

## **ITEM**

<b>Application Reference</b>	<b>DC/083069</b>
<b>Location:</b>	Nevill Road Junior School Nevill Road Bramhall Stockport SK7 3ET
<b>PROPOSAL:</b>	Provision of 2 new air source heat pumps, supplementing existing mechanical services to building.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	15.10.2021
<b>Expiry Date:</b>	20211210
<b>Case Officer:</b>	Jane Chase
<b>Applicant:</b>	Stockport Metropolitan Borough Council
<b>Agent:</b>	AECOM

## **DELEGATION/COMMITTEE STATUS**

Area Committee 4 or more objections

## **DESCRIPTION OF DEVELOPMENT**

The application proposes the installation of 2 new air source heat pumps to supplement the existing mechanical services to school building. The air source heat pumps each measuring 1.378m wide, 0.8m high and 0.46m deep would be positioned in a recess between 2 buildings within the site circa 38m from the boundaries of the nearest noise sensitive properties on North Park Road.

The application is supported by:

- A site plan showing the location of the units within the site
- A larger scale plan to show the position of the units between the existing buildings
- A manufacturers brochure showing the size, design and acoustic outputs of the units proposed and
- A noise impact assessment.

## **SITE AND SURROUNDINGS**

The application site is located within the wider grounds of a school complex. This complex comprises a number of number of single storey buildings, play areas and car parking. The location of the units is between 2 of the buildings on the site and is circa 38m from the boundary with houses on North Park Road.

The application site is identified on the UDP Proposals Map as being within a Predominantly Residential Area. Surrounding the site are houses on North Park Road, Nevill Road, Bramhall Park Road, Earl Road and Handley Road.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### **The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

CDH1.2 Non Residential Development in Predominantly Residential Areas

### **LDF Core Strategy/Development Management policies**

CS8 Safeguarding and Improving the Environment

SIE1 Quality Places

SIE3 Protecting, Safeguarding and Enhancing the Environment

### **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

None relevant

### **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20<sup>th</sup> July 2021 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

*Para.1 “The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.*

*Para.2 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

*Para.7 “The purpose of the planning system is to contribute to the achievement of sustainable development”.*

Para.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 – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*  
*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

Para.12 *“.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

Para.38 *“Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

Para.47 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations*

*indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

*Para.126 “The creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

*Para. 130 “Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

*Para.134 “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

*Para. 174. “Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin*

management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Para.185 *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

*b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

*c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

### **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

### **RELEVANT PLANNING HISTORY**

DC/081718 – Provision of 2 new air source heat pumps, supplementing existing mechanical services to building enclosed by rigid mesh panel fencing, galvanised and polyester powder coated to a height of approximately 1.8 metres. Application withdrawn October 2021 to explore alternative locations for the equipment required having regard to the potential impact of the proposal upon the amenities of the area in terms of noise pollution

### **NEIGHBOUR'S VIEWS**

The application has been advertised by way of a site notice. The occupiers of 74 neighbouring properties have also been notified in writing (with comments due by 25<sup>th</sup> November 2021).

At the time of writing this report 5 letters have been received objecting on the following grounds:-

- Will the location of the unit being between two buildings will make it louder?
- Why is the sound testing in the noise impact assessment not carried out close to where the units will be positioned?
- If the noise will be audible from adjacent residential properties then it will cause a nuisance.
- The nature of a heat pump unit supplying both heating and cooling is that potentially they run 24/7. In the summer months residents tend to sleep with windows open and the effect of heat pumps running at 2 or 3 o'clock in the morning when the surrounding area is very quiet, will be very noticeable and detrimental to the residents health and wellbeing.
- There are other locations within the site further away from residential properties that would be more suitable for this equipment.
- I'd like to see the application revised to include an upgrade of the perimeter fencing to either fence panels or an equivalent alternative that will provide an enhanced a sound barrier.

- It has been widely documented that the use of heat pumps are not suitable for poorly insulated properties. The school has a energy rating of D, 2 points away from being an E. The school therefore is not energy efficient or insulated enough. By installing a heat pump, the benefits would be removed with more electricity being used and the device having to operate at a higher capacity that would increase costs and the noise levels. Another heating solution such as a biomass boiler should be investigated and used instead.
- The school currently produces excessive light pollution at night. Due to the security lights and emergency lights that are on during the night and the lights and screens in the classrooms that are often left on during the night. Wasting energy and causing additional light pollution. This demonstrates that the school has poor facilities management and an inability to properly manage the new solution.
- There has been no impact report on the local wildlife. Bats are often seen at night and a study in the impact of the additional noise pollution on the local bat population should be conducted first.

