

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	31/01/2024
Team Leader authorisation / sign off:	ML	01/02/2024
Assistant Planner final checks and despatch:	ER	02/02/2024

Application: 23/01489/FULHH **Town / Parish:** Lawford Parish Council

Applicant: Mrs Genise Heddell

Address: 209 Colchester Road Lawford Manningtree

Development: Proposed installation of air source heat pump.

1. Town / Parish Council

Lawford Parish Council No objections

2. Consultation Responses

Environmental Protection With reference to the above application, please see below for
27.11.2023 comments from the EP Team:

Noise: Given the location of the proposal site and its proximity to other residential premises the EP Team would recommend the following:

The air source heat pump should be subject to a noise risk assessment and should be made in accordance with BS4142. The noise levels shall be determined at all boundaries near the noise sensitive premises. Details of any mitigation and the expected noise reduction achievable should also be submitted as part of this assessment and recommendations implemented as necessary. This shall be carried out by a competent person and confirmation of the findings of the assessment shall be provided in writing to the local planning authority for written approval.

REASON: to protect the amenity of nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

Environmental Protection With reference to the above application and our previous comments
06.12.2023 concerning the request for submission of a Noise Impact Assessment. I can advise I have reviewed the recently submitted document and can confirm this document is not an acceptable NIA.

Our comments indicated the requirement for an assessment to be performed in accordance with relevant British Standard criteria to confirm the potential level of noise emitted from the unit, and any associated mitigation that may be required, to ensure the unit does not cause an adverse impact to nearby existing dwellings. In addition, the document is dated 2019, and since this time further guidance has been released concerning the use of ASHP's. Further information on this can be found: <https://www.gov.uk/government/publications/air-source-heat-pump-noise-emissions-planning-guidance-and-regulations>

As such we are still requesting a formal NIA be performed and submitted to the LPA for approval.

Should you have any queries concerning this, please do not hesitate to contact me.

Environmental Protection
31.01.2024

Noise: The noise power level of the unit is 67dBa and with a barrier of 1metre with an encasing top, a reduction of 20dBa. It is therefore our opinion that 47dBa, with distance attenuation, the noise level will be acceptable.

3. Planning History

94/01307/FUL	(Land corner of Colchester Road and Long Road, Lawford) Two storey house and double garage	Approved	06.12.1994
96/01253/FUL	(Land corner of Long Road and Colchester Road, Lawford) Detached house and garage. New vehicular access	Approved	24.01.1997
23/01489/FULHH	Proposed installation of air source heat pump.	Current	

4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

NATIONAL:
National Planning Policy Framework 2023 (NPPF)
National Planning Practice Guidance (NPPG)

LOCAL:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):
SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

SPL1 Managing Growth
SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:
Essex County Council Car Parking Standards - Design and Good Practice

No emerging or adopted neighbourhood plan

7. Officer Appraisal

Application Site

The application site comprises of a two-storey detached dwelling within the development boundary of Lawford. The house is set on a corner plot with elevations serving Colchester Road and Long Road.

Proposal

This application seeks planning permission for the installation of air source heat pump to the rear of the property.

Assesment

Visual Impact

The supporting information states that the proposal will have a modern, single fan design, with compact dimensions and a black grill. The case will measure 0.870m in height and 1.37m in width.

The proposal is a minor addition to the main house which will be positioned behind the host dwelling along its rear wall preventing it from being publicly visible.

The size and design of the proposal is considered appropriate to the existing house and will not result in an adverse impact to the character/ appearance of the host dwelling.

The proposal is therefore considered acceptable in terms of visual amenity.

Impact to neighbours

The proposal is of a small-scale nature which will be sited a sufficient distance away from the shared boundaries of the plot, thereby preventing a significant loss of amenities to neighbouring sites.

The new heat pump will create some noise and therefore the Environmental Protection Team have been consulted and have requested a noise impact assessment. After further discussions with the agent and receipt of this statement it is confirmed that the noise power level of the unit is 67dBa and with a barrier of 1metre with an encasing top would reduce by 20dBa. This reduction would result in the noise power being 47dBa, with distance attenuation, the noise level will be acceptable. The Environmental Protection team therefore have confirmed no objections in this regard.

Other Considerations

Lawford Parish Council have no objections to the proposal.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

8. Recommendation

Approval - Full

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

03

04

SITE PLAN - REC'D 20.10.23

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be

considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral