

**North Northamptonshire Area Planning (Kettering)
Committee
08/03/2023**

Application Reference	NK/2022/0423
Case Officer	Mark Coleman
Location	Loddington C of E Primary School, Main Street, Loddington
Development	Full Planning Permission: Installation of new air source heat pump and associated works
Applicant	L Hughes, Peterborough Diocese Education Trust
Agent	Mr M Eaton Surveyors to Education
Ward	Rothwell and Mawsley Ward
Overall Expiry Date	25/08/2022
Agreed Extension of Time	23/12/2022

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because Loddington Parish Council has a material written objection.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Full Planning Permission: Installation of new air source heat pump and associated works

- 2.2 The proposed air source heat pump is located towards the front of the existing school building replacing the space utilised by the pre-existing oil tank and screening buff brick sump/screen. The proposed air source heat pump will be screened by a full height timber panel acoustic / visibility screen to four sides, with rubber kick board.
- 2.3 Officer comment: *At the time of submission works had not commenced, but the applicant has confirmed that works did commence after this date. As a result, the application has not been registered as a retrospective application but is considered as such, due to partial implementation of the proposal now under consideration.*

3. Site Description

- 3.1 The site is occupied by a primary school located within the heart of Loddington Village and its historic core. The site has an elevated position in relation to the main street from which the primary pedestrian access point to the school is served by. The site comprises an array of historic school buildings which have been extended and added to over time; the historic buildings are constructed from ironstone with slate roofs; windows are primarily timber with some stone moulded surrounds. A public house abuts the site along its north/northeast (side) boundary and residential dwelling abuts the southwest boundary. A playground is located to the rear (southeast) and another small playground to the front (northwest). Grade II listed buildings are located within close proximity to northwest (no. 30-32 Main Street) and southwest (no. 9 Main Street) of the site. The site falls within the designated Conservation Area for Loddington.

4. Relevant Planning History

- 4.1 KET/2012/0302 - Mezzanine floor to provide additional classroom (Approved, 22.06.2012)

KET/2011/0564 - The installation of 22 solar photovoltaic panels onto a roof of the school building (Approved, 16/11/2011)

Loddington Conservation Area (08/10/2004)

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at:

<https://www.kettering.gov.uk/planningApplication/search>

- 5.1 Loddington Parish Council

Comment received on 28.07.2022 stating that the site is visible from a public road and domestic properties, contrary to what is reported. Concern is raised regarding potential noise impacts on neighbouring residential properties. The proposed site falls within the conservation area of Loddington, a rural, quiet

village comprising of predominantly domestic residences and the reported noise levels are concerning. Acoustic testing at site to determine if the proposal would cause a nuisance is requested. If evidence can be given that noise levels will not impact the quiet residential setting of the site then Loddington Parish Council can support this application.

Objection received on 20.09.2022 due to the following grounds: The description of the site and wider surroundings is incorrect; the Main Street is not busy and has a quite rural/residential nature; concern that acoustic testing was only carried out during day-time with night time impacts only estimated and based on the assumption that the area is busy. Further inaccuracies in the submitted report include:

1. There is no mention of the school being in the Loddington Conservation area;
2. The report mentions a school car park. The school does not have a car park;
3. The report states there are no residential windows in view of the plant. High level windows from three storey properties, in particular 32 Main Street will have a view from directly across the road.

There is no mention in the submission of the hours that the plant will operate at 65dB level. The noise levels have not been calculated at the adjacent property private outdoor space areas which is close to the proposed plant and will more likely be used during day time when noise emissions are likely to be higher. Any noise barriers and acoustic enclosure should be a condition of approval.

Objection received on 06.10.2022 stating *'Given our original concerns regarding the inconsistencies with the acoustic report, in particular that no testing was carried out during the night Loddington Parish Council objects to this application.'*

5.2 Neighbours / Responses to Publicity
No comments received.

5.3 North Northamptonshire Council – Environmental Protection
Comment received on 22.07.2022 stating they cannot support the application as the submitted acoustic data and impact assessment has not been prepared in accordance with a published method and does not consider the effectiveness of the proposed plant enclosure and night-time impacts.

