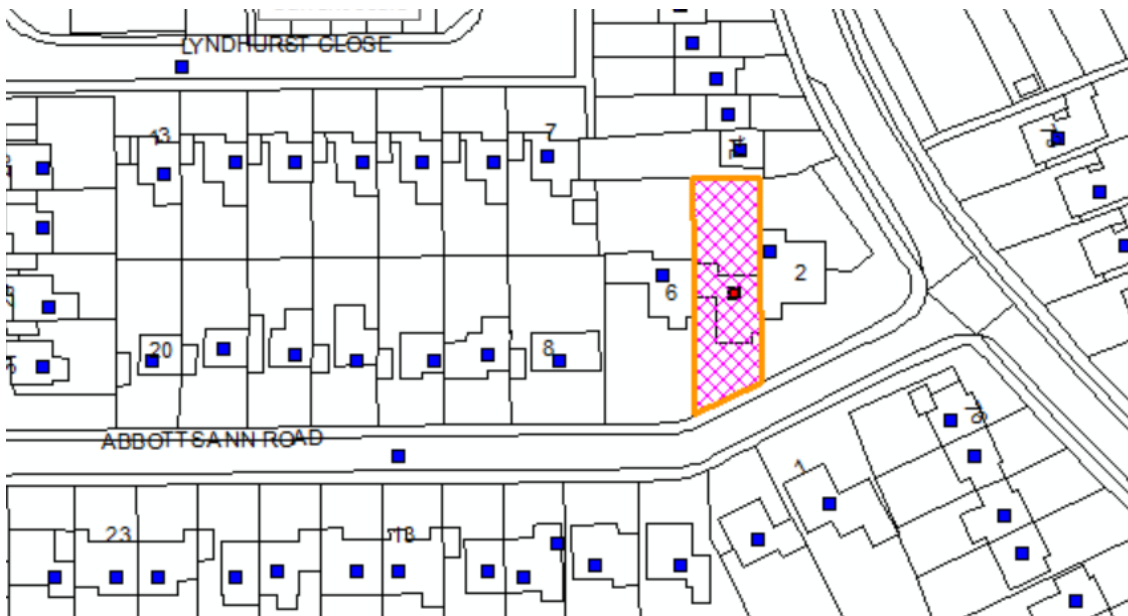


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Case No: 24/02511/HOU
Proposal Description: Installation of Vaillant aroTHERM Plus 7KW air source heat pump in rear garden
Address: 4 Abbots Ann Road Winchester Hampshire SO22 6ND
Parish, or Ward if within Winchester City: Littleton And Harestock
Applicants Name: Kelsie Learney
Case Officer: Charlotte Smith
Date Valid: 19 November 2024
Recommendation: Permit
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 24/02511/HOU](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that it will have a positive impact on the environment by providing an energy efficient and low carbon heating improvement to an existing building in accordance with Policy CP11 of the LPP1, emerging policy CN6 of the Regulation 19 Local Plan and the NPPF. It will not have any

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harmful impact on the character or appearance of the area or on neighbouring residential amenity in accordance with policies DM15, DM16 and DM17 of the LLP2.

General Comments

The application is reported to Committee due to the owner of the property being a Councillor.

Amendments to Plans Negotiated

None

Site Description

The property is a two storey, link-detached residential dwelling on Abbots Ann Road. There is conformity between the proposal site and the surrounding dwellings on Abbots Ann Road in the form of pitched roofs, with a single storey flat roof garage attached on the western side of the properties.

The site is on a slope, with the highest end being towards 20 Abbots Ann Road and the lowest at 2 Abbots Ann Road.

The rear garden is enclosed with a 6ft closeboard fence and significant trees and hedging abutting the boundaries.

Proposal

The proposal is for an Air Source Heat Pump in the rear garden. This would sit approximately 0.2m from the boundary with No. 2 Abbots Ann Road, and 0.9m from the rear elevation of the application site.

The heat pump has been specified as a Vaillant aroTHERM Plus 7KW Air Source Heat Pump.

Relevant Planning History

No Relevant Planning History

Consultations

Service Lead – Public Protection (Environmental Health) –

- No objection

Representations:

Littleton and Harestock Parish Council

- This development sits comfortably within the size of the property, and presents no major issues. The proposals present a positive move to mitigate climate change and provide clean energy in a domestic setting.

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Littleton and Harestock Parish Council generally welcomes such moves and has no grounds for objecting to the application.

No Representations received.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2024)

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

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

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Flood risk and coastal change

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

CP11 – Sustainable Low and Zero Carbon Built Development

Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2)

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM20 – Development and Noise

Regulation 19 Local Plan

Policy CN6 – Micro Energy Generation Schemes

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.

Nature Emergency Declaration.

Statement of Community Involvement 2018 and 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) require that applications for

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planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Regulation 19 Local Plan, as now agreed by Full Council, can be given appropriate and increasing weight in the assessment of development proposals in advance of Examination and Adoption as set out in paragraph 49 of the NPPF

The proposal site is within the settlement boundary of Winchester where the principle of development is acceptable subject to compliance with the Development Plan and material planning considerations.

Policy CP11 of the current adopted local plan (LPP1) requires that developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable and this includes using renewable energy technologies. The proposal is in accordance with the general thrust of this policy to reduce carbon emissions but it is noted that CP11 is aimed at larger residential and commercial developments rather than micro energy generation schemes such as air source heat pumps for individual dwellings. The current adopted local plan does not have a specific policy covering air source heat pumps.

However, the emerging local plan (The Regulation 19 Local Plan), which has been submitted for examination, does have a specific policy covering Micro Energy Generation Schemes - policy CN6. The revised NPPF (2024) in paragraph 49 sets out that Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The emerging plan has been agreed by Full Council and the public examination of the plan is imminent. At this stage there have been minimal objections to policy CN6. Policy CN6 is also entirely consistent with the aims of the NPPF to promote sustainability. It is therefore considered that policy CN6 can be given moderate weight in assessing this application.

