

Delegated Report

Planning Ref: 24/00395/HOU

Applicant: Mr David Mitchell

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 84 Shenton Lane Market Bosworth Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Installation of air source heat pump

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This householder application seeks planning permission for the installation of an air source heat pump within the rear garden of a dwelling, 84 Shenton Lane, Market Bosworth. The proposed unit (Daikin Altherma 3) would be sited adjacent to the rear elevation of the dwelling and would measure just over 1 metre in height including mounting feet, 1.38m in length and 0.46 metres in depth.

3. Description of the site and surrounding area

- 3.1. The application dwelling lies within the settlement boundary of Market Bosworth in a residential area on its southern tip. It is a two storey semi-detached house with single storey rear extension and a detached garage to its south side. It has a gable sided main roof form and is constructed predominantly of red multi facing bricks with white rendered front porch, brindle plain clay roof tiles and light brown uPVC windows. The rear garden is enclosed by 2 metres high solid close boarded timber panel fencing.
- 3.2. There are two storey dwellings to the rear (west) and attached to the north side, allotments to the south and open fields to the east.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One letter of support has been received from the adjoining neighbouring dwelling.

6. Consultation

- 6.1. No objection has been received from:

Environmental Health (Pollution)
Environmental Health (Drainage)
Market Bosworth Parish Council.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan (MBNP) 2014-2026 (2015)

- Policy CE1: Character and Environment

- 7.2. Core Strategy (2009)

- No relevant policies

7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM10: Development and Design

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Alterations to existing domestic properties within settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are:

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

8.2 Paragraph 157 of the NPPF (2023) states that the planning system should support renewable and low carbon energy and associated infrastructure. Paragraph 163 of the NPPF (2023) states that *'When determining planning applications for renewable and low carbon development, local planning authorities 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.'*

8.3 The development plan in this instance consists of the adopted Core Strategy (2009), and the SADMP (2016). Whilst there are no specific policies relevant to the proposal within the Core Strategy, Spatial Objective 12: Climate Change and Resource Efficiency does seek to minimise the impacts of climate change by, amongst other measures, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.

8.4 Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF (2023) provide a presumption in favour of sustainable development whereby development proposals that accord with an up-to-date development plan should be approved without delay unless material considerations indicate otherwise.

8.5 Policy DM2 of the adopted SADMP states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments. It further states that planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts.

- 8.6 It is therefore considered that there is strong support in principle within both local and national planning policies for the development of domestic scale renewable energy installations such as that proposed subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.7 Policy CE1 of the 'made' MBNP requires that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. The application dwelling is identified as lying within Character Area D: Suburban Residential in the MBNP.
- 8.8 Policy DM2 of the adopted SADMP states that renewable energy and low carbon development installations will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts including noise and visual impacts. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area.
- 8.9 The proposed air source heat pump would be sited adjacent to the rear elevation of the dwelling and would measure only just over 1 metre in height including mounting feet, only 1.38m in length and 0.46 metres in depth. By virtue of the discreet siting of the unit to the rear of the dwelling within a well enclosed rear garden where it would not be visible from any public areas or visually prominent from any neighbouring properties, together with its small scale, design, technical specifications and appearance, it is considered that reasonable steps have been taken to avoid or mitigate any significant adverse impacts arising from its installation. The proposal is considered to complement the character of the surrounding area and therefore to be in accordance with Policies DM2 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.10 Policy DM2 of the adopted SADMP requires all reasonable steps to have been taken to avoid or mitigate any adverse impacts from renewable energy developments including noise and visual impacts. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.11 The proposed air source heat pump would be installed adjacent to the rear elevation of the application dwelling and on or just above the ground to a height of only 1 metre where it would not be visually prominent from any neighbouring properties. It would face the applicant's rear garden and be sited 1.5 metres from the side boundary with the neighbouring garden to the west (No. 86) which is enclosed by a 2 metres high close boarded timber panel fence. There are ground floor and first floor windows in the southeast and northeast facing elevations of No. 86. The edge of the nearest would be approximately 6 metres from the proposed unit. The microgeneration manual sound calculation submitted to support the planning application results in a noise level of 44 dBs that is marginally in excess of the 42 dBs limit for the installation to be completed under permitted development rights. The applicant has submitted a supporting letter referring to the 'heating only' operation of the unit and its unlikely adverse impacts on the amenity of any neighbouring occupiers from potential noise generation whilst operational. The Environmental Health (Pollution) team have assessed the proposal including the additional supporting information and raise no objection to the proposal in this case. In the event that noise issues are raised following the installation of the unit and its initial operation, these would be able to be dealt with under separate environmental legislation relating to noise nuisance.

- 8.12 By virtue of the siting, scale, design and technical specifications, separation distances and existing screening, it is considered that the proposal would not result in any significant adverse visual or noise impacts on the residential amenity or privacy of the occupiers of any neighbouring properties and would therefore be in accordance with Policies DM2 and DM10 of the adopted SADMP. No objections to the proposal have been received from the occupiers of any neighbouring properties and one letter of support has been received from the adjoining neighbouring occupier to the north.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) 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.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF (2023) provide a presumption in favour of sustainable development. Policy DM2 of the adopted SADMP and paragraph 157 of the NPPF (2023) support appropriately designed and sited renewable energy and low carbon developments. The site is located within the settlement boundary of Market Bosworth where there is a presumption in favour of sustainable development.
- 10.2. By virtue of its discreet siting, small scale, design, technical specifications, appearance, separation distances and existing screening, it is considered that the proposal would not result in any significant adverse visual or noise impacts on the residential amenity or privacy of the occupiers of any neighbouring properties or the character of the area and that it would result in positive environmental benefits from the generation of renewable energy and contribution towards a reduction in carbon emissions. The proposal would therefore be a sustainable development and in accordance with Policy CE1 of the 'made' MBNP, Policies DM1, DM2 and DM10 of the adopted SADMP and the overarching principles of the NPPF (2023) and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan, Block Plan and Daikin Altherma 3 Air Source Heat Pump Product/Specifications received by the local planning authority on 23 April 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM2 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.