

Application Number:	2024/0380	Application Type:	Full
Proposal:	Drilling of Boreholes for ground source heating purposes and associated underground pipework.	Location:	Land Behind 31-39 Kay Street Rawtenstall Rossendale Lancashire BB4 7LS
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	10/12/2024
Applicant:	Rosendale Valley Energy	Determination Expiry Date:	22/11/2024 EOT agreed until 17/12/2024
Agent:	Mr Tom Woof		

Contact Officer:	Aqib Saghir
Email:	planning@rossendalebc.gov.uk

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes – Planning application by the Council
Member Call-In Name of Member: Reason for Call-In:	N/A
3 or more objections received	No
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That planning permission be approved subject to the conditions set out in this report.

APPLICATION DETAILS

2. SITE

The application site is an elongated strip of land of approximately 0.01 hectares in area. It lies to the immediate rear (southwest) of 31 to 39 Kay Street on the edge of Rawtenstall Town Centre and on land forming part of Rawtenstall Conservation Area. The surrounding area is a mix of commercial and residential premises. The application is proposed on council-owned land.

This land is currently hard surfaced and largely used as a parking area for the adjoining properties.

3. RELEVANT PLANNING HISTORY

X/1998/260 - Proposed single storey rear extension – Approved: 15/07/1998

2018/0004 - Change of use of the building from offices to escape rooms attraction (sui generis) – Approved: 05/03/2018

2020/0092 – Full: Change of use of the building from a dwelling to extend escape rooms attraction to incorporate a bar at ground floor and escape room at first floor (sui generis) and variation of condition 3 of planning permission no. 2018/0004 to extend the opening hours from 10.00am - 10.00pm 7 days per week to 10.00am - 11.00pm 7 days per week – Approved 10/06/2020

4. PROPOSAL

Planning permission is sought to drill two 150mm diameter boreholes within the site and to lay underground pipework/install ancillary equipment to connect these respectively with ground source heat pumps to be installed in 31 and 39 Kay Street. The intention is that this development will provide ambient heat to those pumps. The proposal forms part of a wider Rossendale Valley Energy project which seeks to deliver low cost, low carbon energy to properties across Rossendale to improve energy efficiency.

The ground source heat pumps are not currently installed and are not proposed as part of this application. The intention is to locate them inside the respective properties and as such they do not require planning permission.

5. POLICY CONTEXT

National Planning Policy Framework

Section 2 Achieving Sustainable Development
Section 12 Achieving Well Designed and Beautiful Places
Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15 Conserving and Enhancing the Natural Environment
Section 16 Conserving and Enhancing the Historic Environment

Development Plan

Most Relevant Local Plan Policies (although Local Plan should be read as a whole)

Policy SD1 Presumption in Favour of Sustainable Development
Policy SD2 Urban Boundary and Green Belt
Policy ENV1 High Quality Development in the Borough
Policy ENV2 Historic Environment

- Policy ENV4 Biodiversity, Geodiversity and Ecological Networks
- Policy ENV8 Other Forms of Energy Regeneration
- Policy ENV9 Surface Water Run-off, Flood Risk, Sustainable Drainage and Water Quality
- Policy TR4 Parking
- Appendix 1 Parking Standards

Other Material Considerations

National Planning Practice Guidance
 Planning (Listed Buildings and Conservation Areas) Act 1990

6. CONSULTATION RESPONSES

Consultee	Objection	Conditions
RBC Environmental Health	No comments received	N/a
Conservation Consultant (Growth Lancs)	No comments received	N/a
Greater Manchester Ecology Unit	No comments received	N/a
LCC Archaeology	No comments received	N/a
RBC Property Services	No comments received	N/a
LCC Highways	No comments received	N/a
United Utilities	No	No
Environment Agency	No comments received	N/a

7. REPRESENTATIONS

To accord with the General Development Procedure Order, a site notice was posted and neighbour letters were sent out. A notice was also published in the Rossendale Free Press.

No objections have been received to the planning application.

