

**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:	2024/62/92800/W
Site Address:	6, Broomfield Road, Fixby, Huddersfield, HD2 2HG
Description:	Installation of an Air Source Heat Pump
Recommending Officer:	Joshua Merriman

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.

Emma Thompson

AUTHORISED OFFICER

Date: 27-Nov-2024

Officer Report – 2024/92800

Site Description

The application site refers to 6, Broomfield Road, Fixby, Huddersfield, HD2 2HG, a two-storey semi-detached property. The dwelling benefits from a large, sloping driveway, and smaller garden area, to the front of the property, as well as a garage to the North, and a large amenity space to the rear. The property is located to the South end of Broomfield Road, and has been recognised since 1854 and is constructed from facing brick and timber framed walls, and concrete interlocking roof tiles.

Description of Proposal

The Scheme

The applicant is seeking permission for the installation of an air source heat pump. Formal planning permission is required to ensure the ASHP passes the mandatory noise assessment.

The supporting information submitted, outlined below, has set out that the ASHP would be an Aira Outdoor Unit HPO-AW12.

The dimensions of the ASHP are as follows:

- Width – 1.15m
- Height – 1.5m
- Depth – 0.41m

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

Noise Assessment
Aira heat Pump Outdoor Units Guide

Relevant Planning History

The most relevant planning history relates to the following planning applications

2007/94551 – Erection of Single Storey Extension – Conditional Full Permission

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised on the Council's website and by neighbor notification. The expiry date of the publicity period was the 12/11/2024.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Environmental Health – The proposed ASHP passes the noise assessment, therefore, there are no objections from the environmental health team.

The responses of the above consultees are discussed within the 'Assessment' section of this report.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 Achieving Sustainable Development

LP2 Place Shaping

LP21 Highway and Access

LP22 Parking

LP24 Design

LP26 Renewable and low carbon energy

LP30 Biodiversity and Geodiversity

LP46 Waste disposal

LP52 Protection and Improvement of Environmental Quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial 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 9 Promoting sustainable transport

Chapter 12 Achieving well-designed & beautiful places

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 15 Conserving and enhancing the natural environment

Supplementary Planning Documents / Guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
 1. Impact upon the character and appearance of the area (including impact upon historic environment)
 2. Impact upon residential amenity
 3. Impact upon highway safety
 4. Climate Change
 5. Other matters – e.g. trees/ecology (e.g. bats)
 6. Representations
 7. Conclusion

1 – Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

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”.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is without notation in the Kirklees Local Plan.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local

identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

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’

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations SPD are designed to ensure development is subservient to the host property and in keeping with the character of the local area.

Furthermore, machinery within residential settings should appear discreet, ensuring it does not visually dominate the locality.

The proposed ASHP would be 1.5m in height, 1.15m wide, and 0.41m deep, and black in colour, according to the information submitted alongside the application. The heat pump is proposed to be installed into the North facing elevation of the property, surrounded by natural screening in the form of hedges, and constructed screening including the property itself and side garage. The dwelling is surrounded by residential properties to the North, South, and East, however, the proposed site of the heat pump is mostly obscured and would not have any significant negative impacts on the visual amenity from these neighbouring dwellings.

It should also be noted that, Policy LP26 of the Kirklees Local Plan establishes a general principle in favour of renewable and low carbon energy. In conclusion, the proposed air source heat pump would be of a satisfactory design and would not cause any significant harm to the visual amenity of the surrounding area, thus complying with Chapter 12 of the NPPF, policies LP1, LP2, and LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

3. Impact on Residential Amenity

Sections B and C of LP24 state 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 the proposal includes the installation of an air source heat pump in a residential area, the Environmental Health team have been formally consulted, with their response being as aforementioned in the ‘Consultation Responses’ section of the report. This will 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 significantly reduce the amount of outdoor amenity space within the site of the dwelling, therefore, appropriately complying with Key Design Principle 7 of the House Extensions and Alterations SPD.

Given the size and scale of the proposed ASHP it was concluded that the installation of the proposed air source heat pump would not result in any unacceptable overbearing or overshadowing onto neighbouring properties. Furthermore, it would not detriment their privacy in any manner. With regard to the heat pumps noise assessment, the applicant submitted the following information: -

- MCS 020 Noise Assessment Calculations, indicating the unit had passed the necessary assessment.
- Proposed floor plans showing the location of the proposed machinery.
- Data sheet providing information about Aira's outdoor air source heat pump units.

The submitted information shows that the ASHP would comply with the accepted noise limits. The Council's Environmental Health team have also indicated that they consider this to be the case and thus have no objections to the proposal.

As a result, the proposal is considered to be acceptable on residential amenity, complying with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan, and Key Design Principles 3, 4, 5, 6, and 7 of the House Extensions and Alterations SPD.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 development would not increase the number of bedrooms on site, nor would it be considered that the number of occupants within the property would increase. As a result, given that no parking provision is lost on the site, the proposal is considered acceptable on parking provision and highway safety grounds.

It is therefore considered that with regard to parking provision and highway safety, the proposal would comply with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the House Extensions and Alterations SPD, and the Council's adopted Highway Design Guide.

5. Climate Change

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. Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Waste

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD), and Policy LP46 of the Kirklees Local Plan require the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Although the submitted plans do not detail the storage of bins at the property, there is adequate space retained on the site to do so.

It is therefore considered that in terms of waste management the proposed would comply with Principle 19 of the adopted House Extensions & Alterations Supplementary Planning Document (SPD).

Impact upon Ecology

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, as assessed within an Informal consultation from the Ecology Officer and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward.

7. Representations

No representations have been received.

8. 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 the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2024/92800

Officer Recommendation: Conditional Full Permission

Conditions

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 (as amended).

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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Climate Change Statement	-	-	04/10/2024

Plan Type	Reference	Version	Date Received
Aira Heat Pump Outdoor Units	-	-	04/10/2024
Noise Assessment	-	-	04/10/2024
Existing and Proposed Elevations	A5024/3	-	04/10/2024
Existing Block Plan	A5024/5	-	04/10/2024
Existing Plan	A5024/1	-	04/10/2024
Location Plan	-	-	04/10/2024
Proposed Block Plan	A5024/4	-	04/10/2024
Proposed Plan	A5024/2	-	04/10/2024

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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 12/11/2024