Policy CN6 says that the council will support proposals for micro energy generation which includes air source heat pumps providing that it can be demonstrated that:

- i. There is not an unacceptable impact on heritage significance or on the natural environment;
- ii. The noise impacts from the operational use of the proposal have been acceptably mitigated
- iii. Proposals have been sensitively integrated with the whole building including where applicable its roof profile in order to avoid an unacceptable impact on the appearance of the building and the surrounding landscape.

It is considered that the proposal satisfies these 3 criteria (and this is discussed in detail below) and is therefore in accordance with emerging policy CN6.

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Section 14 of the NPPF also provides guidance on meeting the challenge of climate change and in paragraph 167 says that local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, including through installation of heat pumps. Paragraph 168 continues that when determining planning applications for renewable and low carbon energy developments, local planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future and recognise that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

The proposed air source heat pump is therefore in also accordance with the guidance in the NPPF.

In summary, the proposal is in accordance with the aims of CP11 in the adopted Local Plan, emerging policy CN6, and the guidance within NPPF and the principle of development is considered to be acceptable.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The property is the centre of a terrace of three properties. There is a public footpath running alongside the property. However, the proposed Air Source heat Pump is to be located in the rear garden and will not be visible from public view, either from Abbots Ann Road, or the public footpath.

As such, the proposal will not result in any material impact on the character or appearance of the property or area.

The proposal therefore complies with DM15 and DM16 of the LPP2.

Development affecting the South Downs National Park

The application site is located 2.17km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

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Historic Environment

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Neighbouring amenity

Due to the minor scale of the development, it is considered that the proposal would not result in any material harm by virtue of overbearing or overshadowing in relation to neighbouring properties.

A Microgeneration Certification Scheme (MCS) Assessment was submitted as part of the application which confirmed that there would be minimal noise impact to neighbouring amenity, with the sound power level being 55 decibels. There are no windows on the western elevation of No. 2 Abbots Ann Road and so it is considered that there will be no adverse harm arising from noise impacts.

The proposal therefore complies with DM17 and DM20 of the LPP2 and the emerging policy CN6 which requires noise impacts from the operational use of heat pumps to be acceptably mitigated.

Sustainable Transport

The proposal will have no impact on sustainable transport issues because it is for an Air Source Heat Pump in the rear garden.

There is therefore no conflict with policy DM18 of the LPP2.

Ecology and Biodiversity

The proposal will have no impact on ecology due to its very minor nature. It is not within a designated site. It therefore accords with policy CP16 of the LPP1.

Sustainability

As noted above, Policy CP11 of the LPP1 expects development to achieve the lowest level of carbon emissions and water consumption which is practical and viable and emerging policy CN6 supports air source heat pumps provided that it can be demonstrated that:

- i. There is not an unacceptable impact on heritage significance or on the natural environment;
- ii. The noise impacts from the operational use of the proposal have been acceptably mitigated
- iii. Proposals have been sensitively integrated with the whole building including where applicable its roof profile in order to avoid an unacceptable impact on the appearance of the building and the surrounding landscape.

In this case, the property is not within an historic setting and is not a heritage asset. There will therefore not be any impact on heritage significance. The air source heat pump will also be hidden from public views with the rear garden of the property and so will have no impact on the natural environment.

As noted above, there are no concerns about noise impacts from the pump.

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The air source heat pump is proposed to be located at ground level to the rear of the property and so will avoid any harmful impact on the appearance of the building and the surrounding landscape.

The proposal therefore is in accordance with the criteria of emerging policy CN6 and the aims of policy CP11 of the Local Plan Part 1.

Sustainable Drainage

The site is within Flood Zone 1 and has a low probability of flooding from rivers and the sea. There is a low risk of surface water flooding (between 0.1% and 1% chance each year), so there was no requirement to obtain a flood risk assessment. The proposal will have no impact on drainage because the site has existing residential use. Therefore, the proposal complies with policy DM17 of LPP2.

Trees

Policy DM24 of the LPP2 allows development which does not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, ground flora and the space required to support them in the long term.

The application site and surrounding area does not contain any trees.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The proposal development will result in the addition of an Air Source Heat Pump which will accord with the aims of the council to support renewable energy and will not have an adverse impact on the character and appearance of the local environment or neighbouring amenity. It has been assessed in consideration of the following planning policies: CP11 of LPP1 and DM15, DM16, DM17 and DM20 of LPP2 and emerging policy CN6 of the Regulation 19 Local Plan and is considered to be in accordance with these policies. There are no other material matters that would weigh against the granting of planning permission.

Recommendation

Application Permitted subject to the following conditions:

Conditions

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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2. The development hereby approved shall be constructed in accordance with the following plans:

- Location Plan produced 18/11/2024
- Block Plan – Reference Number TQRQM24322172012785
- Plan and Elevations dated 18/11/2024

Reason: In the interests of proper planning and for the avoidance of doubt.

Informatives:

1. In accordance with paragraph 39 of the NPPF (December 2024), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:

- Local Plan Part 1 - Joint Core Strategy: CP11
- Local Plan Part 2 - Development Management and Site Allocations: DM15, DM16, DM17, DM20
- Regulation 19 Local Plan: CN6

3. This permission is granted for the following reasons: The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.

<https://www.winchester.gov.uk/environment/pollution/construction-sites>

5. During construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities,

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stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible. For further advice, please refer to the Construction Code of Considerate Practice <https://www.considerateconstructors.com/resources/the-code-of-considerate-practice/>

7. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements (as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024) are considered to apply as follows:

- The Development is for a householder application