

11/01105/FUL **INSTALLATION OF EXTERNAL AIR SOURCE HEAT PUMP UNIT
AT 10A BACK LANE, EYE**
VALID: 18/07/2011
APPLICANT: MR P HAYMAN
AGENT: MR F MONTECALVO
REFERRED BY: EYE PARISH COUNCIL
REASON: RETROSPECTIVE APPLICATION; OUTSTANDING ENFORCEMENT
ISSUES; AND DISPUTED LAND OWNERSHIP.

DEPARTURE: NO

CASE OFFICER: Mr C J Edwards
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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Reduction of carbon footprint
- Visual impact - siting, design and appearance
- Noise and vibration
- Impact of proposal on character of the conservation area

The Head of Planning Services recommends that the application is **APPROVED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

Peterborough Core Strategy Development Plan CS10 Environment Capital

Development proposals will only be supported where they make a clear contribution to the aspiration of the Peterborough Sustainable Community Strategy for Peterborough to become the Environment Capital of the UK. As a minimum, all development proposals of any scale must not compromise the ability of the City to achieve such a status [...]:

- Achieving a greater reduction in carbon dioxide emissions than that required by national Building Regulations in force at the time, especially through the use of energy efficiency measures.

Peterborough Core Strategy Development Plan CS16 Urban Design and the Public Realm

High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough. Design solutions should take the following principles into account [...]:

- New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

Peterborough Core Strategy Development Plan CS17 The Historic Environment

All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas of high heritage value.

3 DESCRIPTION OF PROPOSAL

This application has arisen as a result of a Planning Enforcement complaint.

The applicant seeks retention of an air source heat pump unit which has been installed on the north gable end of an outbuilding within the curtilage of 10A Back Lane.

4 DESCRIPTION OF SITE AND SURROUNDINGS

10A Back Lane is a corner plot constructed in 2004. The site fronts onto Back Lane but has its vehicular access on Luke Lane. There is parking space for up to three vehicles within the site.

The surrounding area is best characterised as mixed use with the Red Lion Public House situated to the west; the main High Street to the north which includes four dwellings, the Leeds Meeting Hall, a hairdressers and an MOT test centre; to the east are three more dwellings, one of which appears to have additional mixed use within its curtilage; the area south of Back Lane is predominantly residential; made up of low density single storey dwellings.

Back Lane itself is a narrow road with parking along one side. Double yellow lines prohibit parking around the application site however there is a small public parking area for up to 8 vehicles to the north west of the site.

The site itself comprises of a dwellinghouse, an ancillary outbuilding and a detached garage. The site also has the benefit of planning permission reference 07/00193/FUL which grants the use of the outbuilding and one bedroom within the dwellinghouse for class B1 use (Offices). From this site the applicant operates the Peterborough base of CareWatch, a care worker agency, which has a number of bases around the country.

5 PLANNING HISTORY

Planning Permissions:

06/01771/FUL	Use of outbuilding and one bedroom as offices	Refused	15.01.2007
07/00193/FUL	Use of outbuilding and one bedroom as offices	Permitted	30.07.2008
08/01486/WCPP	Removal of C3 of 07/00193/FUL, to allow independent use of outbuilding and 1 bedroom as offices	Refused	12.02.2009

Enforcement Cases:

07/00647/ENFBUS	Business from home	Closed	20.05.2011
11/00238/ENFOTH	Unauthorised development - Air Conditioning Unit	Pending	

As noted above the present application has arisen as a result of a Planning Enforcement complaint reference 11/00238/ENFOTH, however there has been an on-going enforcement case on this site for some time relating to the impact of the permitted business use on the local community. This enforcement case has since been closed as a result of there being insufficient evidence to justify further action.

In any event, whilst they may remain pressing in the local community, the issues arising from the use of this site and alleged breaches of planning conditions attached to permission 07/00193/FUL are not directly relevant to the application currently being considered.

6 CONSULTATIONS/REPRESENTATIONS

LOCAL RESIDENTS

Eye Parish Council are strongly opposed to any further development on this site. They request that the application be refused for the following reasons:

1. the application is retrospective;
2. the premises are not being used as per their current planning consent;
3. the air conditioning unit is on the rear of the building and overhangs the Leeds Hall site which is owned by Eye Parish Council.

CONSULTEES

Conservation Officer - no objection - the unit is not visible from the public realm.

Environmental Services - raised no objection.

