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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **LH** | **Date:** | **20.6.24** | **Manager:** | **NH** | **Date:** | **21.06.24** |
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| **Application Ref:** | 2023/0988 |  |
| **Date Inspected:** | 8.3.24 | **Site Notice:** | 8.3.24 |
| **Officer:** | Lyndsey Hayes |
| **DELEGATED ITEM FILE REPORT:**  | **APPROVAL** |
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| **Development Description:** | Listed Building consent for the proposed drilling of two bore holes and underground pipework within the front curtilage and installation of internal pipework to a new heat pump unit located in the kitchen |
| **Site Address/Location:** | Brabin Hall 27 Windy Street Chipping Lancashire PR3 2GD |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| No representations received. |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| Environment Agency | No comment to make if a closed-loop system. Advice provided to applicant on permit and licensing requirements if an open-loop system. |
| RVBC Environmental Health | Concerns about noise from the proposed heat pump causing a nuisance to nearby residents - require details. Having looked at the technical data supplied the levels internally should be fine.Require details of control measures during the site preparation and construction phase to be submitted to prevent nuisance from noise/ dust/ fumes/ vibration.  |
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| **CONSULTATIONS:**  | **Additional Representations.** |
| No representations received. |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1 – Development StrategyKey Statement DS2 – Sustainable DevelopmentKey Statement EN2 – Landscape Key Statement EN5 – Heritage AssetsPolicy DMG1 – General ConsiderationsPolicy DMG2 – Strategic ConsiderationsPolicy DMG3 – Transport and MobilityPolicy DME2 – Landscape and Townscape ProtectionPolicy DME3 – Site and Species Protection and ConservationPolicy DME4 – Protecting Heritage AssetsPolicy DME5 – Renewable EnergyPolicy DME6 – Water ManagementPlanning (Listed Buildings and Conservation Areas) ActNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:****2010/0088:**Attachment of heritage 'blue plaques' to exterior of building (Listed Building Consent) (Approved)**2006/0662:**Bring back property windows/renew rotten windows/and out of character windows that do not comply with the age of building. Replace/renew K, L, M windows. Replace/renew A, B windows. Replace/renew G,H, I, D, E, F (as granted by 3/2006/0239P). (Approved)--There are other pending applications for boreholes and associated works within the village which require planning permission or listed building consent as part of the Chipping Community Energy Project. |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**No. 27 Windy Street, Chipping, also known as John Brabin’s Old School or The Old School, is a Grade II Listed Building, dating back to the late 17th Century. A heritage blue plaque is displayed on the building in order to commemorate John Brabin who was a 17th Century merchant and benefactor from the village of Chipping, who founded this school. The property’s curtilage includes the cobbled frontage of the small lower garden to the rear of the property. This is made up of a patio, planting beds and paths with a small lawn and shed. Unlike other properties on Windy Street, the property is orientated parallel to the public highway with the front of the building facing the kink in the road creating a semi-public cobbled area adjacent to the highway. To the rear of the curtilage is St Mary’s Church and burial ground.The property is situated in the Chipping Conservation area and is surrounded by other listed buildings on Windy Street and Talbot Street. These listed buildings contribute positively to the character of the Conservation Area.The site is also within the Forest of Bowland National Landscape. |
| **Proposed Development for which consent is sought:**The application seeks Listed Building Consent for the drilling of two boreholes for ground source heating purposes within the front curtilage, underground pipework under the cobbled parking area to the front, creation of entry hole below ground level in the front wall for pipe to run through, installation of internal heating pipes via an internal plasterboard riser and across to the kitchen in the void between the ceiling and the first floor, before dropping down to the heat pump in the kitchen in a plasterboard riser. Installation of a ground source heat pump in the kitchen.These are ‘closed loop boreholes’ between 50m and 200 metres deep and 130mm in diameter. They would not extract any water, but instead circulate a heat transfer water mix through a flow and return pipe that is to be installed throughout the length of each borehole once it has been drilled to collect the heat from the surrounding rock. The gap between the pipe and the surrounding rock will be filled with grout. These pipes will then connect to the underground pipework being installed under the cobbled parking area within the applicant’s curtilage. Once the pipework has been laid the intention is to return the affected surface to the condition it was in prior to the development. |
| **Principle of Development**The development is required to provide a low carbon heat source including ground source heat pump, as part of a wider community project to support the transition to low carbon heating in the rural community of Chipping which includes harder to heat old stone properties. The principle is supported by policy DME5 subject to the development having an acceptable impact on the local environment and on local amenity. Policy DME5 requires consideration to be given to the potential benefits of such proposals. The proposal if approved would form a network of community financed and owned boreholes developed by Chipping Community Energy Group who have been working for three years to develop a viable low carbon heat option for Chipping residents. The applicant cites that the benefits to members of the community include access to economies of scale e.g. drilling multiple boreholes at the same time, a community scale solution which all properties can benefit from, community finance and the most efficient heat pump technology (access to warmer ambient heat where temperatures typically range from 50C to 100C). The applicant goes onto state that community wide surveys confirm wide consumer demand for such a solutionas such the proposal would appear to have local community support.Policy DME5 goes onto state that such schemes will not be allowed in AONB’s (now