### **CONSULTEE RESPONSES**

EHO (Noise) – The applicant has relocated the two ASHP to a shielded position between two school buildings; 38m to the nearest noise sensitive receptors. The noise impact arising from the plant has been assessed in accordance with BS4142:2014+A1:2019, 'Methods for Rating and Assessing Industrial and Commercial Sound'.

On the basis that the noise from the proposed units will not exceed the limits at Table 4.2, there will be no unacceptable impact on the occupiers of adjacent residential dwellings. If however noise levels were to exceed those levels then attenuation would need to be incorporated to bring it in line with the proposed limits. Attenuation is typically provided to ASHPs using acoustic enclosures. This can be secured by condition.

The impact of the relocated plant upon classroom users has also been assessed as classrooms require good acoustic conditions for speakers and listeners. I am satisfied that the noise levels will be within acceptable limits and will not adversely impact on the teaching environment.

Recommendation: No objections subject to the imposition of a condition to ensure that noise levels remain within the limits set out in the Noise Impact Assessment.

### **ANALYSIS**

At the heart of the NPPF is a presumption in favour of sustainable development (para10). Para 11 of the NPPF reconfirms this position and advises that for decision making this means approving developments that accord with an up to date development plan or where there are no relevant development plan policies granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

The main issue for consideration in the determination of this application is the impact of the proposal upon the amenities of the locality in terms of noise pollution.

To put this application into context, permission was sought earlier this year for the installation of air source heat pumps in the playground to the west of the site. Following concerns with regard to the impact of the development in this location

in terms of noise pollution to the neighbouring residential properties, that application was withdrawn (DC081718) so that alternative solutions could be considered. This current application therefore seeks to address the concerns raised through the consideration of this previous application by proposing the relocation of the units.

UDP Review policy CDH1.2, Core Strategy policies CS8, SIE1 and SIE3 together with advice contained within the NPPF all seek to ensure that development does not give rise to an unacceptable impact on the amenities of an area (in this instance through noise pollution). The application is therefore supported by a Noise Impact Assessment having regard to guidance contained within British Standard BS 4142.

British Standard BS 4142 'Methods for Rating and Assessing Industrial and Commercial Sound' provides a methodology for assessing whether noise from industrial and commercial activities is likely to give rise to complaints from nearby noise-sensitive premises. This method compares the noise level from the source in question with the background noise level in the absence of the noise source. When considering the noise from the source it is necessary to consider the character and type of noise. Unusual acoustic features such as tonality, impulsivity, intermittency, and other sound characteristics (where present) are accounted for under BS 4142 by the addition of a rating penalty to the specific sound level. The corrected specific sound level is the 'rating level'.

The Standard notes that the lower the rating level is relative to the measured background noise level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact. A difference of around +5 dB is likely to be an indication of an adverse impact whilst a difference of around +10 dB is likely to be an indication of a significant adverse impact.

The report advises that noise emissions should be limited such that they are 10dB below the existing background noise level at the boundaries of the nearest noise sensitive properties (day and night). Having regard to the noise emissions provided by the manufacturer of the pumps and noting that the manufacturer confirms that the equipment will not produce any "distinguishable, discrete or continuous note (whine, hiss, screech, hum, etc.) or distinct impulses (bangs, clicks, clatters or thumps)", the report concludes that on this basis there will be no adverse impact.

This report has been considered by the Council's Environmental Health Officer who agrees with the assessment and conclusions. On this basis Members are advised that subject to a condition restricting noise emissions to those set out within the Noise Impact Assessment, the proposed development will accord with the British Standards. By restricting noise emissions to 10dB below existing background levels by way of a condition, there will be no adverse impact upon residential amenity.

In terms of visual impact, the siting of the units between 2 classrooms is such that they will not be visible from outside of the school grounds. As such there will be no impact on the visual amenities afforded by the neighbouring residential occupiers.

In response to objections from residents not addressed above Members are advised accordingly:

- The purpose of measuring background levels is to ensure that where the noise generated meets the boundary of any noise sensitive property, it is at an acceptable level. As such, the background level is taken at the point where the impact is being assessed not at the source of the noise. The Council's EHO has advised that any outdoor measurement location that will give results that are representative of the background sound level can be used. The EHO raised no objection to the background measurement location as it was considered a suitable location measuring representative background noise levels.

