DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0764-24**	**Applicant:**	**Mr D Rains**
Proposal:	Installation of air source heat pump		
Location:	26 Station Road Moulton Spalding		
Terminal Date:	11th November 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework 2023

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

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the installation of an air source heat pump at the front of the dwelling within the site. The pump is proposed to be positioned next to the dwelling, within the driveway. Specification details have been provided and the application form clarifies that the proposed pump is the aorTHERM plus 5kw, which measures 1.1m by 0.49m, and 0.76m in height.

Site Description

The application site comprises land at 26 Station Road Moulton, located on the eastern side of the site. Within the site, there is a detached dwelling and most of the nearby dwellings are also detached, and set back from the road frontage.

Relevant Planning History

AH13-0019-21: Erection of Dwelling - approved 08 March 2021

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

Moulton Parish Council

No response received.

Cllr T E Sneath

No response received.

Cllr A Casson

No response received.

Cllr A R Woolf

No response received.

Noise and Contaminated Land

No concerns

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no representations have been received members of the public.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside

adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development; and
-Impact on Amenity.

These matters are assessed in turn below.

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 sets out that within Minor Service Centres such as Moulton, development will normally be limited to Allocated and Committed sites and infill development.

Part B of Policy 31 sets out support for renewable energy proposals, provided that there would be no significant harm to the local area or to heritage assets for instance. In this case, the site is not adjacent to heritage assets and as such this consideration does not apply.

The pump is proposed to be located towards the front of the dwelling and as such it would be visible from the street scene along Station Road. The pump would be positioned within the driveway and would more than likely be positioned behind cars which would be parked on the driveway. The pump is not particularly large or obtrusive. Alterative locations have been discussed with the applicant, however, the applicant's preference is for the pump to be located as indicated within the submitted site layout plan. The impact on the street scene would therefore be minimal and as such it is not considered necessary to insist on moving the pump elsewhere within the site.

Furthermore, Part 14, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allows for the installation of air source heat pumps on domestic premises. Class G is subject to restrictions which are set out within Paragraphs G.1 and G.2, and subject to conditions which are set out within Paragraph G.3. It is considered likely that the pump would comply with Class G based on the submitted information. For example, a noise level calculation has been submitted which indicates that the pump will comply with the permitted development noise limit of 42dB(A).

As such, the principle of development is acceptable as the proposed development accords with the aims of Policies 1 and 31 of the Local Plan. Furthermore, the visual impact of the proposed pump is also considered to be acceptable on balance, due to the small-scale nature of the proposal. The proposed development would not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As set out above, the pump would comply with the permitted development noise limit of 42dB(A). The pump should therefore not result in an adverse impact in terms of noise generation. Therefore, due to the small-scale nature of the proposal and the minimal level of noise that would be generated, the proposed development would have an acceptable impact on the amenity of neighbouring properties. The proposed development therefore accords with Policies 2 and 3 of the Local Plan.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

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 and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.
It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposed development accords with Policies 1, 2, 3, and 31, along with Appendix 6, of the Local Plan, and the relevant sections of the NPPF. The visual and amenity impact of the proposed development is acceptable and there are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.