



Planning Committee Date	6 July 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00279/FUL
Site	10 De Freville Avenue
Proposal	Demolition of existing garage and erection of detached dwelling.
Applicant	Dr I Roth
Presenting Officer	Mike Allen
Reason Reported to Committee	Third party representations on planning grounds that are contrary to the officer recommendation and cannot be resolved by planning condition.
Member Site Visit Date	N/A
Key Issues	Neighbour amenity Impact on the Conservation Area Impact on trees
Recommendation	APPROVE subject to conditions.

1.0 **Executive Summary**

- 1.1 The application seeks planning permission for the demolition of an existing single storey garage to be replaced with a new two storey detached dwelling house within the rear garden of No. 10 De Freville Avenue.
- 1.2 Officers recommend that the Planning Committee approve the application subject to conditions.

2.0 **Site Description and Context**

None-relevant		Tree Preservation Order	X
Conservation Area	X	Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The application site is located within the rear curtilage of No. 10 De Freville Avenue, Cambridge, which fronts Sandy Lane. The site itself comprises of part of No. 10's rear curtilage and a single storey garage used by the occupiers of No.10. To the west of the site lies neighbouring occupier No. 96 Sandy Lane and to the east of the site lies No. 3 Montague Road's rear garden.
- 2.2 The application site is located within a Conservation Area and is within the vicinity of trees that are protected by Tree Preservation Orders.

3.0 **The Proposal**

- 3.1 This planning application seeks planning permission for the demolition of an existing single storey garage to be replaced with a new two storey detached dwelling house within the rear garden of No. 10 De Freville Avenue.

4.0 **Relevant Site History**

Reference	Description	Outcome
C/03/1392/OP	Erection of a single dwelling on land to rear of No. 10 De	Outline Planning Permission Granted.

	Freville and adjacent to Sandy Lane.	
13/0667/FUL	Erection of 1 no. 3 bed dwelling house (following the demolition of the existing outbuilding).	Application Refused, appeal dismissed

4.1 Outline planning permission was granted for the erection of single dwelling under planning application referenced C/03/1392/OP. Planning permission was previously refused for a detached three bedroom under planning application referenced 13/0667/FUL. This was later dismissed on appeal by the Planning Inspectorate. The Planning Inspector concluded that the proposal would have an unacceptable harmful impact on the adjacent sycamore tree.

5.0 **Policy**

5.1 **National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

5.2 **Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 31: Integrated water management and the water cycle
Policy 35: Human health and quality of life
Policy 50: Residential space standards
Policy 51: Accessible homes
Policy 52: Protecting garden land and subdivision of dwelling plots
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 59: Designing landscape and the public realm
Policy 61: Conservation and enhancement of historic environment
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016
Health Impact Assessment SPD – Adopted March 2011
Landscape in New Developments SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted January 2009
De Freville Conservation Area – Adopted 2009
Cycle Parking Guide for New Residential Developments (2010)

6.0 Consultations

6.1 Drainage – No Objection

The Sustainable Drainage Engineer has raised no objections to the proposal subject to planning conditions being attached to any planning approval the Local Planning Authority issues.

6.2 Highways – No Objection

The Highways Officer has raised no objections to the proposal subject to planning conditions being attached to any planning approval the Local Planning Authority issues.

6.3 Environmental Health – No Objection

The Environmental Health Practitioner has raised no objections to the proposal subject to planning conditions and informatives being attached to any planning approval the Local Planning Authority issues

6.4 Trees – No Objection

The Arboricultural Officer has raised no objections to the proposal subject to planning conditions being attached to any planning approval the Local Planning Authority issues.

6.5 **Conservation Officer**

No response received.

7.0 **Third Party Representations**

7.1 In total six neighbouring occupiers submitted comments in relation to the proposed development. Three neighbouring occupiers have raised objections to the proposed development and three neighbouring occupiers have supported the proposed development. From the objections received the planning related objections are summarised below:

- Proposal causes a loss of privacy (west, south and east)
- Proposal causes a loss of light.
- Proposal causes overshadowing.
- No assessment as to whether the garden and house would be adequately lit.
- Trees not shown.
- Proposal causes harm to the character and appearance of the area.
- Proposal causes harm to trees within the vicinity of the site and will create pressure for removal.
- No conservation area impact assessment.
- Sandy Lane building line disrupted.

