

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>10<sup>th</sup> October 2012</b>		
<b>Application Number</b>	<b>N/ 12/01537/FUL</b>		
<b>Site Address</b>	<b>Fieldhouse 2 Pickwick Corsham SN13 9JB</b>		
<b>Proposal</b>	<b>Erection of Air Source Heat Pump, including fence panel for heat pump &amp; installation of solar panel array on roof</b>		
<b>Applicant</b>	<b>Mr Williams</b>		
<b>Town/Parish Council</b>	<b>Corsham</b>		
<b>Electoral Division</b>	<b>Corsham Pickwick &amp; Rudloe</b>	<b>Unitary Member</b>	<b>Alan Macrae</b>
<b>Grid Ref</b>	<b>389449 170762</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>Mandy Fyfe</b>	<b>01249 706638</b>	<b>mandy.fyfe@wiltshire.gov.uk</b>

## **Reason for the application being considered by Committee**

This application has been referred to the Northern Area Planning Committee following a call in by the Ward member on the grounds of no objections from neighbours, reasons of sustainability and ecology.

### **1. Purpose of Report**

To consider the above application and to recommend that planning permission be REFUSED.

Corsham Town Council have not commented.

### **2. Main Issues**

The main issues in considering the application are:

- Principle of development Policies C3, HE1, HE4, NE18 and H8 of the adopted North Wiltshire Local Plan 2011
- National Planning Policy Framework 2012
- Wiltshire Core Strategy Pre Submission Document 2012
- Previous Planning History of the site
- Impact on the character and appearance of the Conservation area and setting of Listed Buildings
- Affect on the loss of amenity to surrounding neighbours

### **3. Site Description**

The application property is a mid-terrace dwelling that has been recently constructed to the north side of Pickwick in the rear garden of 23 Pickwick Road. To the north of the terrace are the rear gardens of Woodlands and to the south is the A4. Access to the terrace is via communal driveway to the east of the terrace that runs along the northern boundary of the site leading to Garden House which is to the north of 23 Pickwick an imposing Georgian dwelling. The rear gardens of the terrace face onto the A4. The boundary along the A4 is a low height dry stone wall with semi-mature trees behind it. Behind that the applicant has erected a willow screening fence without the benefit of planning permission which is now the subject of a partly retrospective application N.12.01482/S73A which seeks permission for its retention for a limited period.

The design of the terrace is of high quality to reflect the fact that it is within the garden of a listed building and within the Pickwick Conservation Area and there are Grade II listed buildings to the west, east and south of it.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>10.03296/FUL</b>	Three dwellings Amendment to 09.01990/FUL	Permission
<b>09.01990/FUL</b>	Three dwellings – Amendment to 07.00823/FUL	Permission
<b>07.00823/FUL</b>	Construction of 4 terraced houses	Permission
<b>06.02634/FUL</b>	Erection of three dwellings	Withdrawn

## **5. Proposal**

The proposal is twofold. Firstly to install an air source heat pump including a fence panel for the heat pump and secondly to retrofit a Solar array on the rear facing roofslope of this mid-terrace dwelling facing the A4.

The Ecodan air source heat pump would have dimensions of 1020mmx1350mmx360mm and be sited adjacent to the side boundary wall with No 1 Fieldhouse just outside the rear of the property. It would be mounted on sound deadening dampers and have a 1.5m high wicker or willow pale type fence to screen pump from 1 Fieldhouse.

The second part of the scheme relates to the retro-fitting of a solar array comprising of 8No horizontally mounted photovoltaic (PV) panels in two rows with 2 x vertical mounted solar panels at the centre. The proposed Photo Voltaic panels would be 'Panasonic Hit N Series' or similar; each approximately 1800 x1800mm in size. The Solar Thermal Panels would be Grant UK Solar Thermal Panels or similar again 1800 x 1800mm. The total array would be 14.1m long and 1.8m high mounted along pitch of roof in horizontal arrangement and be sited on a roof that is only 16m in length. The agent states that being a linear arrangement means that it is a linear addition in proportion with the terrace form, rather than as rectangle array which would disrupt roof form more.

