

**Planning Committee**

**17 April 2019**

**Reference:**  
**APP/18/01554**

**Area Team:**  
**Development**  
**Management Team**

**Case Officer:**  
**Mr A Siddall**

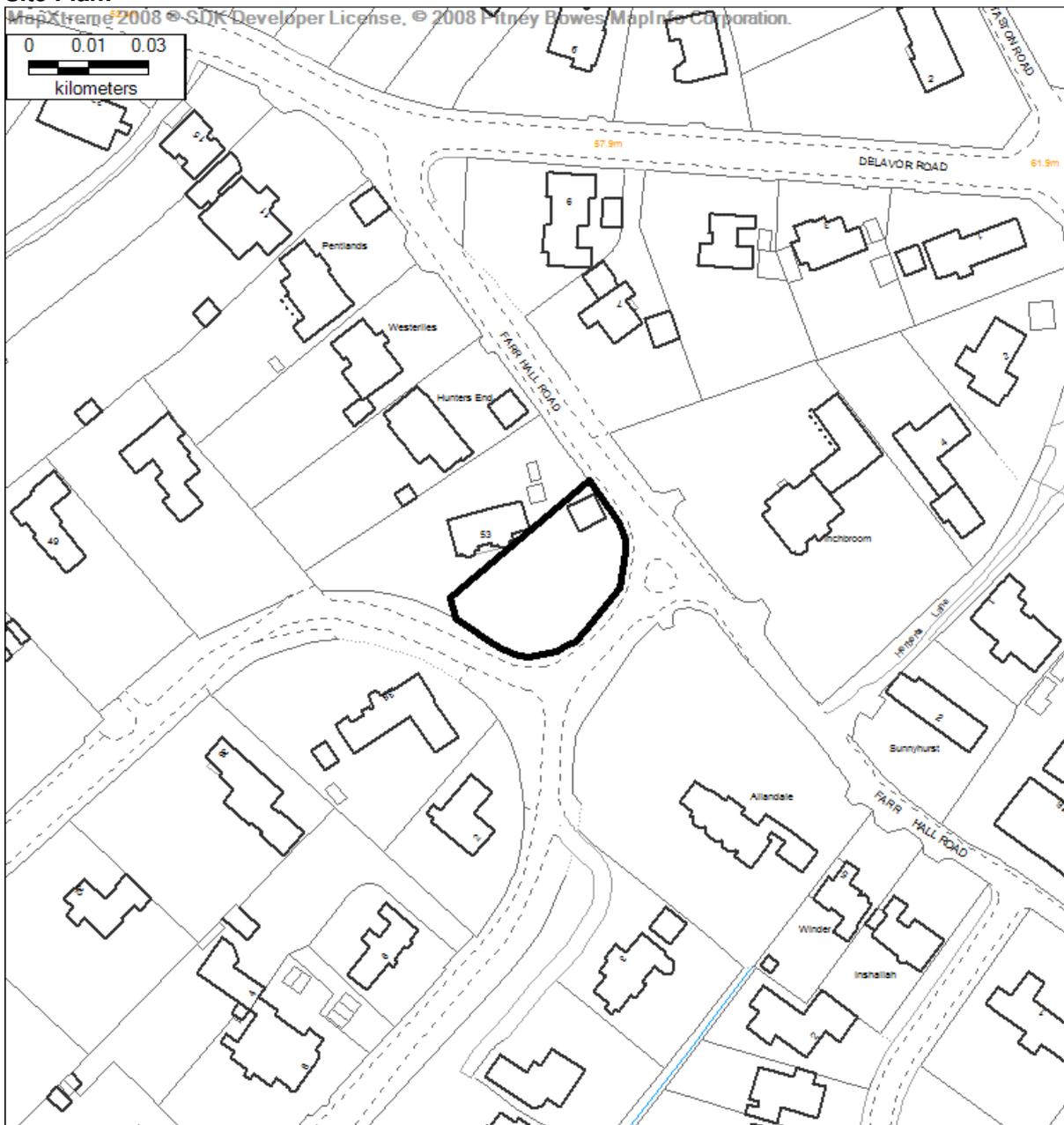
**Ward:**  
**Heswall**

**Location:** Holly Bank, 53 FARR HALL DRIVE, HESWALL, CH60 4SE  
**Proposal:** Installation of two air source heat pumps.

**Applicant:** Mr Moores  
**Agent :** TASC Holdings Ltd

**Qualifying Petition:** Yes    **Number of Signatures:** 27

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Holly Bank, 53 FARR HALL DRIVE, HESWALL, CH60 4SE  
Application Type: Full Planning Permission  
Proposal: Demolition of Existing house and construction of two detached houses  
Application No: APP/17/01564  
Decision Date: 09/03/2018  
Decision Type: Approve

Location: Holly Bank, 53 Farr Hall Drive, Heswall, Wirral, CH60 4SD  
Application Type: Full Planning Permission  
Proposal: Erection of a detached garage.  
Application No: APP/07/05832  
Decision Date: 08/06/2007  
Decision Type: Approve

Location: Holly Bank, 53 Farr Hall Drive, Heswall, Wirral, CH60 4SD  
Application Type: Full Planning Permission  
Proposal: Alterations to existing dwelling (single storey side and rear extensions), construction of new access and erection of a detached house and garage.  
Application No: APP/03/07413  
Decision Date: 22/01/2004  
Decision Type: Refuse

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 None Received.

**2.0 SUMMARY OF REPRESENTATIONS**

2.1 Having regard to the Council's guidance on publicity for planning applications, notifications were sent to seven neighbouring occupiers and a notice was posted to the front of the site on 31 January 2019. The deadline for receipt of any representations was 21 February 2019.

**REPRESENTATIONS**

At the time of writing 10 representations in objection have been received citing the following planning considerations:

1. The noise generated by the heat pumps would be detrimental to residential amenity and local wildlife;
2. Through the visual impact of the heat pump units and the noise generated, the proposal would be detrimental to the character of Farr Hall Drive as a bridleway.

The petition in objection contains 27 signatures, with petitioners considering that the heat pumps will create unnecessary noise in a very quiet area and the decibel level of two pumps is inappropriate for the local setting.

**CONSULTATIONS**

**Environmental Health** - No objection subject to the heat pumps being installed in the location if agreed by the local planning authority, in accordance with the manufacturer's instructions.

**3.1 Site and Surroundings**

3.1.1 The application site comprises the grounds of the former number 53 Farr Hall Drive which is currently being redeveloped for two detached dwellings under planning permission granted in March 2018. Development is well underway. The heat pump units are located south east of

the dwelling currently under construction with the nearest unit approximately 2 metres from the boundary of the property with Farr Hall Drive. The boundary is formed by a brick retaining wall with trees and shrubs above giving intermittent views of the site. Ground levels on the site at this point are higher than those outside. Farr Hall Drive is an unadopted highway and public bridleway. The nearest third party dwelling is 38 Farr Hall Drive with a facing elevation at 41 metres from the site. Other nearby properties comprise 2 Farr Hall Drive, Allandale, Inchbroom and Hunters End, all with elevations at greater distances from the site.

### **3.2 Proposed Development**

3.2.1 This application seeks full planning permission for the retention of two air source heat pumps to serve the dwelling currently under construction which have been installed but are not yet operational. Both units are of the Samsung EHS AE120 type and measure 1.4 metres high by 0.9m wide and 0.3 metres deep. The units face south west towards the boundary with number 38 Farr Hall Drive. The applicant intends to enclose the units within a 2 metre high close boarded 'hit and miss' timber fence which will form a continuation of the fenced screen between the front and rear gardens of the property

### **3.3 Development Plan**

3.3.1 UDP Policy REN1 indicates that renewable energy proposals will be assessed with regard to their siting, design and impact on the environment and neighbours amenity. Provision is also made for small scale non-residential development under the terms of UDP Policy HS15, which permits proposal that are (i) appropriate in scale to surrounding development; (ii) not detrimental to the character of the area; and (iii) not cause a nuisance to neighbouring uses.

3.3.2 UDP Policy PO3 only permits development where the noise arising from a proposal will not cause unacceptable intrusion or persistent nuisance.

### **3.4 Other Material Planning Considerations**

3.4.1 The National Planning Policy Framework (NPPF) sets a presumption in favour of sustainable development which means approving development that accords with the development plan without delay.

Paragraph 154 of the NPPF indicates that when determining planning applications the Local Planning Authority should:

a) Not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable.

3.4.2 Paragraph 180 make it clear that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so, local planning authorities should mitigate and reduce to a minimum potential adverse impacts arising from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life. Paragraph 127 also requires planning decisions to ensure developments are sympathetic to local character, create places that promote health and wellbeing, with a high standard of amenity for existing and future users, amongst other considerations.

Policy CS43 in the emerging Local Plan permits design solutions which facilitate the micro-generation of renewable energy which can be used at source and the opportunity for noise and disturbance is minimised.

### **3.5 Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are;

- The principle of development;

- Noise and Residential Amenity;
- Visual Amenity;
- The Permitted Development Fallback Position.

3.6 The Principle of Development:

3.6.1 The proposed development can be permitted under the Unitary Development Plan subject to compliance with UDP Policies REN1, HS15 and PO3.