Comment received on 22.09.2022 stating *'Based on the BS4142 assessment by JRA, there are no objections to the proposal subject to the installation being implemented to the design specified and assessed in the Johnathan Richard Associates report.'*

Comment received on 20.12.2022 stating *'We did not raise any objections to the proposal in our comments of the 22nd September 2022, but this was on the assumption that the air source heat pump (ASHP) would not be operating at night and that the nearest noise sensitive location was a short distance away. Subsequently it has been clarified that the ASHP will be operational at night at a reduced demand level, and it appears that there is a residential garden immediately adjacent. In correspondence with this team, the applicant's acoustic consultant has expressed confidence that the air source heat pump can be installed and operated without causing an increase in background noise levels. Whilst we have some concerns that the noise impact assessment report has not provided enough detail about the context of the installation it is stated that the operation of the ASHP can be adjusted (post installation) to achieve the necessary sound levels at any nearby residential property. We still have some concerns about possible adverse impacts on the residential amenity of the immediately adjoining residential garden which was not considered in the report. We are therefore recommending a condition that is designed to protect residential amenity. If this is not acceptable to the applicant, then we would require further information to be provided to give greater confidence that any increase in noise levels or change in the acoustic environment because of the operation of the ASHP is acceptable'*.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 – Presumption in Favour of Sustainable Development
Policy 7 – Community Services and Facilities
Policy 8 – North Northamptonshire Place Shaping Principles
Policy 9 – Sustainable Buildings
Policy 11 – The Network or Urban and Rural Areas
Policy 26 – Renewable and Low Carbon Energy

6.4 Site Specific Part 2 Local Plan (December 2021)

Policy LOC1 – Settlement Boundaries
Policy RS1 – Category A Village
Policy RS5 – General Development Principles in the Rural Area

6.6 Other Relevant Documents

Loddington Conservation Area Appraisal

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Impact on the Character and Appearance of the Area including the setting of the Conservation
- Impact on Neighbouring Amenity

7.1 Principle of Development

7.1.1 Loddington falls within the designation of a category A village defined by Policy RS1 of the Site Specific Part 2 Local Plan (SSP2LP). The policy requires development to be in accordance with Policy 11 of the North Northamptonshire Joint Core Strategy in terms of responding to the settlement hierarchy, which it does. In addition, criteria (d) of Policy RS1 requires development which shows consideration and be sympathetic to the existing size, form, character and setting of the village. Policy RS5 (SSP2LP) also seeks for development to 'Preserve or enhance the character and appearance of Conservation Areas and Listed Buildings' as well as using a limited palette of materials used in the historic core of the village. Policy LOD1 seeks for: (a) development to use high quality natural materials which preserve and enhance the historic character of the settlement; (c) development to reflect the positive character of the historic core; (e) development will maintain the characteristic of linear development along main streets to be maintained.

7.1.2 The proposed development is not significant in size, being only slightly larger than the oil tank which previously occupied the same position and remaining subservient compared to the principal buildings within the site which surround it. The proposal incorporates a timber screen surround to reduce the visual and acoustic impact of the plant which evidently has a modern, utilitarian appearance. Policy 26 of the NNJCS gives support to proposals for renewable energy which reduces the reliance of high carbon forms of energy generation where they are sensitively located and specific criterion is met. In this instance, the proposal is not significant enough to have a landscape impact, however, criterion (c) of Policy 26 (SSP2LP) seeks for the development to be sited so that it avoids harm to the significance of heritage assets and its setting; these issues are discussed in more detail in section 7.2 of this report where it is considered that whilst there is a degree of technical conflict with Policies RS1, RS5 and LOD1 (SSP2LP) which seeks the use of traditional materials used within the historic core of the village, it the prevailing character, appearance and setting of the Conservation Area is been preserved in the context of the original oil tank and playground, due to the use of the proposed timber screen which can be secured by planning condition.

7.1.3 Other considerations set out in criterion (d) of policy 26 of the NNJCS seek for development not to have a significant adverse impact on the amenity of nearby residential dwellings by virtue of noise, etc; and in accordance with criterion (g) does not give rise to a cumulative noise impact. Matters of noise impacts are discussed in detail in section 7.3 of this report and considered to be acceptable, subject to planning conditions recommended by the Environmental Protection Officer, which addresses objections raised by

Loddington Parish Council. Other criterion set out in Policy 26 of the NNJCS is not considered applicable to this proposal. As a result, in light of the policy support in favour of the proposal including the delivery of renewable energy solutions which is given significant weight, the proposal is considered acceptable in principle.

7.2 Impact on the Character and Appearance of the Area including the setting of the Conservation

- 7.2.1 The site is located within the heart of the village which is an historic agricultural settlement; the site is occupied by non-designated heritage assets, but falls within the designated Conservation Area and adjacent 9 Main Street (Grade II) which is enclosed by a curtilage listed wall separating the two sites. The application site is also located within close proximity of 32 High Street (Grade II) located on the opposite side of the road (adjacent).

