

APPLICATION NO: 21/01529/FUL	OFFICER: Miss Claire Donnelly
DATE REGISTERED: 30th June 2021	DATE OF EXPIRY: 25th August 2021 ; extension of time agreed to 17th September 2021
DATE VALIDATED: 30th June 2021	DATE OF SITE VISIT:
WARD: All Saints	PARISH: n/a
APPLICANT:	Mr Colin Smith
AGENT:	Paul Rogers
LOCATION:	Priory Cottage, 18 Priory Street, Cheltenham
PROPOSAL:	Addition of an air source heat pump to an existing wall

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to 18 Priory Street, also known as Priory Cottage; a detached, recently extended, residential bungalow set back from Priory Street. The application property is sited on the south western and north western boundaries of the site, with the private amenity space located to the front of the property. The site is located within the Sydenham Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for the installation of an Air Source Heat Pump (ASHP) to be located on the south western boundary wall in an elevated position.
- 1.3 A previous application seeking permission for the same proposal was refused by officers in May 2021, application ref. 21/00223/FUL.
- 1.4 The application is at Planning Committee at the request of Councillor Wilkinson.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area

Relevant Planning History:

90/00245/PF 29th March 1990 PER
Replacement Of Existing Extension With New Enlarged Extension

90/00247/CD 29th March 1990 PER
Demolition Of Existing Extension And Frontage Carport

20/01132/FUL 21st August 2020 PER
Proposed Internal and external alterations, new dormer and oriel window, new shed, and garden wall

21/00223/FUL 6th May 2021 REF
Addition off an air source heat pump to an existing wall

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD3 Sustainable Design and Construction
SD14 Health and Environmental Quality
INF5 Renewable Energy/Low Carbon Energy Development

Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

4. CONSULTATIONS

Environmental Health

10th August 2021

This application is similar to that made under planning ref 21/00223/FUL earlier in the year, where this department made a recommendation to refuse, on the grounds of loss of amenity due to noise from the equipment proposed affecting other residential property.

This application similarly seeks to install an Air Source Heat Pump on the south west corner of the existing building, at first floor level. The applicant has provided information that suggests that such equipment should not require planning consent where installed a minimum of 1m from the property boundary. However, this plan seeks to install the equipment both on the boundary (rather than 1 m within it), and above any dividing wall that would have a mitigating effect. Therefore any noise from the system will have an adverse effect and cause a loss of amenity to the users of the gardens to the rear of 15 & 16 Hewlett Place. I suggest that the effect on indoor areas of those properties would be minimal. In conclusion I must recommend refusal of this application in its current form.

The applicant's property appears to have ample space for the heat pump unit to be installed within the site, thus removing any potential impact on neighbouring property. If the applicant would like to submit a revised plan to this effect I will happily remove this objection.

Alternatively the applicant may prefer to submit an acoustic report to demonstrate the levels of noise that will arise at the neighbouring premises for further consideration.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Letters have been sent to nine neighbouring properties, a site notice has been displayed and an advert placed in the Gloucestershire Echo; no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The application proposes the installation of an ASHP to Priory Cottage which would be sited on a boundary wall, at first floor level on the South Western elevation of the property; the site is within the conservation area and therefore the key considerations are the design, impact on the conservation area and the impact on neighbouring amenity.

6.3 Design and impact on the Conservation Area

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 127 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

- 6.5 Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. Section 16 of the NPPF seeks development to consider the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation.
- 6.6 The proposed ASHP would be 1.02 metres in height, 1.02 metres in width and 0.48 metres in depth; and would be traditional in its design. The ASHP would be located on the South West elevation of Priory Cottage, 2.6 metres above ground level; located above the existing boundary wall. This elevation of the property faces onto a private car parking area located on the corner of Hewlett Place and Priory Mews; the site is wholly within the Conservation Area. Given the open nature of the site, the ASHP would be visible by the public realm within the Conservation Area. Officers acknowledge that the South West elevation of the property is currently screened by small trees/shrubbery, however this vegetation is located within the car park and therefore out of the control of the applicant. As such, whilst the ASHP may initially be partially screened, if the vegetation was removed, the ASHP would be clearly visible from the public realm within the Conservation Area therefore harming the existing character of the area. It is, however, appreciated by officers that Hewlett Place is somewhat tucked away and along with Priory Mews, are relatively quiet roads that mainly serve access to residential properties, however that said, the ASHP is still considered to be inappropriately located and would result in harm to the Conservation Area.
- 6.7 With the above in mind, on balance, it is considered that the scale of the proposed ASHP as well as its prominent location within the Conservation Area would be detrimental to the existing character of the area and therefore could not be supported. The proposal would be contrary to JCS policies SD4 and SD8, Cheltenham Plan policy D1 and the guidance within section 12 and 16 of the NPPF.
- 6.8 **Impact on neighbouring property**
- 6.9 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users.
- 6.10 Following the public consultation period of this application, there have been no public representations received.
- 6.11 Due to the nature of the proposal, the Environmental Health Officer (EHO) has been consulted on the scheme; full comments can be read above in section 4 of this report. The EHO has objected to the scheme given the lack of information to support the proposal. The EHO's concerns relate to the proximity of the ASHP to neighbouring private residential amenity spaces; the concern relates to the impact when residents are outside, there are no concerns that the ASHP would impact residents when inside their properties. The ASHP would be located 1.7 metres from the boundary of 15 Hewlett Place, 5.5 metres from the boundary of 16 Hewlett Place and 2 metres from the boundary of 1 Priory Mews. The EHO requested the submission of an acoustic report to demonstrate noise levels at neighbouring properties, however this information has not been forthcoming. It is therefore considered that due to the lack of information, there would be a harmful impact on private amenity spaces of neighbouring residential properties.
- 6.12 The proposal would therefore be contrary to policy SD14 of the JCS and policy SL1 of the Cheltenham Plan in terms of protecting the amenity of the adjoining land users.
- 6.13 **Other considerations**
- 6.14 Environmental benefits
- 6.15 Officers acknowledge that the ASHP would replace the existing gas boiler; thus having a positive impact on the environment. It is also acknowledged that decisions should be made

to support renewable energy and low carbon development to make a contribution to tackling climate change. Whilst the council do not have any policies that specifically relate to this type of development, Policy INF5 of the JCS states:

“Proposals for the generation of energy from renewable resources, or low carbon energy development (with the exception of wind turbines), will be supported, provided the wider environmental, social or economic benefits of the installation would not be outweighed by a significant adverse impact on the local environment taking into account any unacceptable adverse impacts on uses and residents of the local area including emissions, noise, odour and visual amenity.”

As such, whilst the ASHP has its environmental benefits, as per policy INF1, officers must take into consideration the noise and visual amenity as a result of the low carbon energy development. As such, given the objection received from the EHO in regards to a lack of information to address the impact on neighbouring amenity, and the concerns over the location and visual impact of the ASHP, the proposal would be contrary to JCS Policy INF1 and therefore the harm outweighs the environmental benefit in this instance.

6.16 Permitted Development Rights

It is worth noting that an ASHP can be installed without the need for planning permission. Schedule 2, Part 14, Class G allows for the installation of ASHP on domestic properties subject to conditions. This ASHP could be considered as Permitted Development if the ASHP was located 1 metre from the boundary of the site. As such, if the proposed ASHP was relocated to be wholly within the application site, and 1 metre from the boundary, then an ASHP could be installed at the property without the need for planning permission.

6.17 Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Taking all of the above into consideration, whilst the environmental benefits of the installation of an air source heat pump have been duly noted, given the concerns relating to its siting and harm to the Conservation Area, and the potential harm to neighbouring amenity due to noise and disturbance; the installation of an air source heat pump in the proposed location is unacceptable.
- 7.2 The installation of the proposed air source heat pump would be contrary to relevant planning policies in terms of design, impact on the conservation area and impact on neighbouring amenity.

7.3 The recommendation is to therefore refuse this application for the reasons set out below.

8. REFUSAL REASONS & INFORMATIVES

- 1 The application site is located within the Central Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission with respect to any building or land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The proposed siting of an Air Source Heat Pump at first floor level, above the boundary wall, and on a side facing elevation would result in unacceptable harm to the Conservation Area due to its prominent location.

The proposed installation of an Air Source Heat Pump is therefore detrimental to the character and appearance of the Conservation Area resulting in harm to its significance and contrary to Policy D1 of the Cheltenham Plan (Adopted 2020), Policies SD4 and SD8 of the Joint Core Strategy (Adopted 2017), and paragraphs 197, 199 and 202 of the NPPF.

- 2 The application proposes the installation of an Air Source Heat Pump to the property; due to the siting of the air source heat pump on the boundary wall and above any dividing wall which would have a mitigating effect. Furthermore, the application lacks the submission of an acoustic report to demonstrate the levels of noise that will arise at the neighbouring premises. Due to these reasons, the installation of an Air Source Heat Pump in the proposed location would have an adverse effect and cause a loss of amenity to the private amenity spaces of adjoining residential properties.

The proposed Air Source Heat Pump would therefore result in noise and disturbance to neighbouring properties and therefore unacceptable harm the existing amenity of neighbouring residential properties contrary to Policy SL1 of the Cheltenham Plan (Adopted 2020), policy SD14 and INF5 of the Joint Core strategy (Adopted 2017) and section 12 of the NPPF.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the concerns set out within this report.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.