

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1 -Design

CYGP5 - Renewable energy

3.0 CONSULTATIONS

3.1 Internal

Environmental Protection Unit:

Further information is being sought from the applicant to indicate that noise generated by the machinery will not harm neighbours.

3.2 External

Planning Panel - No objections.

Neighbours - No comments received.

4.0 APPRAISAL

4.1 The only issue to assess when considering the application is whether noise from the operation of the heat pump would cause unacceptable harm to the living conditions of neighbours.

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.3 The NPPF supports the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. Paragraph 98 states that when determining planning applications, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. They should approve the application if its impacts are (or can be made) acceptable.

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. Local Plan Policy GP1 'Design' states, inter alia, that development proposals should ensure that residents living nearby are not unduly affected by noise.

4.5 Policy GP5 recognises that the development of renewable energy will make a vital contribution to the reduction of carbon dioxide emissions, facilitating the delivery of the Government's commitment on climate change. Proposals for the development of renewable energy facilities will therefore be encouraged provided there is no significant adverse effect on the existing landscape, air quality, biodiversity,) water resources, agricultural land (defined as grades 1, 2 or 3a) or sites of archaeological or historic importance.

4.6 Officers from the Council's Environmental Protection Unit stated that the information initially submitted by the applicant on 2 January 2013 was insufficient to adequately assess whether the proposal will have an unacceptable impact on adjacent occupiers in terms of noise. The applicant subsequently submitted a consultant's noise assessment report on 17 April 2013 to try and indicate that the tonality and level of noise created by the heat pump would be within acceptable levels.

4.7 The initial response from the Environmental Protection Unit indicates that the latest noise assessment has not shown that the proposal will not negatively impact upon neighbours.

4.8 The applicant is employed in the sustainable energy sector and wants to use the machinery at his home for research purposes. However, in the absence of agreement from the Council's specialist officers in respect to noise, this could not be confirmed as acceptable.

4.9 It may be the case that this issue can be resolved shortly, and such delegated authority is sought to approve if this does not occur prior to the meeting. As stated in the introduction, the application is being brought to Committee as the applicant's partner works for the City Council.

The need to bring the application back to Committee a further time may delay the implementation of the proposal. It is requested therefore that to help avoid delays in research work relating to the heat pump Members give officers delegated authority to determine what is a relatively minor proposal.

5.0 CONCLUSION

5.1 The air source heat pump is physically a small piece of apparatus and will be located against the ground floor rear elevation of the terraced house.

5.2 Information has been sought from the applicant to show that noise generated from the use of the machinery will not detract from neighbours' living conditions when their windows are open. A noise assessment has recently been submitted by the applicant; however, the Council still has reservations about the impact of the proposal and is seeking further information from the applicant.

5.3 To avoid further delays in dealing with the proposal it is requested that Members give officers delegated authority to determine the application. The proposal is modest in scale and has received no objections from neighbours.

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-
(To be submitted)

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

7.0 INFORMATIVES:

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