- 7.2.2 When considering whether to grant planning permission for development which affects a listed building, Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area. In addition, policies RS1, RS5 and LOD1 of the SSP2LP all seek to either protect and enhance the Conservation Area or be sympathetic/positive to the existing setting or character of the area, particularly within the historic core of settlements as discussed in section 7.1 of this report.
- 7.2.3 The actual plant (air source heat pump) has a utilitarian appearance which detracts from the setting of the Conservation Area and adjacent listed buildings and curtilage wall; the plant sits on a concrete slab. However, despite this, the timber acoustic screen visibly shields the plant and slab from view from every angle other than from above. The closed boarded timber screen with chamfered edge stands approximately 2.5m high with a rubber kickboard at the base. The rubber kickboard will sit appropriately within the context of the adjacent playground subject to condition requiring it to be black. The proposed screen (with two timber service doors) will have an appearance similar to a timber shed; given the position of the proposed development within the site which abuts the existing school building, the massing of structures within the site will be clustered, reducing the overall visual impact. The proposed development sits subservient to the host building and back from the main building line within the street. As a result, it is relatively inconspicuous despite being located towards the front of the site. As a result, subject to a planning condition requiring the timber screen to remain in natural unfinished appearance or preservative stain (not painted colour) and retained in that form thereafter for as long as the air source heat pump shall remain, the visual impact on the setting of the Conservation Area will be protected.
- 7.2.4 A tall iron stone wall separates the site from the adjacent grade II listed building at no. 9 High Street, ensuring that the listed building's setting will be less than substantially impacted upon. The stone wall itself is likely to be a curtilage structure and as such has the same considerations as the host property. However, it cannot be ignored that the current setting is defined by the existing school which includes less sympathetic modern additions to the original school in the form of conservatory 'style' extension, timber lean-to cover and plant room, all of which have a functional design; the existing oil tank is also a consideration which is screened from the Main Street by a buff brick wall which extends around the side of the oil tank, presumably to also act as a sump. It is considered within the existing and pre-existing context, the proposed development will result in less than substantial harm to the setting of the adjacent curtilage listed wall and adjacent listed building at no. 32 High Street (grade II), subject to the recommended condition relating to the timber screen and rubber kick boards.

7.2.5 Subject to this, the proposal is considered acceptable and accords with the relevant parts of Sections 2, 12 and 16 of the National Planning Policy Framework, Policies 2 and 8 of the North Northamptonshire Joint Core Strategy and Policies RS1, RS5 and LOD1 of the Site Specific Part 2 Local Plan despite conflict with the latter 3 no. policies referred to (as discussed above).

7.3 Impact on Neighbouring Amenity

7.3.1 Section 12, paragraph 130 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users. In addition, Paragraph 185, Section 15 of the National Planning Policy Framework seeks for planning decisions to ensure that new development is appropriate for its location taking into account the likely effects on living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In particular they should mitigate and reduce to a minimum potential adverse impact resulting from noise from development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

7.3.2 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

7.3.3 No third party comments were received through the consultation process from immediate neighbours. However, comment from Loddington Parish Council raised concerns regarding the lack of noise impact assessment accompanying the proposal, which was subsequently provided by the applicant together with additional information to try and address matters raised by North Northamptonshire Council's Environmental Protection Team. The latest noise assessment and information is considered appropriate and whilst North Northamptonshire Council's Environmental Protection Team still have some concerns about possible adverse impacts on the residential amenity of the immediately adjoining residential garden which was not considered within the report, it is felt that these concerns can be addressed by recommending a condition to secure noise to a specified level. The Parish Council objection currently remains in place. Whilst the planning application is not retrospective, it has been confirmed that the plant (air source heat pump), slab base and connections are in situ on site. As a result, the case officer recommends a compliance trigger of 6 months be applied from date of decision by which time the plant shall be removed and cease operation if not met. Subject to this, a condition to retain the acoustic screen, it is considered that due to the location and subservient scale of the air source heat pump and its acoustic screen, impact on neighbouring amenity will be acceptable and will accord with the relevant parts of Sections 12 and 15 of the National Planning Policy and Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Other Matters

8.1 Standard Conditions

- 8.1.1 The applicant has confirmed that whilst the application is not retrospective, due to the passage of time taken during the application determination period, works have commenced to install the air source heat pump, slab and connections. Whilst not understood to be operational, the standard 3 year implementation condition is not considered necessary and a trigger is required for any subsequent compliance conditions (as discussed within this report).

