

DELEGATED OFFICER REPORT

Application Ref: H/24/96942

Site Address: 4 SUNDAYS HILL CLOSE, HEDGE END, SOUTHAMPTON, SO30 0AR

Case Officer: Gary Osmond

Description: Installation of air-source heat pump

Particular Site Constraints?	Yes ☒	No ☐
- Within the urban edge - Within an established residential area - Adjacent to a Site of Importance for Nature Conservation (SINC)		

Planning History?	Yes ☒	No ☐
F/16/79326 – Erection of 12no. dwellings (3no. 4-bed and 9no. 3-bed houses) with access from Bursledon Road and associated parking, landscaping and engineering works, following demolition of existing dwellings (Long View and Brackenwood) – Approved Mar 2017		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None received.		
Hedge End Town Council:	No Objection		
Environmental Health:	We have reviewed the provided MCS 020 Noise Assessment for the ASHP and note that it shows that the unit fails the test, as the noise level from the ASHP is 46 dB which is significantly higher than the assumed background noise level. On this basis we would not recommend that the application be approved unless the applicant can provide an adequate noise impact assessment that demonstrates that significant adverse noise impacts can be avoided, and noise impacts managed to acceptable levels. As general information, the noise standard to be met at the nearest sensible receptor according to the MCS020 assessment is 42dB. This assessment does not take into account the spectral content/frequency or any tonal characteristics of the noise and uses a default background noise level of 40dB rather than a measured background level. Therefore, despite meeting this standard, it is not uncommon for ASHPs to give rise to complaints after they have been installed. If the noise from an ASHP is causing a statutory nuisance, despite meeting the MC20 standards, the council has a duty in law to take action to try and abate the nuisance. This is the reason why we recommend taking a precautionary approach.		

Site Visit:	Yes ☐	No ☒
Given the very modest nature of the proposal it was not deemed necessary to undertake a physical site visit.		

Policy:
National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM8, DM11 and DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:**Site Context:**

The application property is a modern mid-terrace three storey dwelling which is built into a steeply sloping site. As such, its rear garden is accessed from the middle floor, with off-road parking to the frontage.

The site lies within the urban edge in a predominantly residential area, albeit there is a SINC to the east of the site on the opposite side of the access road. The development of which the application site forms a part is made up of terraced and detached dwellings of the same design as the application dwelling which lie to the rear of older properties which front Bursledon Road to the west and are on higher ground.

Proposals:

The application seeks consent for the installation of an air-source heat-pump to the rear of the dwelling. This would be located adjacent to the rear elevation close to the shared boundary with No.3 Sundays Hill Close. The unit is approximately 1.2 metre wide, 0.4 metres deep and 0.6 metres high.

Policy & Principle:

The application site lies within the urban edge where the basic principle of development is acceptable, with any formal planning approval being dependent upon how well that proposed is considered to accord with the relevant policies of the adopted Local Plan. In this instance the most relevant policies are DM1 and DM8.

Policy DM1 requires all new development to be appropriate for its context, of a high standard of design and to minimise or appropriately mitigate its impact upon neighbouring occupiers, uses and/or the character of the locality.

Policy DM8 relates to all forms of pollution, which in this instance will be noise and vibration.

Noise & Amenity:

The main issue for consideration in this instance is the level of noise created by the proposed air-source heat-pump and how this may impact the amenity of the nearest neighbouring properties. Usually air-source heat-pumps can be installed without the need for formal planning approval, under permitted development. However, in this instance the unit exceeds the maximum permitted development noise limit by 4Db. This does not mean that the proposed unit is unacceptable, rather that it needs to be demonstrated that either the noise generated is acceptable or that it can be suitably mitigated through additional measures, such as acoustic screening.

Whilst some noise information has been provided in support of the application, it is rather generic and gives no clear indication of the likely noise impact upon neighbouring properties. This is the concern raised by the Council's Environmental Health Team and is something shared by the case officer. A full detailed noise assessment which specifically relates to the application site has been requested throughout the application process, but no specific assessment has been forthcoming. As such, the LPA cannot be satisfied that the proposed unit will not result in any unacceptable disturbance to neighbouring properties or that it could be acceptably mitigated.

Given that it has not been demonstrated that the unit will not result in unacceptable harm to the amenity of neighbours, the requirements of Local Plan Policies DM1 and DM8 have not been met. As such, the application is recommended for refusal on the grounds of insufficient information.

Other Matters:

The development is considered acceptable and complies with policies DM1, DM11 and DM14 from the 2016-2036 local plan, in that:

- The form and scale of the unit, together with its position at the rear means that there will be no adverse impact upon the visual appearance of the dwelling.
- The development would not be an overdevelopment of the site, would retain sufficient amenity space and not impact meet parking standards.
- The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.
- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion:

Recommendation:

PERMIT ☐**REFUSE** ☒

For the reasons set out above the application is recommended for refusal on the grounds of insufficient information to demonstrate that the proposed air-source-heat-pump will not result in unacceptable disturbance to the amenity of neighbouring occupiers.