## **6. Consultations**

**Corsham Town Council:** No comments received

**Environmental Health:** "The major impact from this type of installation (air source heat pump) is the potential for noise and disturbance to neighbouring residential dwellings. I have considered the noise impact implications on the adjacent premises and have taken into account the noise assessment information provided by the applicant. The calculation is based on that outlined in the MCS 020 - the planning standard for permitted development installation of wind turbines and air source heat pumps on domestic premises. This calculation predicts a noise level of 41.5dB(A) at the assessment location and it is noted that the guidance requires that this be rounded up to 42dB(A). The guidance recommends that permitted development applies if the noise levels are less than 42dB(A) and so technically this noise levels just fails the standard. That being said, I am conscious that the overall development faces Bath Road and so potentially there is a significant

contribution to the background noise levels from vehicle movements means that the noise from the air source heat pump should be masked during the day. I am less sure that the noise levels will be unobtrusive during the night time period particularly if the pump will be used to heat water during the summer period.

On balance however given the locality and only marginal failure of the MCS 020 guidance, I do not believe there is sufficient evidence to justify a refusal of the proposal on noise grounds. Similarly I cannot justify the imposition of a specific noise condition at this time. I would ask however that a note be added to any permission advising the applicant of the potential for noise and disturbance. They should be aware that MCS 020 notwithstanding they may be required to either cease the use of the air source heat pump or to carry out additional noise control works should any nuisance be caused once the pump is in operation.

Conclusion: No objection subject to an informative.”

## **7. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

1 letter objecting on the following ground:

- Solar panels should not be positioned so that they are on view – to do so would be detrimental to the look of the newly built terrace of three. Great care was originally taken to ensure buildings materials used did not impact on the old surroundings.

1 letter of support

## **8. Planning Considerations**

### Principle of development

#### Planning Policies

North Wiltshire Local Plan 2011 Policies C3 HE1, HE4, NE16 NE18 and H8 apply here

Policy C3 requires that all development has to respect the local character and appearance of the area with regard to a number of criteria which in this case would be the design and size of the solar array on the south facing roofslope. There is also a requirement that development should respect the quality of the historic environment and where necessary include measures for the preservation or enhancement of such features. Equally there is a further criterion regarding the incorporation of energy conservation features to promote the use of renewable energy sources. There is also a requirement that new development should not result in unacceptable loss of amenity to surrounding neighbours in terms of excessive noise.

Policy HE1 deals with developments in Conservation Areas. There is a requirement that all development will only be permitted where the proposal will enhance or preserve the character or appearance of the area.

Policy HE4 is considered relevant here. Although this terrace is not listed, it is in the former rear vegetable garden of 23 Pickwick which is a Grade II Listed building of mid to late C18 origin and which was listed in 1960.

Policy NE16 deals with renewable energy projects and they will be permitted provided that such development would not cause harm to a designated historic area.

Policy NE18 deals with noise and pollution. Development will only be permitted where it would not generate harm upon public health due to excessive noise or vibration.

Policy H8 deals with residential extensions and development which requires that development should be in keeping with the host building in terms of scale, form, materials and detailing. Furthermore in this case it should not result in loss of amenity to the adjoining neighbours by reason of excessive noise from the proposed heat pump.

## National Planning Policy Framework 2012

Paragraph (P) 19 indicates that the planning system should do everything it can to support economic growth, but at the same time under P56, good design is considered fundamental and one of the keys aspects to sustainable development.

With regard to renewable energy proposals, local authorities should actively support energy efficiency improvements to existing buildings(P95).