9. Conclusion / Planning Balance

- 9.1 Whilst the plant (air source heat pump) itself has a utilitarian appearance which does not comply with Policies 2 or 8 of the North Northamptonshire Core Spatial Strategy and Policies RS1, RS5 and LOD1 of the Site Specific Part 2 Local Plan due to the design and materials used in its construction, the harm on the setting of the Conservation Area and adjacent Listed Buildings and curtilage structures is less than substantial subject to planning condition securing the proposed timber acoustic enclosure be retained and left uncoloured and kick boards to be black. Subject to this and the proposed noise control condition to protect neighbouring amenity to an acceptable level, the proposal is considered acceptable in principle and in terms of its impact on neighbouring amenity and impact on the character and appearance of the setting of the Conservation Area and listed buildings/structures. There are no material considerations which weigh against the proposal. In accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

REASON: In the interest of securing an appropriate form of development which will protect the character and appearance of the area, setting of the Conservation Area and adjacent listed buildings and curtilage structures in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy and Policies RS1, RS5 and LOD1 of the Site Specific Part 2 Local Plan.

2. The air source heat pump hereby approved shall permanently cease operation and together with all associated works (including timber acoustic and visual screen) shall be permanently removed from the site within 6 months from the date of this decision unless a verification report has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the development has been implemented in full

accordance with the approved details and that the sound rating level of the air source heat pump, when operating normally, does not and shall not increase the typical background sound level (LA90,T) in any 1-hour period between 07:00hrs and 23:00hrs or in any 15-minute period between 23:00hrs and 07:00hrs on any day. For the avoidance of doubt, the verification report shall also demonstrate that the following criteria is complied with:

- a. The sound emitted from the air source heat pump shall be assessed at premises used for residential purposes where people maybe inside or outside the building, which shall first be agreed with the Local Planning Authority prior to the operation of the air source heat pump hereby approved. [BS4142:2014, Section 1, Scope];
- b. Any assessment of the sound from the operation of the air source heat pump shall be carried out in accordance with British Standard BS4142:2014;
- c. The air source heat pump installation shall be maintained to always comply with this condition;
- d. The method for determining the typical background sound level (LA90,T) shall be agreed with the Local Planning Authority prior to the operation of the air source heat pump hereby approved.

The air source heat pump hereby approved shall thereafter, only be operated in full accordance with the approved details including the approved verification report required by this planning condition as part of this planning permission.

REASON: In the interests of protecting neighbouring amenity from unacceptable levels of noise disturbance arising from the operation of the air source heat pump and associated works in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The Air Source Heat Pump hereby approved shall not commence operation until the timber acoustic and visual screen as shown on drawing no. PA21824- A300 Rev A received by the Local Planning Authority on 30th June 2022 has been implemented in full. The timber acoustic and visual screen shall not be painted a colour other than natural wood stain and shall be retained in that form and as per the approved plans thereafter or until the approved air source heat pump plant equipment and slab is permanently removed. The rubber kick board which forms part of the approved acoustic and visual screen shall be black and retained in that form thereafter.

REASON: In the interest of securing an appropriate form of development which will protect the character and appearance of the area, setting of the Conservation Area and adjacent listed buildings and curtilage structures as well as neighbouring amenity from unacceptable levels of noise disturbance arising from the operation of the air source heat pump, in accordance with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy and Policies RS1, RS5 and LOD1 of the Site Specific Part 2 Local Plan.

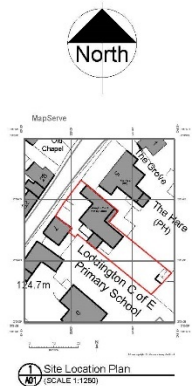
12. Informatives

Positive/Proactive - amendments
Env Protection Informative

List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	NK Ref.	Agent's Ref	Received Date
Location plan and existing block plan		PA21824_A01A	27/06/2022
Proposed block plan 1:200		PA21824_A02B	30/06/2022
Proposed block plan 1:100		PA21817_A03B	30/06/2022
Proposed plant enclosure elevations		PA21817_A300A	30/06/2022
Planning supplementary statement	NK/2022/0423/1		27/06/2022
Heat pump specifications	NK/2022/0423/2		30/06/2022
Heat pump brochure	NK/2022/0423/3		30/06/2022
Noise Assessment New External ASHP Heating Plant (Jonathan Richard Associates) dated 30.08.2022	NK/2022/0423/4		31/08/2022



Rev.	Description	D	C	Date
CLIENT: Peterborough Diocese Education Trust				
PROJECT ADDRESS: Loddington C of E Primary School Main Street, Loddington KETTERING NN14 1LA				
PROJECT: Proposed Installation of New Air Source Heat Pump and Associated works.				
TITLE: Site Location Plan				
DRAWN: Matt		CHECKED: RC		DATE: 17/06/2022
JOB NO: PA21824	DRG NO: A 01	SCALE @ A3: 1:1250	REV: A	