

DELEGATED REPORT

Report by Helen Pressley	Date of report: 02/02/2024	Ref: 70184/FUL
Registration: 20/10/2023	LDfC: 21/11/2023	Expiry Date: 15/12/2023
Site Visit: 16/11/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Installation of air source heat pump at rear

Location: 18 Pinewood Crescent, Ramsbottom, Bury, BL0 9XE

Description

The application relates to a detached dwelling house located on Pinewood Crescent. The dwelling has parking and an open fronted garden area to the front with an area of private amenity space located to the rear. The dwelling appears to have been extended previously at two storey to the side, and single storey to the rear.

Planning permission is sought for the installation of air source heat pump at rear of the property. The heat pump would be approximately 870 mm high, 1378 mm wide and 460mm deep. a 1.8 metre fence is proposed 300mm to the side of the heat pump.

Relevant Planning History

40473- Two storey extension at side - Approve with Conditions 30/04/2023

Publicity

Neighbour letters sent 31/10/2023. No representations received.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - If barrier is to be removed they would need another form of mitigation. The heat pump should be regularly serviced and kept in good working order. Advice given in relation to statutory nuisance.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

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

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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 Policy 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.

The existing boundaries are depicted by fencing and therefore the introduction of a 1.8 metre fence screen to the side of the proposed heat pump would not have a detrimental impact on the character of the locality.

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 proposed screen fencing would fall within the remits of permitted development.

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 heatpumps. 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.

No. 16 Pinewood Crescent is the nearest neighbouring property to the proposed heat pump. The heat pump would be located approximately 2 metres from the boundary of this property. There is currently a 1.5 metre fence on the boundary of this property and the planning application shows an additional 1.8 metre screening fence 300mm from the side of the proposed heat pump. No. 16 Pinewood Crescent has rear windows at ground floor and first floor located adjacent to the shared boundary.

The technical specification submitted for the proposed ground source heat pump states that the sound power level of the airtsource heat pump would be 62dBA. Page 7 of the submitted MCS noise report submitted with the application includes the calculation for the heat pump, and the proposed 1.8 metre screen fencing, that conclude that the noise from the proposed ground source heat pump would reach 40db (A) when measured at 1 metre distance from any habitable room. This would be 2db (A) under that allowed under permitted development.

Given that the proposal would comply with the noise requirements set out under Class G, no objections are raised to the proposal however a condition will be attached to ensure that the 1.8 metre screen is implemented and retained.

An informative will also be added in relation to section 79 of the Environmental Protection Act 1990 - statutory nuisance.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered Location Plan 01, 02, 03, 04A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Before the first use of the ground source heat pump hereby permitted the proposed 1.8 metre screening fence panel shown on drawing number 04A shall be fitted and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u> HP 02/02/2024	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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