- In respect of the location where existing background levels were recorded the agent has advised that to protect sensitive premises from noise associated with a new equipment installation, it is important that the benchmark survey obtains a representative sample of the lowest sound levels that are typically experienced at the sensitive location. As the purpose of the survey is to determine the acoustic environment at the noise sensitive premises/boundary, there is no need to measure sound levels at the proposed plant location (unless that is deemed to be the most suitable location based on the above criteria). In the case of Nevil Road, a location closer to the sensitive boundary was deemed to be more appropriate.

- The agent also advises that equipment could not be located on the sensitive boundary itself, as it needs to be secured with chains and padlocks, and our approach is to avoid trespassing on private property or fixing equipment to a shared demise construction. Equipment therefore needed to be located in a place that offered a secure fixing point within the school plot itself. The presence of a kitchen extract fan (and therefore higher background noise levels) preventing the equipment from being positioned at the nearest corner of the main hall block to the sensitive boundary. This position is also close to a school play area (thereby posing risk of tampering and being unduly affected by site activity). The chosen location just north of the main hall block close to the boundary with the noise sensitive properties was therefore selected as it experiences slightly lower sound levels than at the nearest point on the boundary fence due to it being at the same approximate distance from North Park Road, but much further away and more shielded from traffic noise from Bramhall Park Road. This location also minimised the influence of on-site activity and existing/retained plant items and also offered a secure fixing position.

- Just because a noise is audible does not mean that it will cause sufficient harm to justify the refusal of planning permission. The Noise Impact Assessment submitted with this application demonstrates, using nationally accepted methods and criteria, that noise generated from the development will not cause an unacceptable impact on the amenities of the neighbouring occupiers. As such there is no evidence to substantiate the refusal of planning permission.

- There may be other locations within the site where the air source heat pumps could be installed however this application must be determined on its own merits. If the development sought is acceptable in the location proposed then there is no reason why permission should be withheld. Alternative locations need only be explored if the proposed development would cause harm (such as was the case in the assessment of the previous application).

- As the application demonstrates that there will not be an unacceptable impact on the adjacent residential occupiers, there is no justification for the application to include an upgrade of the perimeter fencing to provide an enhanced sound barrier.



- The applicant is not required to justify the need for the development sought nor its merits having regard to the energy efficiency of the existing building or alternative technologies. Furthermore, the applicant is not required to evidence its management of existing facilities or that proposed in order to justify the proposed development.

- With regard to the impact of noise emissions on bats, in commenting on the previous application the Council's Ecologist advised that studies have indicated that bat foraging activity can be adversely impacted by noise disturbance. This tends to be more pronounced in long-eared bat species (so brown long-eared bats here in Stockport) because they use 'passive listening' to forage (i.e. listen for sounds that the insects make to find them) rather than echolocation. There has also been research which has indicated that bat species that primarily use echolocation to forage can also be adversely affected by (traffic) noise (because some of the sounds overlap with the same frequency they use for echolocation).

That said, studies have also shown how adaptable wildlife can be in response to anthropomorphic disturbance (e.g. birds amending their song in response to ambient traffic noise). Bat roosts have also been observed in locations that are subject to high levels of noise disturbance (e.g. in culverts under busy roads and under Barton bridge on the M60).

Given that the anticipated noise levels from the heat pumps and their siting away from nearest bat foraging habitat (the tree/hedgerow line to the west), and also given that there is an abundance of (alternative) suitable bat foraging habitat in the local area, I would not consider that the heat pumps would be likely to have a significant impact on the foraging activity of the local bat population.

It is important to note that although bat roosts are legally protected, bat foraging/commuting habitat is not. The legislation does talk about disturbance (in that you can't deliberately disturb a wild EPS in such a way that significantly affects the ability of a significant group to survive, breed, rear or nurture young and/or significantly affects the local distribution of that species) however, noise disturbance impacts would be significant enough to apply here.

In conclusion, Members are advised that subject to the imposition of a condition to ensure that noise levels do not exceed those stipulated in the Noise Impact Assessment, there will not be an adverse impact on amenity by way of noise pollution. That being the case the proposal is compliant with saved UDP Review policy CDH1.2, Core Strategy policies CS8, SIE1 and SIE3 together with advice contained within the NPPF.

**RECOMMENDATION** GRANT SUBJECT TO CONDITIONS