**Description:** LANDSCAPING DETAILS

**Status:** Approved

**Reference Number:** 13/01978/FUL

**Description:** Installation of 3no Storage Containers and Air Conditioning Units including new fencing for Northumberland County Council.

**Status:** Approved

**Reference Number:** CM/78/D/387C

**Description:** Erection of Gas District governor chamber (as amended by letter dated 31st January 1980)

**Status:** Approved

**Reference Number:** CM/78/D/387D

**Description:** Details of roof tanks and solar collector panels

**Status:** Approved

**Reference Number:** CM/78/D/387A

**Description:** Details of solar screen

**Status:** Approved

**Reference Number:** CM/78/D/387/F

**Description:** Details of landscaping

**Status:** Approved

**Reference Number:** CM/95/D/111

**Description:** Siting of 6 no 6m CCTV masts with ancillary wall mounted lighting

**Status:** Approved

**Reference Number:** CM/78/D/387E

**Description:** County Hall (Phase II) with dining room/restaurant

**Status:** Approved

**Reference Number:** CM/78/D/387B

**Description:** Details of canopy to be erected over the main entrance to the new County Hall

**Status:** NONCCZ

**Reference Number:** 22/03559/FUL

**Description:** Construction and commissioning of 800kW Solar Array supported on structures 2.5 high along with installation of 400kW Battery Energy Storage System which will supply 120 Electric Vehicle Charging Points of various capacities. Installation of interceptor and surface water attenuation system to regulate the drainage of the existing car park.

**Status:** APPRET

**Reference Number:** 22/03840/FUL

**Description:** Construction of a Solar Array supported by steel structures. Supplying a Battery Energy Storage System (BESS) which will supply power to 120 Electric Car charging points. As part of the project, it will be necessary to improve the surface water discharge for the site by constructing water attenuation system which will limit the outfall from the car park only.

**Status:** APPRET

#### 4. Consultee Responses

Morpeth Town Council	Morpeth Town Council has no comment to this application subject to the information available currently.
Strategic Estates	No response received.
County Ecologist	No objection subject to conditions.
Open Spaces South East Area	No response received.
Lead Local Flood Authority (LLFA)	No objection to the proposed development subject to conditions and approved drawings/documents being appended to any granted planning permission.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	25
Number of Objections	0
Number of Support	0
Number of General Comments	0

##### Notices

General site notice, 20th December 2022

Northumberland Gazette 22nd December 2022

##### Summary of Responses:

None

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=RLWBQMQLG00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Northumberland Local Plan Adopted March 2022)

STP 1 - Spatial strategy (Strategic Policy)

STP 2 - Presumption in favour of sustainable development (Strategic Policy)

STP 3 - Principles of sustainable development (Strategic Policy)

STP 4 - Climate change mitigation and adaptation (Strategic Policy)

STP 6 - Green infrastructure (Strategic Policy)

TRA 1 - Promoting sustainable connections (Strategic Policy)

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

ENV 2 - Biodiversity and geodiversity

MIN 4 - Safeguarding mineral resources (Strategic Policy)

REN 1 - Renewable and low carbon energy and associated energy storage

INF 5 - Open space and facilities for sport and recreation

STP 5 - Health and wellbeing (Strategic Policy)

QOP 1 - Design principles (Strategic Policy)

QOP 4 - Landscaping and trees

TRA 2 - The effects of development on the transport network

WAT 2 - Water supply and sewerage

POL 2 - Pollution and air, soil, and water quality

The Morpeth Neighbourhood Plan 2011 – 2031 (Made 10<sup>th</sup> May 2016)

Morpeth NP Policy Env 3: Protected open space

Morpeth NP Policy Sus1: Sustainable development principles

Morpeth NP Policy Set 1: Settlement boundaries

### 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

## **7. Appraisal**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP) and the Morpeth Neighbourhood Plan (MNP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 In relation to the principle of this development in policy terms, it is considered that the following main matters are relevant and need to be considered:

- Spatial strategy

- Renewable energy
- Open space
- Ecology

### *Spatial strategy*

7.3 Policy STP 1 sets the spatial strategy for Northumberland and directs development towards established settlements. Morpeth is defined as a main town which will be a focus for development. Policy Set1 of the Morpeth Neighbourhood Plan (MNP) sets a settlement boundary for Morpeth within which sustainable development will be supported. The site is within this boundary.

7.4 The proposal also involves the improvement of an already developed site with no loss of operational use. This is supported by Policy STP 3 as well as Policy Sus1 of the MNP.

### *Renewable energy*

7.5 Policy STP 3 provides support for proposals which maximise the use of renewable and low carbon energy sources whilst STP 4 states that proposals that help to mitigate climate change through the incorporation of electric vehicle charging facilities.

7.6 Policy REN 1 states that proposals for renewable energy as well as energy storage units will be supported whilst providing several specific issues for consideration with individual applications. The proposal accords well with these considerations.

7.7 Paragraph 152 of the NPPF states that the planning system should support renewable energy and associated infrastructure. Paragraph 158 goes on to say that applications for renewable energy should be approved if the impacts are acceptable.

### *Open space*

7.8 The proposal includes development on a small area of the grassed area to the south of the car park which is currently used as public amenity land. This land is defined as Protected Open Space by Policy Env3 of the MNP, with development only permitted if it can be demonstrated that any damage to green infrastructure and/or local character can be rectified, or the existing situation enhanced.

7.9 Policy INF 5 states that the loss of open space will not be supported unless one of three conditions are met. Paragraphs 98 and 99 of the NPPF make clear the importance of maintaining existing open space. However, the proposed works here involve the installation of equipment to improve the current drainage from the car park and remove pollutants. The work is temporary, and the site will be restored to the original condition once work is complete. Therefore, there will be no loss of open space and the proposal is also in compliance with Policy Env3.

### *Ecology*

7.10 The application site has no statutory or non-statutory ecological designation and holds no habitats of principal importance, although areas of deciduous woodland are located immediately adjacent to the application boundary. A large pond is located

to the south (outside the application boundary) with the site falling within a Natural England amber zone for great crested newts, i.e., an area which holds great crested newt populations, habitats, and dispersal routes. While there is a single record of GCN from within the site, the validity of this has been queried. Bats have been recorded using County Hall and there are also local records of water vole, otter, badger, and red squirrel.

7.11 While most of the works are limited to existing areas of hardstanding, a new attenuation tank and associated works will be installed in amenity grassland to the south of the site, although this will be reinstated upon completion. Given the nature of habitats to be impacted (hard standing and amenity grassland), the risk to protected or otherwise notable species is low, subject to appropriate pollution measures being in place to avoid impacts on adjacent ponds / watercourses. However, to ensure that any residual risk is avoided, the application has been supported by an 'Ecology Method Statement', compliance with which should be secured by means of a condition. A condition is also required to ensure that any new lighting is appropriately designed to avoid impacts on sensitive habitats and species. In accordance with the Ecological Risk Assessment, to ensure that the proposals deliver a net gain for biodiversity, a further condition should be attached requiring the submission of a management plan for areas of species rich grassland within the County Hall grounds.

#### 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, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The proposal represents a positive development by NCC to facilitate the encouragement and use of electric cars. The proposal is consistent with the provisions of the local plan and the neighbourhood plan.

## **9. Recommendation**

9.1 That this application be GRANTED permission subject to the following:

### Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall be carried out in complete accordance with the approved plans. The approved plans and documents for this development are: -

#### Plans

Location Plan, SQN2101-UKP-ZZ-ZZ-ZZ-DR-Z-0001 Rev P01.01  
Existing Site Layout Draft\_Northumberland CC Microgrid Rev PO1  
Car Park Solar Duct Arrangement 22026-LE-ZZ-1200-DR-D-0005 Rev P05  
EV Control Area 22026-LE-ZZ-1200-DR-D-0006 Rev P04  
Proposed Elevation Views HS-GA03 Rev C2  
Proposed Base Plan HS-GA02 Rev C2  
Proposed Site Plan HS-GA01 Rev C2  
Proposed 3D View HS-3D01 Rev C2

#### Surface Water

Lynas Engineers drawing "PROPOSED DRAINAGE LAYOUT", drawing number 22026-LE-ZZ-05-DR-D-0001; Dated 15/11/22  
Lynas Engineers report "NCC EV Car Park Drainage Strategy", report number 22026-LE-ZZ-05-RP-D-0001 Rev P03-S2; Dated 23/11/22

#### Approved Documents

Ecological Risk Assessment, 13<sup>th</sup> October 2022 (as amended 18<sup>th</sup> October 2022)

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

03. Prior to the first operational use of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- o As built drawings for all SuDS components - including dimensions and levels (base levels, inlet/outlet levels, levels around the edges of basins, depths, lengths, diameters etc)
- o Photographs of the surface water system being installed as per the agreed scheme including flow controls, storage structures and any other SuDS components.
- o Construction details (component drawings, materials, vegetation etc);
- o Health and Safety file;
- o Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards and are built accordingly

04. No works should be undertaken other than in accordance with the Ecological Method Statement detailed at Appendix 2 of 'Ecological Risk Assessment - County Hall Solar Car Port Project, Environment and Design Team, Ann Deary Francis, 18th October 2022' including but not limited to:

- o An Ecological Clerk of Works will be appointed, and a pre-start meeting will be held with the principal contractor to detail the requirements. This will include a toolbox talk for all those working on the site.
- o Checking surveys for breeding birds
- o Tree protection fencing will be erected at the boundaries of the hardstanding to avoid incursion by construction vehicles.
- o A method statement will be followed during site clearance to avoid harm to protected species including nesting birds, amphibians and hedgehog.
- o All construction pits or trenches will be covered overnight or fitted with a suitable ramp to allow animals to escape.
- o Pollution prevention measures will be in place.

Reason: To protect and enhance biodiversity in accordance with Local Plan policy ENV2 and the NPPF

05. No additional lighting shall be provided until a lighting scheme for all areas of the site (e.g., car parking, footpath, buildings) has been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing, new lighting shall:

- o (where possible) be limited to the current lux levels (albeit improved for safety)
- o Lighting levels to the burn corridor, pond and trees will be limited to 1lux to avoid impacts on nocturnal animals
- o all lighting will be in accordance with Guidance Note 8 Bats and artificial lighting | Institution of Lighting Professionals (theilp.org.uk)
- o Timers will be used to avoid impacts on bats leaving their roosts immediately after sunset and returning immediately prior to dawn
- o Lighting will be switched off overnight once the offices are closed.
- o Colour washes will be used which limit the impacts on bats with warmer light preferred to blue/white LED.



All external lighting shall be installed in accordance with the specifications agreed. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect local biodiversity in accordance with Local Plan policy ENV2 and the NPPF

06. Within 3 months of first use, in accordance with the recommendations of 'Ecological Risk Assessment - County Hall Solar Car Port Project, Environment and Design Team, Ann Deary Francis, 18th October 2022', a management plan for areas of species rich grassland within the County Hall grounds should be submitted for approval by the LPA. Works shall be undertaken in accordance with the approved plan unless otherwise agreed in writing by the LPA.

Reason: To ensure the scheme delivers a net gain for biodiversity in accordance with Local Plan policy ENV2 and the NPPF

**Date of Report: 31<sup>st</sup> January 2023**

**Background Papers:** Planning application file(s) 22/04405/CCD