

DELEGATED OFFICER REPORT

Application Ref: H/24/97631

Site Address: 3 THE HEATHERS, EASTLEIGH, SO50 5JZ

Case Officer: Claire Campbell-Best

Description: Installation of an Air Source Heat Pump and erection of a 2.4m acoustic screen to the rear of the property (Amended Description and Plans)

Particular Site Constraints	Yes ☐	No ☒
Within the Urban Edge Within Established Residential Area		

Planning History	Yes ☒	No ☐
Reference No.	Description	Decision
H/24/96966	Part retrospective application of loft conversion to include 3no. rooflights and rear dormer window and creation of hardstanding to provide off road parking to front (Amended description)	Permit – 16/05/2024
Z/37127/003/00	Erection of 6no. three bed houses	Permit – 12/10/2004
Z/37127/002/00	Erection of 12no. apartments in 1 two storey block with car parking and vehicular access from Burns Close following demolition of garage courts	Refuse – 30/09/2002 Dismissed at Appeal – 31/10/2003
Z/37127/001/00	Erection of 16no. apartments in two blocks, comprising of one block of twelve and one block of four and associated car parking with access from Burns Close following demolition of one dwelling and two garage courts	Refuse – 25/09/2002
Z/37127/000/00	Outline: Erection of 6no. dwellings with car parking, garages	Withdrawn – 25/08/2000
Z/37126/000/00	Outline: Erection of 6no. dwellings and 2no. maisonettes with car parking and vehicular access from Debry Road, following demolition of 133 Debry Road and existing garages	Withdrawn – 25/08/2000

Approved planning permission Z/37127/003/00 which contains the application site has a condition stating the following:

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, the building must not be extended or altered and there shall be no structures erected within the curtilage without the prior written permission of the Local Planning Authority

Reason: In the interests of residential amenity, and to prevent an unplanned over development of the site

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None were received		
Eastleigh Town Council:	<u>Comments on amended plans and description</u> No comments were received		

	<u>Comments on original submission:</u> <u>Objection:</u> Eastleigh Town Council objects to this application due to the lack of evidence of compliance with noise levels as highlighted by the Environmental Health Report.
Environmental Health:	<u>Comments on amended plans and description:</u> <u>No Objection (Summarised):</u> No objection to either option. However, I would like to highlight that, while ASPs may comply with the MC20 standards, it is not uncommon for them to generate complaints after installation. If an ASHP causes a statutory noise nuisance despite meeting these standards, the Council is legally obligated to take action to address and mitigate the nuisance. <u>Further comments received 15/08/24 (summarised):</u> Regarding the latest comments from the applicant, he has presented a well-structured argument in favour of the installation of the air source heat pump. I would like to provide the following observations: 1. While the applicant makes a valid point about the distinction between permitted development and full planning applications, it is important to emphasize that the noise level remains a critical consideration for the LPA. The fact that the noise exceeds the MCS guideline by only 2 dB suggests a minor deviation, but it still exceeds the recommended limit. Additionally, the MCS assessment is rather generic as does not take into account for factors such as the spectral content/frequency, vibrations or any tonal characteristics of the noise, all of which could potentially increase the actual noise levels produced by the unit. 2. The applicant provides evidence that the ambient noise level from road traffic in the area is higher than the noise produced by the heat pump, and therefore the heat pump's noise would not be noticeable or disruptive. These sources of information are informative and only consider road noise sources, they don't reflect the actual background conditions of the site. To consider this argument an assessment of the background noise levels should be carried out. 3. The applicant notes that the heat pump will primarily operate in winter, when windows are likely closed, reducing the likelihood of noise disturbances. However, if the air source heat pump is also intended for hot water production, it could be in use throughout the year, including during hot weather when windows are more likely to be open. This could increase the potential for noise disturbances. In summary, while the applicant's arguments are thoughtful and address several key points, the concerns about noise impact, particularly without a site-specific noise assessment, remain significant. Having said that, I am happy to agree with the proposed installation of the air source heat pump conditioned to: Prior to the installation of the proposed air source heat pump, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall include an

	assessment of noise emissions by the proposed air source heat pump against background noise levels and any necessary mitigation measures to ensure that the noise impact of the air source heat pump does not exceed acceptable levels. The installation of the proposed air source heat pump shall thereafter be carried out in accordance with the approved details. Reason: To ensure that nearby residential dwellings would not be adversely impacted by noise, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016- 2036). Finally, I would like to stress that even though ASHPs may comply with the MC20 standards, it is not uncommon for them to generate complaints after installation. If an ASHP causes a statutory noise nuisance despite meeting these standards, the council is legally obligated to take action to address and mitigate the nuisance. <u>Comments on original submission:</u> <u>Objection:</u> My general advice is that air source heat pumps requiring planning consent should either achieve the acceptable noise standards established in the Microgeneration Installation Standard MCS20 (MCS-020.pdf (mcscertified.com)) or be enclosed to reduce noise emission to a similar standard. The submission entitled, 'MCS noise assessment' suggests that this proposed installation would fail; the standard by 2dBA. I do not know who the author of this assessment is, but will make some general observations on the assessment: • The particular plant to be installed should be specified. The technical documentation included shows three different models. I infer from the MCS assessment and an internet search that the proposal is for a Daikin air source heat pump, model 06E(3)V3 since this shows a maximum sound power level of 60dBA. The applicant should confirm that this is a correct inference. • The form suggests that the distance between the plant and the closest neighbouring window is 5 metres and that Directivity is 4 (against a reflecting wall and floor) ; if so, the calculations appear correct. As such, the application is unsatisfactory as it stands. Options that are most likely to be successful would be to identify quieter plant or plant where a proprietary sound enclosure is available and can be installed to reduce noise emission.
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Site Visit:	Yes ☒	No ☐
Details: Site visit carried out under previous planning application H/24/96966 – Photographs on file.		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are S1, DM1, DM4 and DM8.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Eastleigh Character Area Appraisals (ELAC 19).

