

APPLICATION NO: 24/00973/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 7th June 2024		DATE OF EXPIRY: 2nd August 2024 (extension of time agreed until 16th August 2024)
DATE VALIDATED: 7th June 2024		DATE OF SITE VISIT:
WARD: St Marks		PARISH:
APPLICANT:	Cheltenham Borough Homes	
AGENT:	British Gas Social Housing Ltd T/A PH Jones	
LOCATION:	15 Hillfield Cheltenham Gloucestershire	
PROPOSAL:	Installation of an air source heat pump (retrospective).	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a semi-detached residential property on the south-east side of Hillfield, a residential cul-de-sac accessed from Griffiths Avenue. The estate is 'back to front' in that the rear gardens back onto the highway with only pedestrian access available to the front of the property.
- 1.2 The application seeks retrospective planning permission for the installation of an air source heat pump (ASHP) in the rear garden; the application form states that the ASHP was installed in June last year.
- 1.3 Schedule 2, Part 14, Class G of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) permits the installation of an ASHP on, or within the curtilage of, a dwellinghouse subject to a number of conditions; however, in this case, planning permission is required as the ASHP has been installed within one metre of the site boundary.
- 1.4 The application is before the planning committee as it was submitted by Cheltenham Borough Homes.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 14 Meeting the challenge of climate change, flooding and coastal change

Adopted Cheltenham Plan 2020 (CP) Policies

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Cheltenham Climate Change (2022)

4. CONSULTATIONS

Building Control

20th June 2024 - This application may require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Environmental Health

26th June 2024 - In relation to application reference 24/00973/FUL (retrospective), for 15 Hillfield, Cheltenham, GL51 7BQ there are no comments/conditions from Environmental Health.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to the two properties adjoining the site. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 As this application relates only to the installation of a single air source heat pump (which has already been installed), the key considerations are sustainable development and climate change, and neighbouring amenity.

6.2 Sustainable development and climate change

6.3.1 JCS policy SD3 and the adopted Cheltenham Climate Change SPD set out how residential properties should consider the inclusion of low carbon technologies and features to contribute to the decarbonisation of homes and the Climate Emergency which has been declared by the Council. As such, officers are fully supportive of this type of development subject to other material considerations discussed below.

6.3 Neighbouring amenity

6.2.1 JCS policy SD14 and CP policy SL1 require development not to cause unacceptable harm to the amenity of adjoining land users. CP paragraph 14.4 advises that the Council will have regard to a number of matters including potential disturbance from noise.

6.2.2 In this regard, no objection has been raised by local residents in response to the consultation exercise, and Environmental Health have confirmed that there is no history of any noise related complaints despite the fact that the ASHP was installed last year.

6.2.3 Notwithstanding the above, the application is accompanied by an MCS (Microgeneration Certification Scheme) noise assessment which calculates the noise level to be 41.8 dB(A) and therefore below the 42.0dB(A) noise limit that would normally be accepted as permitted development.

6.4 Other considerations

Public Sector Equality Duty (PSED)

6.4.1 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.

6.4.2 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 With the above in mind, the officer recommendation is to grant retrospective planning permission for the ASHP as installed.

8. CONDITIONS

- 1 The planning permission hereby granted relates to the approved plans listed in Schedule 1 of this decision notice, and the other supporting information which accompanies the application.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE

- 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 application constitutes sustainable development and has therefore been approved in a timely manner.