This however has to be considered with P129 due to the fact that the application site is in the former vegetable garden of a Grade II Listed building, is surrounded by listed buildings and is within the Pickwick Conservation Area. The National Planning Policy Framework requires local authorities to identify and assess the significance of any heritage asset that may be affected by a proposal and then consider the impact of the proposal on the significance of the asset with the aim of avoiding or minimising any conflict between the proposal and the conservation of the heritage asset and this includes the setting of the asset.

Furthermore new development should make a positive contribution to the local character and distinctiveness of the area (P131).

Applications that involve 'less than substantial harm' to the significance of a designated asset should be weighed against the public benefits of the proposal (P134).

In Conservation Areas, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (P135).

With regard to noise issues as covered in P123, development should avoid noise from giving rise to significant adverse impacts on health and quality of life.

## Wiltshire Core Strategy Pre-submission Document 2012.

The relevant policies are considered to be Core Policy 41- Sustainable construction and low-carbon energy; Core Policy 57 – Ensuring high quality design and place shaping and Core Policy 58 – Ensuring the conservation of the historic environment.

CP 41 makes reference to retro-fitting measures in accordance with specific hierarchy of :

- Reducing energy consumption through energy efficiency measures
- Use renewable or low-carbon energy from local/district source
- Use building-integrated or low-carbon technologies

However in all cases, “proposals relating to historic buildings, Listed Buildings and buildings in Conservation Areas should ensure that appropriate sensitive approaches and materials are used. Safeguarding of the special character of heritage assets should be in accordance with appropriate national policy and established best practice.”

CP 57 makes reference to development responding positively to the existing townscape in terms of a number of criteria which in this case is considered to be built form, elevational design, materials and streetscape to effectively integrate the building into its setting, but at the same time being sympathetic to and conserving historic buildings and historic landscapes.

CP58 deals with ensuring the conservation of the heritage environment. The Council is committed to finding positive solutions which will allow the adaption of heritage asset buildings to reflect modern living aspirations, but they have to be consistent with the conservation of the heritage asset's significance. So that means that development will need to be of the highest standard in

order to maintain and enhance the quality of the area or building and be sensitive to its character and appearance.

#### Previous Planning History of the site

When planning permission was granted for this site in 2009 under 09.01990/FUL, it was for dwellings with a very similar footprint to what was approved under 07.00823/FUL, but for three dwellings in the former vegetable garden of 23 Pickwick a Grade II Listed Georgian dwelling that has its garden running alongside the A4. Notwithstanding the requirement for the development to comply with Policy NE4 because of the Listed building, it is also within the Pickwick Conservation Area and therefore development must either preserve or enhance its setting.

The design of these houses was modified to reflect the local historic terraced cottages (that face onto the A4) with their non-uniform design and was considered to preserve the setting of the conservation area by using natural stone elevations with clay double roman tiles for the roofs.

Due to the sensitive nature of the site, the Permitted Development Rights for extensions and external alterations to the development were removed from the permission.

#### Impact on the character and appearance of the area

The proposal would involve the installation of a solar array on a roofslope of this newly erected mid-terraced dwelling. It should be noted that there is no objection to the use of solar panels at this property, rather the issue here is the fact that they would be sited on the front facing and most prominent elevation. Due to the position of the terrace, the roofscape is highly visible for cars and pedestrians when travelling west bound along the A4, especially so when the boundary trees are not in leaf.

The panels will be visible from both in front of the house and also from distance views when travelling west along the A4. These structures would be sited on top of the clay double roman tiles which by their very nature are profile tiles, ensuring the array would appear to visibly project further out from the roof slope than if, for example, the roof was constructed of slate.

This terrace of three properties was designed to take into account the historic terrace of cottages that face directly onto the A4 so has very high detailing including the materials. Therefore to retrofit a large-scale dark coloured array to this roofslope is considered to neither preserve or enhance the character and appearance of the overall terrace with its high design specifications and the surrounding areas.

Furthermore under the new legislation, it is considered that there would be substantial harm to this designated heritage asset. The designated heritage asset is considered to be the former curtilage of a Grade II listed building, the adjoining listed buildings and because the site is within the Pickwick Conservation Area.

