MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140027/FH/2024
Date registered valid:	23 May 2024
Proposal:	Installation of air source heat pump.
Address:	41 Ivy Graham Close, Manchester, M40 3AS
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Mr Bartlomiej Hajnas
Agent (if any):	
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**18 July 2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 7 June 2024

Standard consultations:
Printed: 31 May 2024 Expired: 21 June 2024

Neighbour notifications
Printed: 31 May 2024 Expired: 21 June 2024

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site relates to 41 Ivy Graham Close located within the north Manchester ward of Miles Platting & Newton Heath. The application site relates to a semi-detached, two storey built red brick dwellinghouse with white render elements, with a set back two storey white rendered outrigger relating to the attached garage. Amenity space to the front of the property relates to an off street driveway and amenity space to the rear is characterised by a rear garden overlooking the commercial premises to the east.

Ivy Graham Close is a residential street situated within the Miles Platting ward of Manchester, consisting of a new build housing estate circa 2013. The wider area is mixed use in character, comprising residential properties set adjacent to light industrial warehouses and commercial properties.

Description of development

The submitted application seeks planning permission for the installation of air source heat pump. The heat pump would be located within the rear garden sited against the built form relating to the attached garage for the property and would be visible from within the rear garden. Supporting information and technical details were provided as part of the application. The model

of ASHP would be a Daikin EDLA-E 4/6/8kw with dimensions of Length: 1250mm x Depth: 362 mm x Height: 770mm, the feet would have a height of 150mm and if a drip tray be installed it would increase the height by another 100mm. The unit would have an ivory white colouration and the casing would be made of a zinc coated low carbon steel.

Within the details submitted as part of the application, it was confirmed the unit could not be achieved through the route of Permitted Development, because the unit exceeds the noise limitations specified within the GPDO.

Negotiations during the course of the Application

During the course of the application, the proposed External Plant condition requested by Environmental Health was sent to the applicant for review. After the applicant confirmed agreement to the wording of the condition, concern was raised regarding the expense of obtaining the technical report. Discussions took place between the agent and unit supplier and the applicant confirmed they wished for the application to be approved and were happy to comply with the condition wording.

Planning History

No planning history exists for the property; however the following history can be found for development of the wider site:
083536/FO/2007/N1-Site Of Former L Oreal Building On Land Adjacent To The Junction Of Oldham Road And Dean Lane- Redevelopment of site for residential purposes including the erection of 128 units (82 houses, 46 apartments in 3x4 storey blocks) with associated car parking and landscaping with vehicular access from Dean Lane.
Approved 28 January 2008.

Consultations & Notification Responses

Local Residents

Local residents were consulted, and no responses were received.

Environmental Health

Environmental Health were consulted on the above application, who requested a NSE6 external plant/equipment/ servicing condition be attached to any approval granted.

Issues

POLICY

The National Planning Policy Framework (NPPF) (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
a) an economic objective
b) a social objective
c) an environmental objective

The following specific policies are considered to be particularly relevant to the proposed development:
Chapter 8. Promoting healthy and communities
Chapter 12. Achieving well-designed and beautiful places

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:
Policy DM1 (Development Management);
Policy SP1 (Spatial Principles);
Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development);
Policy EN5 (Strategic Areas for low and zero carbon decentralised energy infrastructure);
Policy EN6 (Target Framework for CO2 reductions from low or zero carbon energy supplies);
Policy EN7 (Energy Infrastructure opportunities low and zero carbon decentralised energy schemes);
Policy EN8 (Adaptation to Climate Change).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:
a. The general character of the property;
b. The effect upon the amenity of the neighbouring occupiers;
c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
d. The overall appearance of the proposal in the a street scene;
e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:
a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
b. They do not create undue loss of sunlight, daylight or privacy;
c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.

d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC26.1 states the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both: a. the effect of new development proposals which are likely to be generators of noise; and b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 states new noise sensitive developments (including large scale changes of use of existing land or buildings) such as housing, schools, hospitals, or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.4 states where the council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following
a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers
b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it and screening by natural barriers or other buildings or noncritical rooms within a building; and
c) administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all these factors will be considered appropriate for inclusion in conditions on any planning permission

DC26.5 states the council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Manchester Residential Quality Guidance 2016

Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and raise the quality of life across Manchester. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management. The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:
JP- S1- Sustainable development
JP- S2- Carbon and Energy
JP-S6- Clean Air

ISSUES

Principle of Development

The submitted application seeks planning permission for the installation of air source heat pump.

The current heating system would be changed to Air Source Heat. Air Source Heat Pumps operate by absorbing heat from the outside air – heat is absorbed at low temperature into a fluid, which is passed through a compressor to increase the temperature, and then transferred into the heating and hot water circuits of a building. The pumps use electricity to operate, however, the heat output is greater than the electricity input, making them an energy efficient method to heat buildings. The pumps use electricity to operate, however, the heat output is greater than the electricity input, making them an energy efficient method of heating.

The proposed ASHP is an efficient heating system and would contribute to the reduction in CO2 emissions from the flats within Clement Court, which would also reduce energy bills.

Visual/ Residential Amenity

The heat pump would be located within the rear garden sited against the built form relating to the attached garage for the property and would be visible from within the rear garden. The unit would have a height of just over 1 metre and would sit against the wall of the two storey outrigger of the property. As such, as this is considered a small feature to be inserted in the garden at ground floor level and given it is sited against an external wall, the proposal is not considered to unduly encompass the rear amenity space, to the detriment of the applicant's enjoyment of their rear amenity space.

Further, the position of the heat pump would be sited as far away from habitable windows/doors as possible, given the constraints of suitable locations. As such, harm in relation to noise emissions to the applicant when inside their property has been considered as part of the application. As the unit is sited within the rear private amenity space of the property rather than the front, the proposal would not adversely impact the wider streetscene and surrounding neighbours to the front of the dwellinghouse.

Due to the rear building line of the attached garage and that of the neighbours to the south no.43 Ivy Graham Close, the proposal would not be seen by the neighbouring property. The neighbour to the north no.39 Ivy Graham Close would not be impacted by the proposal given the position of the neighbour's windows to the rear and the oblique angle that would be required

to see the structure. The timber fencing separating the two properties would ensure the proposal would not cause an adverse feature to the neighbours to the north when utilising their rear garden.

There would not be any residential properties to the rear to be impacted by the proposal.

In the interests of residential amenity, Environmental Health have requested a pre-commencement condition requiring a noise assessment of the plant to be submitted and approved prior to use, pursuant to policies SP1 and DM1 of the Core Strategy.

Overall, the benefits of carbon reduction from the households is considered to outweigh any harm to visual amenity. It is considered the proposed development is acceptable in terms of the National Planning Policy Framework (NPPF), Manchester's Core Strategy, including policies DM1, EN4, EN5, EN6, EN7 and EN8, and saved Unitary Development Plan policy DC26.

Design and Appearance

The Air Source Heat Pump is utilitarian in appearance, with an ivory white finish and the casing would be made of a zinc coated low carbon steel, and a design which benefits its function, similar to that of large air-conditioning. The structure would not appear incongruous within its setting and would not be easily visible from surrounding public vantage points. The benefits associated with the proposed air source heat pumps cannot be achieved without the structure and it is sited in the most suitable location within the site.

The model of ASHP would be a Daikin EDLA-E 4/6/8kw with dimensions of Length: 1250mm x Depth: 362 mm x Height: 770mm, the feet would have a height of 150mm and with the drip tray an additional height of 100mm. The product chosen is considered to be of an acceptable quality and the measurements ensure the proposal is appropriate in scale and massing. Therefore, the design and appearance is considered pursuant to Policy DM1 of the Core Strategy.

Sustainability and Carbon Emission Reduction

Pursuant to policies EN4, EN5, EN6, EN7 and EN8, an air source heat pump system can help to lower carbon footprints as it uses a renewable, natural source of heat - air. A heat pump also requires a supplementary source of power, usually electricity, to power the heat pump, so there would still be some resulting CO2 emissions. However overall, the proposed method would be a better long term solution than the existing heat source.

Noise

A completed version of the MSC planning standards for permitted development installation was supplied for consideration and confirmed the noise output of the proposed units exceeds the noise limits specified within Permitted Development rights, hence the reasoning for the application. As such, Environmental Health requested an external plant condition be attached to any approval granted. After the applicant confirmed agreement to the wording of the condition, concern was raised regarding the expense of obtaining the technical report. Discussions took place between the agent and unit supplier and the applicant confirmed they wished for the application to be approved and were happy to comply with the condition wording.

Given a pre-commencement condition and verification condition shall be attached, the proposed installations are not considered to give rise to any harmful impacts with regards to noise and disturbance in accordance with policies SP1 and DM1 of the Core Strategy.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. Officers have worked with the applicant/agent in a positive and proactive manner and appropriate conditions have been placed on the approval granted.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:
-Application Form, stamped as received by the City Council as Local Planning Authority on 16 May 2024.
-Supporting Information- Clearance Need Around ASHP, stamped as received by the City Council as Local Planning Authority on 16 May 2024.
-Supporting Information- Current Heat Pump Range, stamped as received by the City Council as Local Planning Authority on 16 May 2024.
-Supporting Information- Product Specification, stamped as received by the City Council as Local Planning Authority on 16 May 2024.
-Drawing- Site Plan, stamped as received by the City Council as Local Planning Authority on 16 May 2024.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3) The development shall be constructed only using the approved materials:
-Supporting Information- Current Heat Pump Range, stamped as received by the City Council as Local Planning Authority on 16 May 2024.
-Supporting Information- Product Specification, stamped as received by the City Council as Local Planning Authority on 16 May 2024.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policy DM1 of Manchester's Core Strategy.

4a)Prior to commencement of the use hereby approved the scheme for acoustic insulation shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 in the Manchester Core Strategy and saved UDP Policy DC26.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Poundstretcher, Reliance Street, Manchester, M40 3EZ
43 Ivy Graham Close, Manchester, M40 3AS
37 Ivy Graham Close, Manchester, M40 3AS
18 Ivy Graham Close, Manchester, M40 3AS
20 Ivy Graham Close, Manchester, M40 3AS
39 Ivy Graham Close, Manchester, M40 3AS

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA