

DELEGATED REPORT

Report by Claire Booth	Date of report: 31/01/2024	Ref: 70043/FUL
Registration: 15/11/2023	LDfC: 08/12/2023	Expiry Date: 10/01/2024
Site Visit: 26/01/2024	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: 38 Cheshire Court, Ramsbottom, Bury, BL0 0BL

Description

The application site relates to a detached bungalow property located on the west side of Cheshire Court, a cul-de-sac accessed from Peel Brow, Ramsbottom which borders the M66 motorway. The land on which the property sits slopes downwards towards the PROW running between the properties and the boundary of the M66 motorway.

Permission is sought for an air source heat pump to be located against the rear elevation of the property. It would be located on the rear elevation of the property at ground level.

The fan associated with the proposed air source heat pump would have an external sound/noise level of 46 dBH. It would stand approximately 0.82m tall and would be sited approximately 0.3m from the rear wall of the house to which this application relates.

Relevant Planning History

19101 - RESIDENTIAL DEVELOPMENT - 12 DETACHED BUNGALOWS - Approved, 1987

Publicity

Both adjoining neighbours have been notified by letter. No representations have been received during the course of this application.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN7/2	Noise Pollution
EN1/2	Townscape and Built Design
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.

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, UDP Policies H2/3 and EN1/2 seek to reduce the impact of proposals on the residential amenity of neighbouring properties. This is further supported by UDP Policy

EN7/2 - Noise Pollution which does not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and/or the amenity of users.

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.

Part 1, Schedule 2, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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.

No. 40 Cheshire Court is the nearest neighbouring property to the proposed heat pump. The heat pump would be located approximately 1 metre from the shared 1.8m high timber fenced boundary of this property. This property has windows located on the rear elevation, with the nearest window serving a kitchen-diner. The rear garden area of both the neighbouring property and the application site falls away from the rear of the properties.

The technical specification submitted for the proposed ground source heat pump states that the sound power level of the air source heat pump would be 62dBA. Page 7 of the submitted MCS noise report submitted with the application includes the calculation for the heat pump that conclude that the noise from the proposed ground source heat pump would reach 46dB (A) when measured at 1 metre distance from any habitable room. This would be 4dB (A) over that allowed under permitted development. In calculating the sound propagation that this neighbour would experience, Officers consider that the resulting noise level would be approximately 32.4dB which would below the noise level allowed under Permitted Development regulations. The LPA also considers that due to the noise levels experienced in the rear garden areas of properties on Cheshire Court, due to the close proximity of the motorway to the application site would also drown out the sound of the proposed heat pump. For these reasons the proposal would not harm the amenity of the nearest neighbour and is thus considered to be acceptable.

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 permission relates to the following plans:

Drawing no. TQRQM23240134153605: Location Plan;
Drawing no. 03: Proposed Site Plan; and,
Drawing no. 04: Elevations as Proposed

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Developmentl Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB 31/1/24			