7.2 Those in support give the following reasons:

- Strike a good balance between design and preservation of the sycamore
- Impact on neighbours is minimised
- The size of the proposed house is small
- Street scene improved following removal of garage

8.0 **Member Representations**

8.1 Not applicable.

9.0 **Local Groups / Petition**

9.1 Not applicable.

9.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

10.0 **Assessment**

10.1 **Principle of Development**

10.2 The proposal seeks to create a two storey 2 bedroomed dwelling house which will be located within the rear residential garden of No. 10 De Freville Avenue. As a result of the proposal the existing residential plot for No. 10 De Freville Avenue would be subdivided. Policy 52 of the Cambridge Local Plan protects garden land and the subdivision of existing dwelling plots from inappropriate development and only allows development in such circumstances where a number of criteria have been met. Given that there is already existing back land residential development within the vicinity of the site, that adequate provision for amenity space has been provided for the new dwelling and that officers consider amenity impacts and the other criteria of this policy can be satisfied, it is considered that the proposal would be compliant with Policy 52 and therefore the principle of the development is acceptable in this instance.

10.3 **Design and Context**

10.5 The proposal would be sited directly next to a row of two storey terraced dwellings which all form back land residential development. The overall siting of the proposed development would respect the built grain of these neighbouring dwellings and would retain an open frontage within the local area. As such, the siting of the proposal is acceptable in this sense.

10.6 It is acknowledged that the majority of dwellings upon Sandy Lane are two storey in nature and benefit from modern contemporary designs. The design of the proposed dwelling would be of this nature and the materials used within the construction of the proposal are all considered to be of high quality design; buff brick, slate roofing, composite windows. Therefore, the proposed development would be in keeping with the character and appearance of the local area.

10.7 Overall, it is considered that the introduction of a new dwelling in its location would not cause unacceptable harm upon the character of the local area and would comply with Policies 52, 55, 56 and 57 of the Cambridge Local Plan and Section 12 of the NPPF.

10.8 **Impact on Heritage Assets**

10.9 The proposal falls within De Freville Conservation Area. Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In addition, paras 189 – 202 of the NPPF provide advice on proposals affecting heritage assets and how to consider different levels of harm. Para. 194 states 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. Furthermore, Local Plan policies 61 & 62 align with the statutory provisions and NPPF advice.

10.10 Given the nature of the development, that it replaces a garage structure of poor appearance, and that backland residential development already exists adjacent to the application site, it is considered that the proposal would not result in any harm to the conservation area in this instance. The proposal is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Policies 61 & 62 of the Cambridge Local Plan.

10.11 Neighbouring Amenity

10.12 The proposed dwelling will be sited directly adjacent to neighbouring dwelling No. 96 Sandy Lane which is two storey in nature. The front elevation of the proposed dwelling will be set back from the front elevation of No. 96. The immediate rear elevation of the proposed dwelling will be flush with the rear side wall of No. 96. The proposed footprint then steps outwards in depth further away from the boundary at ground floor level and marginally so at first floor level. The stepped single storey rear extension will be set approximately 3.3m away from the adjoining neighbouring boundary shared with No. 96. Given the above, it is considered that the proposed dwelling would not cause an unacceptable loss of outlook, nor would it be overbearing upon the occupiers of No. 96 in this instance.

10.13 Given the overall siting of the proposal, the proposal's relationship with No.96 Sandy Lane, the 45 degree rule of light and the orientation of the sun, it is considered that the proposed dwelling will not cause an unacceptable loss of light to any habitable windows serving No. 96 or cause an unacceptable overshadowing upon the occupiers of No. 96 in this instance. Furthermore, given the fenestration layout of the proposed dwelling and its relationship with No. 96 Sandy Lane, it is considered that the proposed dwelling will not cause an unacceptable loss of privacy upon the occupiers of No. 96 and is acceptable in this sense. There may be some overlooking from bedroom 2 at first floor but it would be oblique.