8. ASSESSMENT

Principle

The proposal is considered to be acceptable in principle. It is ‘in line’ with the aims of Policy ENV8 of the adopted Local Plan and of Section 14 of the NPPF in so far as it promotes the use of low carbon energy. The application site is also sustainably located within the identified Urban Boundary and the development is related to the provision of ground source heat pumps that are to be installed within the adjoining properties to improve the energy efficiency of the application site properties.

Visual Amenity

Whilst the site is located within a Conservation Area the development will have no significant impact on the appearance or character of this once completed. This is because the works will be very modest, are to be wholly carried out underground and will leave the site very similar in appearance to its current condition with the intention being to resurface it using matching tarmac. In the worst case scenario, it may prove necessary for the new pipework to enter the respective properties slightly above ground level and in these circumstances it will need to be protected with metal casing. This would be visible but the agent has indicated that it will be very modest in size, measuring just 150mm x 100mm x 50mm, and it will also be viewed against the ‘backdrop’ of the respective properties. Consequently, it is considered that even in these circumstances the

development will have no significant effect upon the appearance of the Conservation Area and would be barely visible once works have completed.

In view of this, provided that a condition is imposed to ensure the satisfactory re-instatement of the land, it is considered that the proposal will be acceptable in visual amenity terms reasonably satisfying the requirements of Policies ENV1, ENV2 of the Local Plan and Sections 12, 15 and 16 of the National Planning Policy Framework in this regard.

Heritage Impact

Policy ENV2 of the Local Plan follows the approach of Section 16 of the Framework concerning the historic environment, and states:

“Proposals affecting a designated heritage asset (or an archaeological site of national importance) should conserve those elements which contribute to its significance. Less than substantial harm to such elements will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal.”

The application site is located within Rawtenstall Conservation Area. As highlighted above, the development will have no significant impact on the appearance or setting of this once completed. The works would be primarily underground and once completed would be barely visible in the locality. The proposal will be acceptable in heritage terms reasonably satisfying the requirements of Policy ENV2 of the Local Plan and Sections 16 of the National Planning Policy Framework in this regard.

Residential Amenity

Given the modest scale of the development, and the proposal to locate it underground, it will have no impact upon the level of light received by the neighbouring properties (which are in any case partly in commercial use). Additionally, it is not envisaged that a development of this nature or scale will cause undue disturbance, by reason of noise, to those properties.

In view of the above the proposal is considered to be acceptable in Neighbour Amenity terms reasonably meeting the requirements of Policy ENV1 of the Local Plan in this regard.

Highway Safety

The land on which the proposed works are to take place is currently used for parking purposes in conjunction with the adjoining premises. However, following the completion of these works it is proposed to re-instate the land using matching tarmac and this can reasonably be required by condition. In view of this, the proposal will not lead to the long-term loss of existing parking facilities nor should it have any other significant permanent effect upon highway safety.

Given the above, it is considered that the proposal will be acceptable in highway safety terms reasonably satisfying the requirements of Policy TR4 of the adopted Local Plan in this regard.

Ecology and Biodiversity

Given the modest scale, and proposed location, of the development it is not envisaged that it will cause harm to anything of ecological value. It is therefore considered that it will be acceptable in this regard reasonably meeting the requirements of Policies ENV1 and ENV4 of the Local Plan and Section 15 of the National Planning Policy Framework.

Flood Risk and Drainage

It is not envisaged that the development will have any drainage implications. A public sewer lies to the rear of the site. However, the agent has indicated that the works are to be carried out at least three metres away from this so it should not be significantly affected. United Utilities have been consulted and have raised no objection following submission of a Site Risk Assessment document.

The site lies wholly within Flood Zone Two as identified by information supplied by the Environment Agency. However, users of the land should not be at any greater future risk of flooding than they are now as the development is to be carried out primarily underground.

The proposal should not exacerbate issues of flooding elsewhere either given the intention to re-instate the land following the completion of the works. This should ensure that it remains open and as such does not inhibit the flow of surface water.