National Landscapes) unless the proposals cannot be located outside such statutory designations. As the entire village of Chipping lies within the National Landscape, and this is a community wide project with the aim to be as inclusive as possible, then it is not possible for it to be located outside of this designation. The policy also states these will not be allowed where they compromise the objectives of the designation and fail to mitigate any adverse environmental impacts. This will be considered in due course below.Policy DMG2 identifies the type of development acceptable in tier 2 villages and outside settlement boundaries. This includes ‘small-scale uses appropriate to rural areas where a local need or benefit can be identified’. Once the boreholes have been dug the underground pipework laid and the driveway surface returned to the condition it was in prior to the development, this will not be visible. Neither would the heat pump and the pipework within the main house. The only aspect that would be visible is the pipework running between the wash-house and main-house. The impact is considered to be immediate to its surrounds, and so could be considered a small-scale development. The benefits are identified above. In which case the proposal is considered to be compliant with policy DMG2 subject to an assessment on visual and landscape impacts below.Even if the proposal were not considered small-scale, this policy conflict with policy DMG2 would have to be balanced against the policy support expressed by policy DME5 for renewable energy schemes in rural areas, and where all other policy requirements of DME5 are met, it would be difficult to conclude that the proposal would not be an appropriate form of development in a rural area. |
| **Impact upon the special architectural and historic interest of the listed building, the setting of listed buildings, and the character and appearance of Kirk Mill Conservation Area:**In assessing the proposal, regard must be given to the statutory duties imposed on the authority in respect of the preservation and enhancement of such assets. At a local level, Key Statement EN5 and Policy DME4 are relevant for the purposes of assessing likely impacts upon designated heritage assets resultant from the proposed development.Key Statement EN5 states that:*There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.*With Policy DME4 stating, in respect of development within conservation areas or those affecting the listed buildings or their setting, that development will be assessed on the following basis:*1: CONSERVATION AREAS**Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.**In the conservation areas there will be a presumption in favour of the conservation and enhancement of elements that make a positive contribution to the character or appearance of the conservation area.**2: LISTED BUILDINGS AND OTHER BUILDINGS OF SIGNIFICANT HERITAGE INTEREST**Alterations or extensions to listed buildings or buildings of local heritage interest, or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported. Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.*Policy DMG1 is also relevant insofar that the policy sets out general Development Management considerations, with the policy having a number of inherent criterion on design and environment that are relevant to the assessment of the current proposal.Planning (Listed Building and Conservation Areas) Act 1990:Given the proposal relates to a Grade II Designated Heritage Asset, special regard must also be given to the statutory duties imposed on the authority, pursuant to national legislation, particularly in respect of the preservation and enhancement of such assets. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by s.58B (1) of Levelling-up and Regeneration Act 2023) is to preserve or enhance the special character of heritage assets, including their setting. As such, in determining applications that affect designated heritage assets, the authority must consider the duties contained within the principle Act which states the following;Listed Buildings – Section 66(1) (as amended by s.58B of Levelling-up and Regeneration Act 2023): In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving or enhancing the building or its setting. Under s.58B (2) this includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset.Listed buildings - Section 16 (2) (as amended by s.58B of Levelling-up and Regeneration Act 2023):In considering whether to grant listed building consent for any works to a listed building the local planning authority shall have special regard to the desirability of preserving or enhancing the building. Under s.58B (2) this includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset.National Planning Policy Framework (December 2023):The Framework sets out further duties in respect of considering potential impacts upon designated heritage assets with Paragraphs 205 – 214 being of particular relevance.**Assessment of Impacts:**The proposal will involve one below ground penetration of the historic fabric in the front wall of the building of approx. 120mm diameter, to enable an access points for the pipework. The other aspect of the works that will affect historic fabric is the requirement to take up the historic cobbles in the front curtilage to facilitate the underground pipework. Internally the pipework would run in ceiling voids above the kitchen. An additional plan has been submitted confirming that the underground pipework in the front curtilage will not affect a historic stone wall also within the front curtilage.Growth Lancashire, heritage advisors acting for the Council, have reviewed the scheme and advised that the proposed works are deemed acceptable subject to a suitably worded condition that details how the cobbles will be recorded, lifted, stored and relaid to ensure the proposed works preserves the character and appearance of the conservation area and setting of the listed building. Growth Lancashire have also asked for clarification from the agent that the pipework internally will not be drilled through the timber roof joists shown in the images, and that this will only pass through the void. It has been confirmed that the pipe runs internally ‘will go within existing voids and not penetrate historic fabric. I understand there is a steel beam dividing the kitchen from the living room which they may need to be drilled through, but I assume that would be acceptable.’There are a number of Listed Buildings in the immediate vicinity on Windy Street. There will be little, if any, impact on the public realm and on listed buildings outside of the property curtilage. For this same reason the proposal would not adversely impact on the conservation area. Conditions are necessary to require precise details of pipework routing, penetrations in historic fabric and how the cobbles will be re-laid. Conditions are suggested below requiring a method statement and risk assessment to evaluate the environmental risks and mitigation measures - this will also help to protect the significance of the heritage asset.As such, taking account of the above matters, it is not considered that the proposed development raises any conflict(s) with Key Statement EN5 or Policies DMG1 and DME4 of the Ribble Valley Core Strategy, nor any conflicts with the aims, objectives and requirements of Sections 16 and 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 nor Paragraphs 205 and 208 of the National Planning Policy Framework.  |
