

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2024/62/91379/E</b>
Site Address:	2, Langley Close, Scissett, Huddersfield, HD8 9WJ
Description:	Installation of air source heat pump
Recommending Officer:	Faiza Bano

**DECISION – Conditional Full Permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 15-Aug-2024**

## **Officer Report**

### **Site Description**

Langley Road is a two-storey detached property. The property is faced with red brick with a grey slate tiled roof. Within the wider curtilage, the site benefits from outdoor amenity space to the front and rear. The property is located along a small drive of houses off Langley Close. There is no one house type along the drive.

The applicant site is in a housing allocation within a Strategic Green Infrastructure Network.

### **Description of Proposal**

Planning permission is sought for the installation of a single Air Source Heat Pump (ASHP). Formal planning permission is required as the size of the ASHP exceeds that which would meet permitted development rights. The proposed ASHP would be located to the west side (rear elevation) of the dwelling.

The supporting information sets out that the ASHP would be a Daikin Altherma 3 Low Capacity Monobloc that has the following dimensions:

- **Height – 770 mm**
- **Width – 1250 mm**
- **Depth –362 mm**

### **Relevant Planning History**

No relevant planning history at the application site or to neighbouring properties.

### **Representations**

The application was advertised by neighbour notification letters, which expired on 19/07/2024.

No representations have been received as a result of site publicity.

Denby Dale Parish Council – No objections, although concerns expressed over noise levels. Recommend noise reducing attenuation.

## **Consultation Responses**

KC Environmental Health (informal) – consider that ASHP would comply with noise limits that are acceptable. Confirm that they have no objection to the proposal.

## **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located within an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

LP1 – Achieving Sustainable Development

LP2 – Place Shaping

LP21 – Highway Safety

LP22 – Parking Provision

LP24 – Design

LP26 – Renewable and Low Carbon Energy

LP30 - Ecology

LP51 – Protection and Improvement of Local Air Quality

LP52 – Protection and improvement of environmental quality

## **Supplementary Planning Documents:**

House Extensions and Alterations SPD: 2021

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

## **Assessment**

The following matters are considered in the assessment below:

1. Principle of development
1. Impact on visual amenity
2. Impact on Residential Amenity
3. Impact on Highway Safety
4. Representations
5. Other matters
6. Conditions
7. Conclusion

## **Principle of Development**

Chapter 2 of the NPPF states that: “Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”

Chapter 2 of the NPPF goes on to further state that objectives should: “support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: "...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."

Policy LP1 goes further and states: "The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

In this instance, it can be stated that the principle of development could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

### **Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) states "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'

- - 'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring: - 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...'

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

In terms of the size of the proposed ASHP, this is not excessive considering the scale of the dwelling and the discreet proposed location. It would be at a low level, to the rear of the dwelling – not visible from the street view. The details submitted within the product information guide suggests that the ASHP would be white in colour.

It should also be noted that, Policy LP26 of the Kirklees Local Plan established a general principle in favour of renewable and low carbon energy which weighs in favour of the proposal.

In summary, it has been concluded that the ASHP would be of a satisfactory design quality and would not cause material harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter

12 of the NPPF, LP2 and LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

### **Impact on Residential Amenity**

Section B and C of LP24 states that alterations to existing buildings should: “...maintain appropriate distances between buildings” and “...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Given that the proposal includes the installation of an air source heat pump within a close proximity to noise sensitive receptors, Environmental Health have been formally consulted. This should be assessed in accordance with Policy LP52 of the Kirklees Local Plan.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would not materially reduce the extent of outdoor amenity space available at the property, in turn, appropriately complying with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the property most likely to be affected by the proposed development is number 4 Langley Close.

Given the location within the curtilage of the host property and its size/scale, it is concluded that the installation of the ASHP would not result in any undue impacts of overbearing or overshadowing for the occupiers of the

neighbouring property, and it would not detriment their neighbouring privacy in any way.

Regarding noise calculations, the applicant submitted the following information:

- MSC Data Sheet for the Unit, indicating the unit has 'passed' the noise emission standard
- Heat Pump specifications
- Heat Pump Brochure – This includes detailed specifications, including sound emissions

The submitted information shows that the ASHP would comply with noise limits that are acceptable. The Council's Environmental Health Team have advised they consider this to be the case and state they have no objection.

For these reasons, the proposal is considered to have an acceptable impact on residential amenity, and subject to condition would accord with Chapters 12 and 15 of the NPPF, policies LP24 & LP52 of the Kirklees Local Plan.

### **Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed scheme would not alter the existing parking arrangements at the site or access to and from the adjoining highway.

In turn, the proposal would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extensions and Alterations SPD.

## **Other Matters**

### **Climate Change:**

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, the application is for an ASHP, which would provide a low carbon energy source which, in turn, would reduce the carbon footprint at the property. Therefore, the proposed development is considered to comply with Chapter 14 of the NPPF and Policies LP26 and LP51 of the Kirklees Local Plan.

### **Bats:**

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which

protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The development is concluded to have no material impact on the ecology of the area, having regard to the noise output of the proposed development.

### **Representations**

No representations were received as a result of site publicity.

### **Conclusion**

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation: Approve**

**Decision Authorisation: Delegated Powers**

**Application Number: 2024/91379**

**Officer Recommendation: Approve**

**Conditions and Reasons:**

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

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP26, LP51 and LP52 of the Kirklees Local Plan, Principles of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14, 15 of the National Planning Policy Framework.

**Note:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**Plans and specifications Schedule: -**

Plan Type	Reference	Web ID	Date Received
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Photos General (Old Type as I00)	6_Side_Elevation		23-May-2024
Proposed Site / Block Layout	22/05/2024 - 3		23-May-2024
Proposed Elevations	No additional annotation		23-May-2024
Existing Elevations	No additional annotation		23-May-2024
Location Plan	No additional annotation		23-May-2024
Noise Assessment	22/05/2024 - 7_MCS_Noise_Assessment		23-May-2024
General	22/05/2024 - 9_HeatPump_Clearances		23-May-2024
General	22/05/2024 - 8_Heat_Pump_Specs		23-May-2024
General	23/05/2024 - CCS		23-May-2024
General	22/05/2024 - 10_HeatPump_Brochure		23-May-2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. As the submitted plans were considered to be acceptable, no changes were sought.

**Report Dated**

13/08/2024