Assessment:**Site and Proposal**

The application site contains a two storey semi-detached dwelling located within a small residential development known as The Heathers with vehicular access from Burns Close. The dwelling was created following planning permission in 2004 to erect 6 x 3-bed houses in semi-detached pairs around a residential parking courtyard. The wider surrounding area is predominately residential in character and features interwar properties in semi-detached pairs and terraced blocks.

This application seeks approval for the siting of an Air Source Heat Pump (ASHP) and erection of a 2.4m acoustic screen to the rear of the property. The ASHP would measure approximately 1.25m in width, 0.77m in height and 0.91m depth. The plans indicate it would be sited beneath the existing ground floor window on the north elevation. The acoustic screen would measure approximately 2.33m in height and would have a width of 1m. The plans indicate the screen would lead of from the rear elevation and sit flush with the side elevation of the host dwelling and set in from the boundary shared with 2 The Heathers.

During the course of the application, amended plans were submitted showing two proposed options to address noise concerns associated with the ASHP:

Option One: Proposed increasing the height of the shared boundary fence to 2.8m. However, this option was deemed unacceptable from a planning perspective due to its potential impact on the amenity of the neighbouring property, 2 The Heathers.

Option Two: Involved the installation of an acoustic screen and an updated MCS noise assessment that accounted for this mitigation measure. The assessment demonstrated that the ASHP's noise output would be reduced to 41dB(A), which is within acceptable noise limits.

Option Two was considered the most practical and effective solution to mitigate noise concerns while preserving the amenity of neighbouring properties. Amended plans incorporating this option were subsequently submitted. In accordance with the planning process, neighbours and the Town Council were re-consulted and had the opportunity to review and comment on the updated proposal.

Principle of the Proposal

Policy DM4 of the Local Plan generally supports proposals for infrastructure to generate low carbon energy and/or make more efficient use of energy sources, therefore the proposal is considered to be acceptable in principle in accordance with the objectives of this policy. The main determining issues are whether the proposal would result in any adverse visual impacts or impacts on the amenity of neighbouring residents in terms of noise.

The residential development the application site forms part of has a planning condition attached to the approved planning permission under Z/37127/003/00:

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, the building must not be extended or altered and there shall be no structures erected within the curtilage without the prior written permission of the Local Planning Authority

Reason: In the interests of residential amenity, and to prevent an unplanned over development of the site

Therefore, the application site does not have permitted development rights. Any alterations or extensions within the curtilage of the dwellinghouse which could usually be carried out under permitted development requires formal planning permission and would need to be assessed under national and local planning policies.

However, it should be noted that despite the site not having permitted development rights, Schedule 2, Class G of the Town and Country Planning General Permitted Development Order states Air Source Heat Pumps (ASHP) can be installed for dwellings without the need for planning permission if they comply with MCS Planning Standards regarding noise, which sets a maximum noise limit of 42dB(A). The noise level of the proposed ASHP with the acoustic screen in place would be 41dB(A), which is under the permitted development limit. While this can not be considered a fallback position, it sets the baseline for what is considered acceptable under Policy DM8 of the Local Plan.

Design and Appearance

The ASHP and acoustic screen are considered modest sized structures and due to their siting, they would not be visible from the street scene. It is not considered the proposal would have any adverse impact on the appearance of the dwelling or surroundings and would therefore accord with Policy DM1 of the Local Plan.

Impact on residential amenity, including noise impacts

Due to the small size of the unit and modest span of the acoustic screen, combined these elements would not have an adverse impact on neighbouring residents in terms of impact on outlook or light. The main consideration is whether it would have an adverse impact with respect to noise generation.

Policy DM8 of the Local Plan states that development will not be permitted if it is likely to cause loss of amenity through (c) noise or vibration.

The applicant provided details of the ASHP unit and noise levels. Upon review of the initial details, the Council's Environment Health Officer objected to the ASHP as the noise output (44dB(A)) would be over the maximum limit (42dB (A)) deemed acceptable under Policy DM8. The Environmental Health Officer advised to mitigate this, a Noise Impact Assessment or acoustic screening would be required.

An updated MSC noise assessment and amended plans were received showing the acoustic screen. The noise assessment indicated with the screen in place the noise output would 41dB(A). This information was reviewed by the Environmental Health Officer who advised they had no objections to this arrangement as this output is now under the maximum limit. They did advise that there does remain potential for noise complaints post-installation. If the noise from the ASHP is deemed a statutory nuisance, the council is legally obligated to take action to address and mitigate the nuisance despite any approved planning permission. In addition to this, a condition will be applied to ensure the acoustic screening has been installed prior to the operation and first use of the ASHP as well its retention and maintenance during the lifetime of the ASHP. This has been agreed by the applicant.

To conclude, the ASHP is considered to comply with Policy DM8 of the Local Plan. An informative will be added to the decision informing the applicant of the advice Environmental Health have given regarding any noise complaints that could arise as outlined in this report.

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 Environment 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.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. 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: This application is recommended for approval, subject to conditions

Recommendation:

PERMIT ☒

REFUSE ☐