10.14 The proposed dwelling will be sited approximately 28m away from the rear elevation of No. 3 Montague Road. Given this significant separation distance, the 45 degree rule of light and the orientation of the sun, it is considered that the proposal will not cause an unacceptable loss of outlook or privacy, nor will it cause an overbearing impact upon the occupiers of No. 3 Montague Road. It is acknowledged that the proposal will have increased viewpoints of No. 3 Montague Road's rear garden. However, given the overall size of No. 3 Montague's Road rear garden and the parts of the garden the proposal will have an increased viewpoint of are not No. 3's immediate rear garden private amenity space, it is considered that the proposal will not cause an unacceptable loss of privacy upon the occupiers of No.3 Montague Road in this instance.

10.15 Given the overall siting, scale, bulk and design of the proposal and its relationship with other neighbouring dwellings within the vicinity of the site, it is considered that the proposed new dwelling will not cause any harmful implications in terms of loss of light or outlook, nor would it be overbearing

upon any neighbouring dwellings within the vicinity of the application site. It is acknowledged that the proposal would have increased viewpoints of neighbouring dwellings rear gardens, but this is not uncommon in residential area. The parts of the gardens that the new first floor rear windows will have an increased viewpoint of are not the immediate rear garden private amenity spaces of the neighbouring dwellings. For this reason, it is considered that the proposal will not cause an unacceptable loss of privacy upon any neighbouring dwelling within the local area in this instance.

10.16 Given the above, it is concluded that the proposal would not cause a harmful impact upon neighbouring amenity and would be compliant with Policies 52 56 & 57 of the Cambridge Local Plan.

10.17 Amenity for Future Occupiers

10.18 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. The proposed rear garden has a total depth of approximately 13.2m (at its deepest point), has a width of approximately 7.5m and a total area of approximately 72.3m². Given the above, it is considered that the proposal provides adequate rear garden private amenity space for its future occupiers and is acceptable in this sense.

10.19 Policy 50 of the Cambridge Local Plan (2018) also requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	2	3	2	70	118.36	+48.36

10.20 Given the above, it is considered that the proposal would provide sufficient gross internal floor areas and storage required for a two storey two bedroomed dwelling. As such, the proposal meets the minimum required internal floor space as set out in the national space standards and is acceptable for the future occupiers of the dwelling in this instance.

10.21 Car Parking and Highway Safety

10.23 The proposal would not compromise the existing car parking arrangements or lead to any highway safety concerns within the local area. The proposal is therefore compliant with Policies 81 & 82 of the Cambridge Local Plan. To further support this view the Highway Officer has raised no objections to the proposed development.

10.24 Cycle Parking

10.25 The proposed plans show a designated area for the provision of cycle parking spaces to the front of the site. Given the lack of information submitted on this matter a condition will be attached to this planning decision to provide further details of the cycle storage on site, this condition will require the details prior to occupation of the new dwelling.

10.26 **Refuse Arrangement**

10.27 From the plans that have been submitted an area to the front of the proposed dwelling has been designated for the storage of waste bins. It is considered that this allocated area is appropriate for the storage of waste bins upon the application site in accordance with Policy 57 of the Cambridge Local Plan.

10.28 **Biodiversity**

10.29 Within the submission of this planning application the applicant has failed to submit a biodiversity statement. On this basis, a planning condition will be attached to this planning decision to ensure the applicant provides a scheme of ecological enhancement for the application site before any above ground level works begin.

10.30 **Permitted Development Rights**

10.31 To ensure the proposed rear private amenity space for the new dwelling is retained for its future occupiers, Classes A & E of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 will be completely removed for the new dwelling. This is considered to be reasonable in order to prevent the application site becoming overdeveloped and having a detrimental impact upon the amenity of the future occupiers of the proposal.

10.32 **Drainage**

10.33 The Sustainable Drainage Engineer has been consulted and has raised no objections to the proposal subject to a planning condition relating to disposal of surface water and foul water drainage. Subject to this planning condition the proposed development is not considered to result in significant adverse impact upon drainage within the local area.