It is considered that the scheme will be acceptable in drainage and flood risk terms reasonably satisfying the requirements of Policies ENV1 and ENV9 of the Local Plan and Section 14 of the National Planning Policy Framework in this regard.

9. SUMMARY REASON FOR APPROVAL

The scheme is considered to be acceptable in principle as it proposes sustainably located development within the Urban Boundary that promotes the use of low carbon energy. The application is submitted on Council owned land and seeks to provide improved energy efficiency for the properties located at the application site as part of Rossendale Valley Energy' project.

Furthermore, subject to the land being satisfactorily re-instated following the completion of the works, it is considered that it will safeguard the character of the surrounding area (including the setting of the Rawtenstall Conservation Area), will not harm the amenities currently enjoyed by the neighbouring properties, and will not give rise to any undue highway safety, drainage, ecological or flood risk concerns.

The proposal is therefore considered to be in accordance with the requirements of Policies SD1, SD2, ENV1, ENV 2, ENV4, ENV8, ENV9, TR4 and Appendix 1 of the Council's adopted Rossendale Local Plan, Sections 2, 12, 14, 15 and 16 of the National Planning Policy Framework.

10. CONDITIONS

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

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings and documents, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan	24_061_KS_PL01 Rev A	27/09/24
Proposed Site Layout Plan	24_061_KS_PL02 Rev B	13/11/24
<u>Document Title</u>	<u>Ref</u>	<u>Date Received</u>
Site Risk Assessment	-	21/11/24

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development, in accordance with the requirements of Policies SD1, SD2, ENV1, ENV2, ENV4, ENV8, ENV9, TR4 and Appendix 1 of the Council’s adopted Rossendale Local Plan 2019 to 2036, and Sections 2, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The existing hard surfaced areas shall be ‘made good’ using matching tarmac within three months of the completion of the development and shall thereafter be satisfactorily retained at all times.

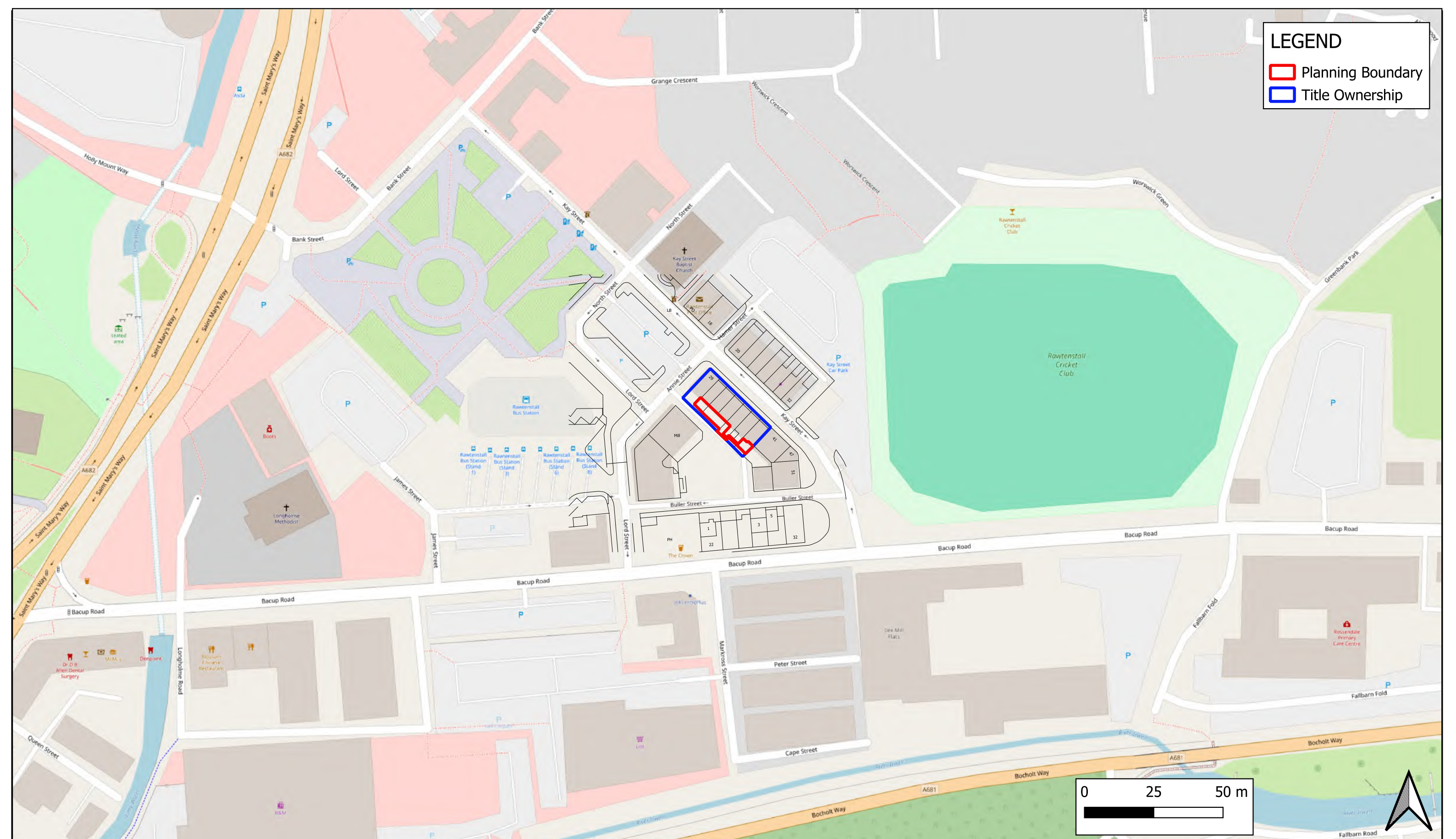
Reason: In the interests of visual amenity and highway safety, in accordance with the requirements of Policies ENV1, ENV2, T4 and Appendix 1 of the Council’s adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 15 and 16 of the National Planning Policy Framework.