If the original proposal for the development had involved the use of natural slate for the roofspace, then the array would have significantly less impact than what is proposed here. It was also suggested that if the panels were installed on the north facing slope or in the garden then this would overcome the officer's objections.

Visually, there is no objection to the siting of the air source heat pump or the surrounding woven fence panel. These would preserve the setting of the conservation area and would not harm the significance of the heritage asset.

#### Affect on the privacy and amenity of existing neighbours and potential occupants

It is not considered to be any objection to the installation of the solar array on the neighbour's amenities.

Turning to the Air Source Heat Pump, when taking into account the background noise level as the front garden faces the Bath Road, any noise issues from the heat pump are unlikely to present a problem during the day. However, the Environmental Health Officer is concerned about the noise levels being a problem during the night time period particularly if the pump is used to heat water during the summer period. He goes on to say that in this case, given the locality and only marginal failure of the MCS 020 guidance that there is sufficient evidence to justify a refusal on noise grounds. Nevertheless it is considered important that if permission were to be granted for the heat pump this would be subject to an informative that the applicant's may have to cease using the heat pump or to carry out additional noise control works should any nuisance be caused once the pump is in operation.

It should be noted that the heat pump would be sited just beyond the garage door/window of the applicant's property adjacent to the party boundary with No 1. According to the floor plans submitted with 10.3296/FUL (see Appendix 1), the adjacent windows that would be the closest to this boundary on No 1's side would be a ground floor bedroom (2) and the master bedroom above. Environmental Health do not wish to recommend refusal of it the unit, but have given notice that if the heat pump causes a nuisance then they have powers to either prevent its operation or they can seek measures to reduce the noise disturbance.

The small woven panel to be sited on the boundary between the two sites is not considered to result in loss of amenity to the neighbours.

## **9. Conclusion**

This is a twofold proposal. Whilst there is no specific objection to the installation of the air source heat pump, concerns remain over the visual effect of the solar panelling. Unfortunately the Council cannot issue a split decision and therefore the proposal must be considered as a whole.

The applicant has confirmed that he does not wish to withdraw the solar array element of the application and, as a consequence, it is recommended that planning permission be refused.

It should also be noted that the applicant has a second application with the Council 12.01482/S73A refers relating to the retention of the unauthorised woven fence around the boundaries of the site including that facing onto the road facing boundary wall and a shed to be sited in the garden. Following long negotiations, the applicant has now agreed to only retain the fence for 18 months whilst a hedge that they planted in addition to the hedge that was required to be planted as part of the overall development grows up to provide privacy/security onto the A4. As for the garden shed, revised plans have now been received that provides an outbuilding with higher quality materials including a slate roof. This is now considered more acceptable and is to be dealt with under delegated powers.

## **10. Recommendation**

That permission be REFUSED for the following reasons:

1. The proposed retro-fitting of this relatively large solar array on the road facing roofslope is considered to result in material and substantial harm due to its length of array on this recently erected mid-terrace high quality designed dwelling adjacent to listed buildings including the adjacent Grade II Georgian house whose garden was used for the terraced development, the adjacent listed buildings and this part of the Pickwick Conservation Area. The proposal is in conflict with Policies C3, HE1 HE4 and H8 of the North Wiltshire Local Plan 2011, Paragraphs 56, 129, 131, 134 and 135 of the National Planning Policy Framework 2012 and in addition to Core Policy 41, 57 and 58 of the Wiltshire Core Strategy – Pre-submission Document 2012.

Informative:

1. This decision relates to documents/plans submitted with the application, listed below.

Dwg No: 11/15/P0  
Dwg No: 11/15/P1  
2No Dwg Nos: 11/15/ P2

Dated 24<sup>th</sup> May 2012  
24<sup>th</sup> May 2012  
24<sup>th</sup> May 2012