10.34 **Trees**

10.35 The proposed dwelling will be located within the vicinity of trees that are protected by Tree Preservation Orders. The agent has submitted an Arboricultural Impact Assessment detailing the impact the proposal will have upon the trees in question. The Arboricultural Impact Assessment was fully assessed by an Arboricultural Officer who has raised support for the proposal subject to two planning conditions being attached to any planning approval the Local Planning Authority is minded to approve. Of these two

conditions one was a pre-commencement condition which has been fully agreed to in writing by the agent on behalf of their client. With these two conditions in place, it is concluded that the proposal would not cause a detrimental impact upon any tree within the vicinity of the site. As such, the proposal is acceptable in this sense and is compliant with Policy 71 of the Cambridge Local Plan.

10.36 Third Party Representations

10.37 Neighbouring occupiers have raised objections on the grounds that the proposal would cause a loss of privacy, loss of light and overshadowing upon their properties. These objections have been addressed within the main body of this report.

10.38 A neighbouring occupier has raised an objection on the grounds that the proposal would cause a harmful impact upon the character and appearance of the area. This objection has been addressed within the main body of this report.

10.39 A neighbouring occupier has raised an objection on the grounds that the proposal would cause a harmful impact upon the trees within the vicinity of the site. This objection has been addressed within the main body of this report.

10.40 Planning Balance

10.41 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

10.42 The proposed development adequately respects neighbouring occupiers in terms of overlooking, overshadowing, visual dominance and noise and disturbance. The proposal would be in keeping with the character of the conservation area and would not cause an unacceptable impact upon any tree within the vicinity of the application site. Furthermore, the proposal would provide a high quality and living environment for future occupants.

10.43 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for Approval, subject to conditions.

10.44 Recommendation

APPROVE subject to planning conditions.

11.0 Planning Conditions

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

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. The materials to be used in the external construction of the development, hereby permitted, shall follow the specifications in accordance with the details specified within the submitted application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the external appearance of the development does not detract from the character and appearance of the area, in accordance with Policies 55, 56 and 57 of the Cambridge Local Plan.

4. No building hereby permitted shall be occupied until foul water drainage works have been detailed and approved in writing by the local planning authority.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development.

5. No above ground works shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development.

6. Two pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.

Reason: In the interests of highway safety.

7. The development, hereby permitted, shall not be constructed so that its fall and levels are such that no private water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: For the safe and effective operation of the highway.

8. The proposed drive hereby permitted shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

Reason: In the interests of highway safety.

9. No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 Policy 35).

10. There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 Policy 35).

11. In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be assessed in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved statement.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 Policy 35)

12. If suspected contamination is encountered whilst undertaking the development, works shall immediately cease on site until the Local Planning Authority has been notified and the suspected contamination has been fully assessed and an appropriate remediation and validation/reporting scheme agreed with the LPA. Remedial actions shall then be implemented in line

with the agreed remediation scheme and a validation report will be provided to the LPA for consideration.

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

13. Prior to the installation of any electrical services, information to demonstrate that at least one dedicated active electric vehicle charge point will be designed and installed on site in accordance with BS EN 61851 with a minimum power rating output of 7kW, shall be submitted to and approved in writing by the Local Planning Authority. The active electric vehicle charge point as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF, 2019) paragraphs 105, 110, 170 and 181, Policy 36 - Air Quality, Odour and Dust of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

14. Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority and written approval given, before any tree works are carried and before equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Reason: To satisfy the Local Planning Authority that trees to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

15. The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be

retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

16. The development, hereby permitted, shall not be occupied or the use commenced, until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2018 policy 82).

17. No development above ground level shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policy 57).

18. No dwelling shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include SAP calculations which demonstrate that all dwelling units will achieve carbon reductions as required by the 2021 edition of Part L of the Building Regulations. Where on-site renewable or low carbon technologies are proposed, the Statement shall include:

- a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design; and
- b) Details of any mitigation measures required to maintain amenity and prevent nuisance.

The proposed renewable or low carbon energy technologies and associated mitigation shall be fully implemented in accordance with the measures set out in the Statement prior to the occupation of any approved dwelling(s).

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge

Local Plan 2018, Policies 28, 35 and 36 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

Informatives

1. The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway. A separate permission must be sought from the Highway Authority for such works.
2. The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level. To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features. In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory and any defects remedied to ensure that the noise levels do not increase over time.
3. The Council recommends the use of low NO_x boilers i.e. appliances that meet a dry NO_x emission rating of 40mg/kWh, to minimise emissions from the development that may impact on air quality.