3.7 Noise and Residential Amenity:

3.7.1 The Council's Environmental Protection team have assessed this application based upon the technical data for this particular heat pump unit, its location and distance to neighbouring property and in this instance advise that no objection should be made on grounds of noise. According to the data sheet this unit type has a sound power level of 64dBA. As the decibel scale is logarithmic two identical units of this type in the same position would have a sound power level of 67dBA. The facade of the nearest house is over 40 metres away and at this distance the outcome of the specialist officer's calculations is that the noise level would be 30dBA. This is a worst case scenario and presumes that the units are mounted on a hard surface, have a hard reflecting surface behind them with no absorption of sound, or attenuating barriers. The specialist officer notes that the expected 30dB level at the nearest neighbouring property is very quiet, with the World Health Organisation specifying 30dB as the level required inside bedrooms for people to achieve undisturbed sleep. On this basis the Environmental Health Officer does not offer any objection to the development.

3.7.2 As a result of this advice Officers consider that operation of the heat pumps would meet the objectives of Policy PO3 of the UDP and would not cause unacceptable intrusion or persistent nuisance for residents by way of noise. In the event that this acceptable noise level is no longer achieved or is otherwise demonstrated to be causing nuisance to residents, provision exists within Environmental Health legislation for site specific investigations to be carried out and if necessary, a noise abatement notice to be served. Given the particularly low level of noise expected at neighbouring property in this instance, Officers do not consider that any condition requiring a site specific noise assessment is necessary.

3.8 Visual Amenity and the character of the area

3.8.1 Given the intervening vegetation on the boundary of the site with Farr Hall Lane, visibility of the heat pump units is intermittent, and in any event they are not of such a scale or of such prominence where a detrimental visual change in the character of the wider area has occurred. The proposed timber close boarded fencing is appropriate to a domestic garden where it is commonly used to separate and screen front and back gardens. Whilst it will be visible from the highway it is not of such height or length where it would be harmful to wider character given that such fence above wall boundary arrangements exist elsewhere in the locality.

3.8.2 Passers-by and users of the bridleway will be closer to the heat pump units than residents of nearby dwellings and may find that the units are audible at close quarters. Given that these experiences would be transient and of short duration they could not be said to be unacceptably intrusive or persistent in their nature and would not result in conflict with UDP Policies REN1, HS15 and PO3.

3.9 The Permitted Development Fallback Position

3.9.1 Officers note that one of these air source heat pump units in this location would be permitted development as the unit would meet the requirements of Class G of Schedule 2 Part 14 of the Planning (General Permitted Development)(England) Order 2015. On the basis of the calculation carried out by the Council's Environmental Protection team, one heat pump would meet the Microgeneration Certification Scheme (MCS) Planning Standard which requires the unit to produce a maximum sound pressure of 42dBA at an assessment position one metre from a main habitable room window of the nearest neighbouring dwelling. In this instance two units would be expected to produce a sound pressure of 30dBA at the nearest neighbouring dwelling. Members are advised that the standard does not require this level to be met at a neighbour's boundary, only at a point 1 metre from a main window or door; and the new

property being constructed on the site is not considered an existing neighbouring dwelling as the potential future occupiers of that property would be aware of the heat pumps serving the adjacent house, and would themselves have a single heat pump serving their property.

3.9.1 Other factors that make 1 heat pump permitted development comprise:

- The fact that no wind turbine is present on the site;
- That the cubic volume of the unit does not exceed 0.6 cubic metres (it is 0.44 in this case);
- That the unit is not within one metre of a boundary;
- That the unit is not located on a roof;
- That the site is not a scheduled monument, a listed building or within a conservation area; and
- That the unit is not mounted on a wall fronting a highway, nor is it mounted above ground floor storey level.

As such, if members were minded to refuse this application, one unit could lawfully remain and the question to be answered is therefore whether the presence of two units causes material planning harm. On the basis of the assessment above, Officer advice is that no harm is caused.

**Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The development comprises an acceptable form of microgeneration to fulfil the heating requirements of this new dwelling. The air source heat pump units are not expected to cause harm to residential amenity by way of noise nuisance and there is not material impact on visual amenity or the wider character of the area, including for users of the public bridleway, for whom any audible effects would be short term. On this basis the application meets the relevant requirements of the statutory development plan and the objectives of the National Planning Policy Framework and is considered to comprise sustainable development.

**Recommended Decision: Approve**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25 February 2019 and listed as follows:

509 A014 (Air Source Heat Pump) dated 21 February 2019

**Reason:** For the avoidance of doubt and to define the permission.

2. The Air Source Heat Pumps hereby permitted shall be of the Samsung EHS Monobloc GEN5 AE120 type and installed in accordance with the manufacturer's recommendations. No heat pump shall be replaced with a unit of a different type without the further grant of planning permission by the Local Planning Authority.

**Reason:** For the avoidance of doubt and in the interests of residential amenity in accordance with Policies REN1, HS15 and PO3 of the Wirral Unitary Development Plan.

**Further Notes for Committee:**

**Last Comments By:** 21/02/2019  
**Expiry Date:** 15/03/2019