

DELEGATED REPORT

Report by Mo Warsame	Date of report: 21/08/2024	Ref: 70668/FUL
Registration: 23/05/2024	LDFC: 20/06/2024	Expiry Date: 18/07/2024
Site Visit:	Site Notice: N/A	Press Date: 30/05/2024
Objections: 1	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Installation of an Air Source Heat Pump (ASHP) at rear

Location: 10 Rake Fold, Ramsbottom, Bury, BL8 4ND

Description

The property is a terraced house located in rural setting within a conservation area. There are no properties in front or to the rear of the site. The premises has parking area to the front and there is an area of private amenity to the rear. The adjoining properties on either side are No. 8 and No.12 Rake Fold.

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, 1380 mm wide and 460mm deep.

Relevant Planning History

None.

Publicity

Neighbour letters sent. One objections received.

There are concerns that relates to the noise/sound levels and the size of the heat pump due and its position in relation to the objecting party.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Environmental Health - No objection but mitigation would be required

Pre-start Conditions

N/A

Development Plan and Policies

OL1	Green Belt
EN2/2	Conservation Area Control
H2/3	Extensions and Alterations
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 1 m high fencing. Overall, 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 air source heat pump would be partly screened by the existing 1m high fencing. 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.

Following negotiation with the agent, a new noise assessment report using the simplified method of MCS-020 was submitted. This suggests that the predicted levels of the proposed new ASHP unit would be 1 dB above the criterion for permitted development which would be acceptable. Additionally whilst not ideal, the existing 1m highfencing would provide further mitigation.

Given that the proposal would comply with the noise requirements set out under Class G. Furthermore no objections are raised to the proposal.

Response to objection/comments

The concerns relates to the noise/sound levels and the size of the heat pump due and its position in relation to the objecting party. However, following the negotiation with the agent a new acoustic report has been received. The report states, that the predicted levels of the proposed new ASHP unit would be 1 dB above the criterion for permitted development which would be acceptable. This would be considered acceptable.

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 Dwg. no. MT1-01, Dwg. no. MT1-02, Dwg. no. MT1-03 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	21/08/2024	DM -	27/08/2024