11. INFORMATIVES

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority has worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement as set out in Paragraph 38 of the National Planning Policy Framework.
2. The applicant’s attention is drawn to the comments from United Utilities.

LEGEND

- Planning Boundary
- Title Ownership



NOTES:

DISCLAIMER
 Copyright originator
 Do not scale
 All dimensions must be checked on site
 Read in conjunction with supporting documentation
 Originator accepts no responsibility for accuracy of third party information contained
 Users of this documentation are responsible for checking which revision is current



www.prospus.co.uk
 The Carlisle Office
 (+44) 1228 900 949

CLIENT: Rossendale Vally Energy

PROJECT: NZTS

ISSUING ORGANISATION:
 Prospus Group Ltd

DOCUMENT TITLE:
 31 & 39 Kay Street
 Location Plan

24_061_KS_PL01

SCALE
 1:1250 @A3

REV. A

Legend

- Planning Boundary
- ▤ Pilot Homes
- Indicative Boreholes
- - - Indicative Pipe Route
- - - Indicative Pipe Trench

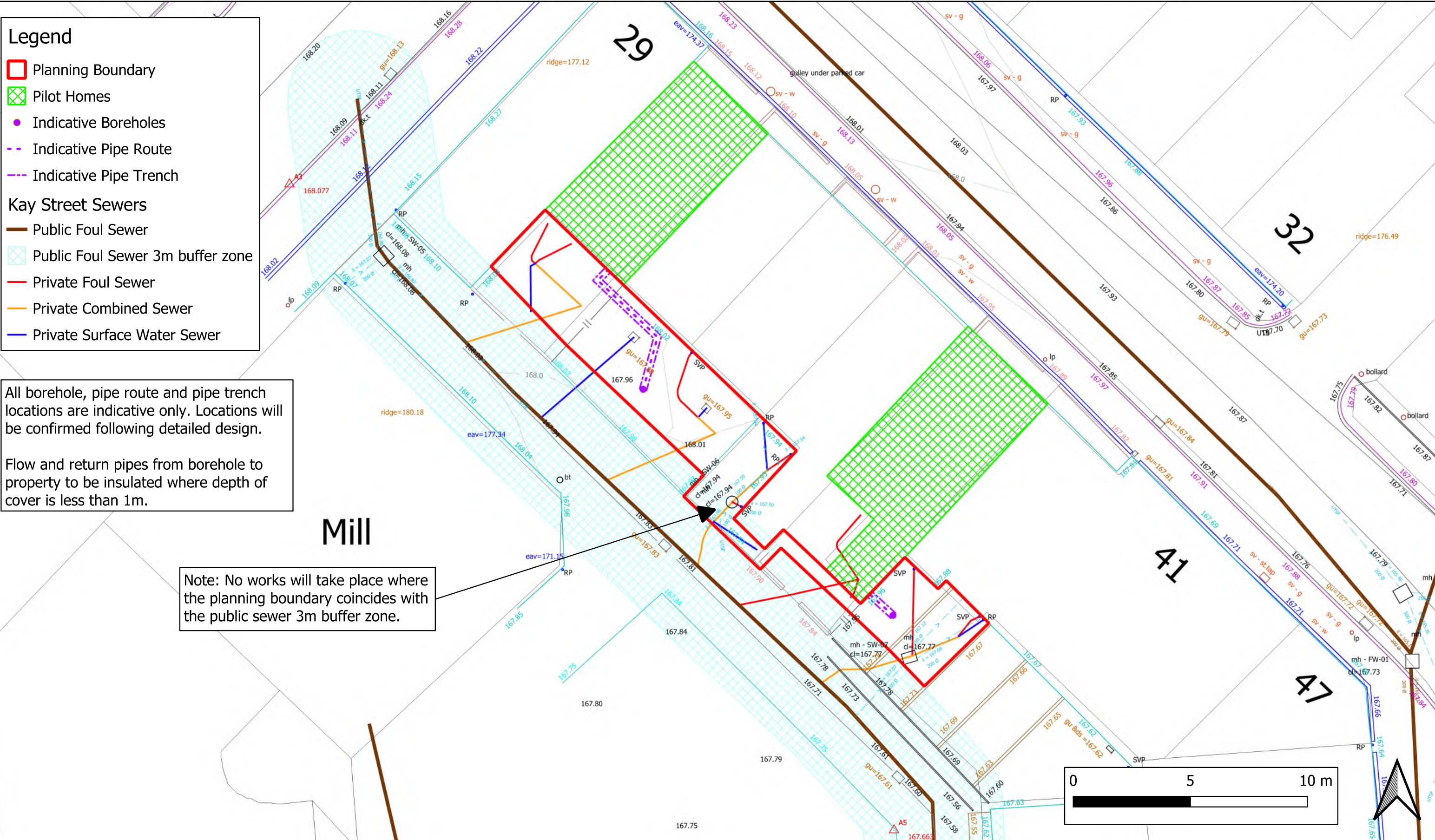
Key Street Sewers

- Public Foul Sewer
- ▤ Public Foul Sewer 3m buffer zone
- Private Foul Sewer
- Private Combined Sewer
- Private Surface Water Sewer

All borehole, pipe route and pipe trench locations are indicative only. Locations will be confirmed following detailed design.

Flow and return pipes from borehole to property to be insulated where depth of cover is less than 1m.

Note: No works will take place where the planning boundary coincides with the public sewer 3m buffer zone.



NOTES:
 DISCLAIMER
 Copyright originator
 Do not scale
 All dimensions must be checked on site
 Read in conjunction with supporting documentation
 Originator accepts no responsibility for accuracy of third party information contained
 Users of this documentation are responsible for checking which revision is current



www.prospus.co.uk
 The Carlisle Office
 (+44) 1228 900 949

CLIENT: Rossendale Vally Energy
PROJECT: NZTS
ISSUING ORGANISATION: Prospus Group Ltd

DOCUMENT TITLE: 31 & 39 Kay Street Proposed Site Plan	SCALE: 1:150 @ A3	REV: B
24_061_KS_PL02		