7 REASONING

a) Reduction of carbon footprint

An air source heat pump (ASHP) is a device capable of extracting heat energy from its surrounding environment and then transferring that energy into a building to provide space or water heating. The device is also capable of running in reverse and so performs the same task as a traditional air conditioning unit. These units require electrical energy to operate and so strictly speaking an ASHP is not a form of renewable energy technology, however ASHPs are considered to be very efficient forms of space heating capable of extracting two or three times the energy they consume.

Continued use of this unit will help to reduce energy consumption on this site and in turn the carbon footprint of this business activity. It is therefore considered that this proposal will contribute to Peterborough City Council's aspiration to become Environment Capital of the UK set out in Policy CS10 of the Peterborough Core Strategy Development Plan.

b) Visual impact - siting, design and appearance

The heat pump unit is located on the north gable end of the outbuilding which is itself located to the rear of 10A Back Lane; as such the unit is not visible from the public realm.

The unit itself measures 640mm in height, 800mm in width and projects out from the wall by 290mm. In terms of its proportion to the host building the size of the unit is considered acceptable.

The Parish Council have contended that the unit overhangs onto land within their ownership. Whilst land ownership is not a material planning consideration both Drawing 1118 AP001 and the physical layout of the boundary walls on site indicate that the small triangle of land behind the office building over which the unit is located is part of 10A Back Lane and not Leeds Hall; as such the unit appears to be located entirely within the applicant's property.

The only property affected by the positioning of the unit is Leeds Hall. The unit is visible from the two windows to the rear of this property. However the window immediately opposite the unit is a high level window that serves what appears to be a utility room or kitchen whilst the second does not offer a direct view of the unit and serves what appears to be an office; in both cases it is considered that the unit does not adversely impact on any view from either window.

It is therefore considered that there is no detrimental impact on the amenity of the surrounding area in terms of visual impact. As such it is considered that the proposed development is acceptable in respect of Policy CS16 of the Peterborough Core Strategy Development Plan.

c) **Noise and vibration**

The unit has a maximum operating noise output rated at 63 dB(A) this is roughly equivalent to the volume of normal conversation (60 dB(A)) and would therefore not appear to be excessive. The nearest bedroom facing towards the unit is likely to be that of number 39 High Street which is located some 25 metres away. Rooms of both 10 and 8 Back Lane are approximately 10 metres away from the unit's location but are shielded by the office building.

Again the property most likely to be affected by the operation of this unit is Leeds Hall. It is considered that the device will be audible in the rooms to the rear of this property when the doors or windows are open. Leeds Hall is a community facility building and as such not in continual occupation it also has no uses likely to be affected by noise.

The Council's Environmental Services team have raised no objection to this application.

It is therefore considered that there is no detrimental impact on the amenity of the surrounding area in terms of noise and vibration. As such it is considered that the proposed development is acceptable in respect of Policy CS16 of the Peterborough Core Strategy Development Plan.

d) **Impact of proposal on character of the conservation area**

The unit is not visible from the public realm and therefore is considered to have no detrimental impact on Eye Conservation area. The proposed development is therefore considered to be acceptable in respect of Policy CS17 of the Peterborough Core Strategy Development Plan.

e) **Other matters**

The fact that the application is retrospective must not factor in the determination of the application and neither must the fact that the Parish Council is concerned that there is a breach of condition in respect of 07/00193/FUL. It should be noted that as of December 2011, permission will not be needed for this development.

8 CONCLUSIONS

Continued use of this unit will help to reduce energy consumption on this site and in turn the carbon footprint of this business activity. It is therefore considered that this proposal will contribute to Peterborough City Council's aspiration to become Environment Capital of the UK set out in Policy CS10 of the Peterborough Core Strategy Development Plan.

It is considered that there is no detrimental impact on the amenity of the surrounding area in terms of visual impact. As such it is considered that the proposed development is acceptable in respect of Policy CS16 of the Peterborough Core Strategy Development Plan.

It is considered that there is no detrimental impact on the amenity of the surrounding area in terms of noise and vibration. As such it is considered that the proposed development is acceptable in respect of Policy CS16 of the Peterborough Core Strategy Development Plan.

The unit is not visible from the public realm and so it is considered that the proposed development is acceptable in respect of Policy CS17 of the Peterborough Core Strategy Development Plan.

9 RECOMMENDATION

This application is recommended for APPROVAL subject to the following condition(s):

- C1 **Decommissioning**
Once the approved air source heat pump unit is no longer needed for microgeneration it shall be removed as soon as reasonably practicable.

Reason

To protect visual amenity and prevent the accumulation of unused equipment.

Copy to Councillors: Sanders, Dobbs

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