2021/0845

Mr George Lee

Lawful development certificate for proposed development of 3 no. air source heat pumps

Dearnside Recreation Centre, Goldthorpe Road, Goldthorpe Rotherham, S63 9EN

Site Location and Description

Dearnside Recreation Centre is a Council run leisure centre with pool and fitness suite, located to the south of Goldthorpe on the same site as The Dearne ALC. Access is from Goldthorpe Road via a long drive with turning circle. There is an area of parking adjacent this access to the front of the leisure centre and school.

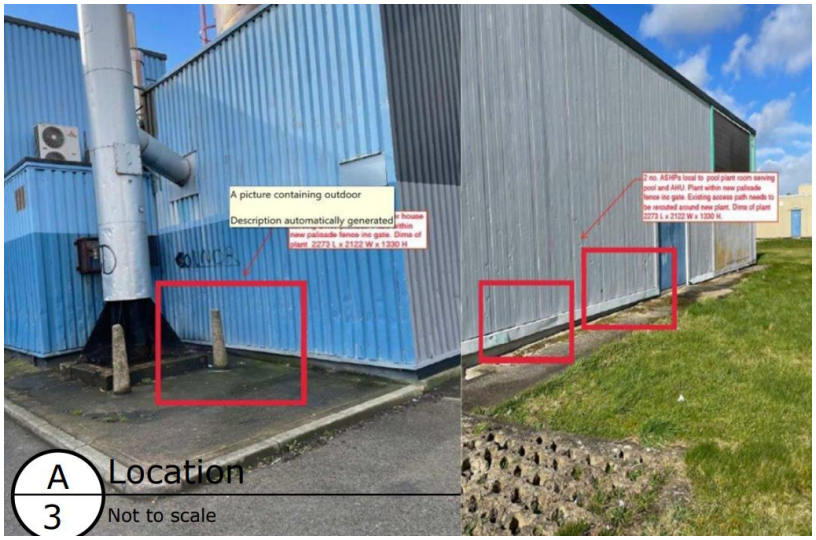
The building is visible from Goldthorpe Road, being to the side and rear of the school. There are school fields / sports pitched to the rear of the building and to the south.

To the north west is an area of land allocated for housing.

Proposed Development

The application as submitted included reference to Solar PV, however, these are now removed as a formal Prior Notification Application is required.

This application is for a certificate of lawful development under S192 of the Town and Country Planning Act 1990. The development / operation proposed is to install 3 Air Source Heat Pumps to the outside of the Leisure Centre. The pumps are all located on the rear elevation, are mounted on the external walls at ground level. The pumps are all 2273 mm (length) x 2122mmm (width) x 1330 mm (height).





Consultations

Legal - Part 12 can apply to Air Source Heat Pumps. Where the unit is contained within a building. Where it is outside a building then PD applies subject to the limitations referred to in relation Para A of part 12. It seems to me that the limitation applies to both small ancillary building and works or equipment.

As to equipment attached to existing buildings at a high level, height is defined in article 2 to the GPDO and says;

(2) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph "ground level" means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

So these pieces of equipment are PD if they do not exceed the 4 metre limit.

Assessment

The applicant has submitted this application for lawful development under Section 192 of the Town and Country Planning Act 1990. Section 192(1) provides that if any person wishes to ascertain whether any proposed operations to be carried out in, on, over or under land is lawful they may make an application for that purpose to the local planning authority specifying the land and describing the operations. Section 192(2) allows that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

This application is seeking to take advantage of the GDPO Schedule 2, Part 12 Development by local authorities, Class A (a). These permitted development rights allow:

The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

Consultation with the Council's Legal Officer has confirmed that the Air Source Heat Pumps would fall under 'equipment' and therefore can be considered permitted development subject to any conditions or interpretations applied.

The proposed Air Source Heat Pumps are to be located on land belonging to the authority and as such interpretation A.1 is met. They are also located at ground level and do not exceed 4m in height or 200 cubic meters in capacity (including cumulatively).

Therefore, the proposed are permitted development under Part 12, Class A (a) and the proposed development is lawful.

Conclusion – Permitted Development