

DELEGATED REPORT

Report by Helen Pressley	Date of report: 29/07/2024	Ref: 70878/FUL
Registration: 03/07/2024	LDFC: 26/07/2024	Expiry Date: 28/08/2024
Site Visit: 25/07/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Installation of air source heat pump to rear

Location: 7 Pimlott Grove, Prestwich, Manchester, M25 9TR

Description

The application relates to a dwelling house located on Pimlott Grove. The premises has an existing single storey addition to the side, driveway to the front, gardens to the rear and photovoltaics on the roof.

Planning permission is sought for the installation of an air source heat pump to the rear. The heat pump would be approximately 1255mm wide, 820mm high and 425mm deep and would be sited approximately 300mm off the rear wall of the host property.

Relevant Planning History

None

Publicity

Letter sent to neighbouring properties 5/07/2024. No representations received.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - The guidance for heat pumps states cannot be above 42dB. If so then we would expect some mitigation of the noise for example house in an enclosure with soundproofing properties

Pre-start Conditions - Not relevant

Development Plan and Policies

H2/3	Extensions and Alterations
EN7/2	Noise Pollution
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically

mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Visual Amenity

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed air source heat pump is located to the rear of the property and would not impact on the character of the street scene. The heat pump would not overwhelm the dwelling or result in an unacceptable loss of associated residential amenity space.

It is considered that the proposed air source heat pump would not have a detrimental impact in terms of visual amenity and would therefore comply with UDP Policy H2/3 and SPD6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed heat pump would not be of a height, or projection from the rear wall to impact

on the residential amenity of the neighbouring property.

The main consideration in relation to this installation will be in relation to the noise created. As such UDP Policy EN7/2 - Noise Pollution is required to be considered for this application. This policy states that the Council will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and or/amenity users or development close to a permanent source of noise.

Class G – Air source heat pumps on domestic premises The Town and Country Planning (General Permitted Development) (England) Order 2015 covers permitted development rights for air source heat pumps. Development is not permitted by Class G unless the air source heat pump complies with the MCS Planning Standards or equivalent standards.

The MCS Planning Standards (MCS 020) stipulate that noise levels for an air source heat pump on its own must stay at or below 42 decibels (dB) from a metre distance away from any habitable room.

The nearest residential properties are No. 9 and No. 5 Pimlott Grove. No. 9 is located at a lower level than the site, attached to the host property by a single storey side extension with the garden boundary depicted by a 1 metre fence that is 3.2 metres away from the proposed heat pump. No. 5 is located at a slightly higher level than the site, and is attached to the property at two storey. The garden boundary with this property is depicted by a 1.8 metre fence that is 3.5 metres away from the proposed heat pump.

The MCS Manual Sound Calculator submitted states that the sound power level of the air source heat pump would be 62dBA. The conclusion of the calculator states that the final result for the air source heat pump is 45dba. This is 3dba above permitted development rights. It is not clear if this calculation has been carried out in relation to the windows of No. 5 or No. 9 Pimlott Grove.

Environmental Health have raised an objection to the proposal in relation to noise, confirming that they would expect any heat pumps that exceed the permitted development noise levels to provide some sort of mitigation. No additional mitigation has been proposed to address the additional noise generated over and above what would be acceptable under permitted development. Environmental Health have confirmed that in general terms with db levels, a 3db increase is perceived by the ear as a doubling of sound and when background noise levels are lower, for example at night, this may have a detrimental impact on the neighbouring properties. As such, without any proposed mitigation Environmental Health have confirmed they would not support the proposal.

The development would be therefore be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise associated with the air source heat pump. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:

EN7/2 - Noise Pollution

H2/3 - Extensions and Alterations

Supplementary Planning Document 6 - Alterations and extensions to residential properties

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy

Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The development would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise associated with the air source heat pump. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:
EN7/2 - Noise Pollution
H2/3 - Extensions and Alterations
Supplementary Planning Document 6 - Alterations and extensions to residential properties

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	29/07/2024	DM	29/07/2024