| **Visual Impact / Impact upon the Forest of Bowland National Landscape / Other Environmental Impacts:**Policy DMG1 is relevant insofar that the policy sets out general Development Management considerations, with the policy having a number of inherent criterion on design and environment that are relevant to the assessment of the current proposal.Key Statement EN2 requires the landscape and character of the Forest of Bowland National Landscape to be protected, conserved and enhanced. Development will be expected to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, features and building materials.As previously stated, once the boreholes have been dug and the pipework laid, the proposal will be unseen being mostly underground and then the cobbles relaid to their pre-development condition. As such the development would not impact upon important landscape features and re-instatement of an appropriate finish can be secured by condition.The visual impact of the drilling rigs / fenced off drilling site during the installation of the boreholes would be temporary in nature. The applicant states typically 2-3 days to drill one borehole and install the associated pipework, grout and then tidy and reinstate the site, even extending this to a week to allow for the second borehole proposed, would not give rise to any concerns.The environmental effects are mainly associated with the installation of the boreholes. Paragraph 180 of the NPPF requires decisions to contribute to and enhance the natural environment by…preventing new development from contributing to… unacceptable levels of soil, air, water or noise pollution or land instability. Noise and vibration and air quality (dust) impacts are limited to the construction phase. In view of the construction timescale indicated, it would not be reasonable to refuse the application on this basis. Conditions can require the submission of a method statement which details the working methods to mitigate impacts as well as a construction management plan to demonstrate that appropriate mitigation has been considered to reduce impacts.In terms of water and contamination impacts the Environment Agency has been consulted. Whilst no response has been received , they raise no objection to the other pending applications referred to in the planning history section of this report. The site is located in flood zone 1 (lowest risk of flooding) and the proposal is required to satisfy the Environment Agency’s Good Practice Guide in respect of existing water extraction points and proximity to a watercourse.Paragraph 189 of the NPPF states ‘Planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation. There is nothing on the Council’s GIS mapping system to indicate that the site is at risk from contamination and the site is not within a coal mining constraint area. Whilst a land stability report has not been undertaken, it is understood that a risk assessment will be carried out on each site to evaluate the environmental risks and mitigation measures required. Paragraph 190 of the NPPF goes onto state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Imposing a condition which requires the submission of a method statement and risk assessment together with mitigation is reasonable and sufficient to meet this requirement.As such, taking account of the above matters, it is not considered that the proposed development raises any conflict(s) with Key Statement EN2 or Policy DMG1 of the Ribble Valley Core Strategy, nor any conflicts with the objectives of the National Planning Policy Framework in respect of protecting National Landscapes and avoiding environmental harm.  |
| **Impact upon Residential Amenity**The impacts are twofold.Firstly, in respect of the installation of the boreholes from a noise and vibration and dust perspective, however in view of the construction timescale indicated it would not be reasonable to refuse the application on this basis. Conditions are to be imposed requiring the submission of a method statement which details the working methods to mitigate impacts as well as a construction management plan to demonstrate that appropriate mitigation has been considered to reduce impacts. Secondly, in respect of the installation of the ground source heat pump from a noise perspective, however the Environmental Health Officer having viewed the technical data sheets provided, is content that this together with the internal installation, means that there should be no unacceptable noise impacts as a result. |
| **Impact upon Highway Safety**There will be some disruption to the road network and restricted access to neighbouring properties during the construction phase, however these impacts would be temporary in nature and comparable with disruption caused by relevant authorities when undertaking works in the highway. A construction management plan is to be conditioned which can help to identify mitigation to reduce impacts on the network.  |
| **Ecology and Trees**There are no trees nearby that would be affected by the proposal.In terms of ecology impacts. The presence of older buildings and watercourses in the immediate vicinity means that wildlife is likely to be prevalent in the area, including protected species habitats. However, as the drilling would be temporary it is not considered that the development would result in any unacceptable impacts on ecology. The construction management condition could include reference to details of any site lighting. |
| **Observations/Consideration of Matters Raised/Conclusion:**As such, for the above reasons and having regard to all material considerations and matters raised that the application for Listed Building Consent is recommended for approval. |
| **RECOMMENDATION**: |  |
| That Listed Building Consent be granted subject to the imposition of conditions. |

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