

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2359/0F1
2.	Proposed Development:	AIR SOURCE HEAT PUMP INSTALLATION (6kW)
3.	Location:	THE TOWER COTTAGE, BANKSPRINGS BREWERY, KIRKSANTON
4.	Parish:	Whicham
5.	Constraints:	<p>ASC;Adverts - ASC;</p> <p>Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3,</p> <p>Listed Building - Listed Building,</p> <p>Coal - Off Coalfield - Data Subject To Change</p>
6.	Publicity Representations &Policy	
7.	<p>Report:</p> <p>SITE AND LOCATION</p> <p>This application site relates to The Tower Cottage which form part of a small cluster of properties situated within the open countryside in an isolated position in Kirksanton.</p> <p>The property is located on top of a hill and is accessed via a private driveway that is used for these properties only. The property itself is a Grade II Listed Building.</p> <p>PROPOSAL</p> <p>Planning permission is sought for the installation of an air source heat pump external unit in the courtyard of the Tower Cottage. The unit is to be 1.1m in width, 0.45m in depth and total height to be 1.05m. The proposal includes the introduction of pipework that is internal and external to the listed building.</p> <p>This application is also being considered alongside a Listed Building Consent application</p>	

(reference: 4/24/2408/OL1) for the same works at the site.

RELEVANT PLANNING APPLICATION HISTORY

None

CONSULTATION RESPONSES

Whicham Parish Council

Support the application

Conservation Officer

No objections

Environmental Health

A standard MCS020 Noise assessment has been submitted with the application, and this demonstrates that the proposed ASHP will meet the required noise level standard of 42 Dba within one metre of the nearest neighbouring door or window opening. As such, there are no objections to this development from Environmental Health.

The applicant should note that noise disturbance from the tonal and intermittent nature of the ASHP, particularly in an area with a quiet acoustic background, is possible. The ASHP should be kept in good order and maintenance also, as models can be subject to wear and tear over time and become noisier as a result. In such circumstances, the statutory nuisance provisions of s79 Environmental Protection Act 1990 can apply.

It is advisable to install the unit in the loft space on anti-vibration mounts. Air borne and structure-borne noise from the unit in the loft space to an adjoining dwelling is possible, particularly from tonal noise, and the statutory nuisance provision of s79 Environmental Protection Act 1990 would apply in such circumstances. The applicant should be aware of fire risk.

Public Representations

The application has been advertised by way of letters to 2 neighbour properties, and the display of a site notice and a press article placed within the local newspaper.

No representations have been received as a result of this consultation process.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.



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Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:-

Policy DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

Policy BE1 – Heritage Assets

Policy BE2 – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Design Guide (NDG)

Cumbria Development Design Guide

Planning (Listed Buildings and Conservation Areas) Act 1990.

ASSESSMENT

The key issues raised by this proposal are the principle of development, its siting, scale, design and appearance, impacts upon heritage assets and the potential impacts on

residential amenity etc.

Principle of Development

The proposed application relates to a former brewery and tower which is located within the open countryside and an isolated position. Policy H14 supports alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the proposal satisfies Policies DS6 and HS14 of the Copeland Local Plan and the National Planning Policy Framework.

Scale and Design

Policy H14, BE1 and BE2 and section 12 of the NPPF seek to promote high quality designs. Policy H14 supports house extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

BE1 seeks to preserve and enhance heritage assets and their setting by ensuring proposals are sympathetic to the local character and history. Any harm to, or the loss of, the significance of a designated heritage asset will require clear and convincing justification.

The proposed Air Source Heat Pump is considered to be suitably located within the site and is to be sited on an already existing hardstanding area. There will be pipework to the external and internal of the building and the applicant has provided additional information to indicate clearly where these are to be installed within the listed building. The works are not considered to remove any historical features of the building and the proposal is relatively modest in scale. Although there will be the introduction of pipework and boxes to the building itself, it is considered to conserve the traditional character of the building and is not considered to impact upon its character and setting.

On this basis, the proposal is considered to meet Policy H14, BE1 and BE2 of the Copeland Local Plan and NPPF guidance.

Residential Amenity

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

No objections have been received from neighbouring properties. The proposed air source heat pumps are to be modest in scale. The proposal will be located approximately 3.5m from the nearest residential property and 10m away from the neighbouring door opening. Given the scale and design of the heat pumps, the works would not result in overbearing development to adjoining neighbours.

It is acknowledged that the proposal is within close proximity to the neighbouring property and therefore potential noise issues were a consideration as part of this proposal.

Environmental Health were notified as part of the consultation process, they have stated the



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following:-

A standard MCS020 Noise assessment has been submitted with the application, and this demonstrates that the proposed ASHP will meet the required noise level standard of 42 Dba within one metre of the nearest neighbouring door or window opening. As such, there are no objections to this development from Environmental Health.

The applicant should note that noise disturbance from the tonal and intermittent nature of the ASHP, particularly in an area with a quiet acoustic background, is possible. The ASHP should be kept in good order and maintenance also, as models can be subject to wear and tear over time and become noisier as a result. In such circumstances, the statutory nuisance provisions of s79 Environmental Protection Act 1990 can apply.

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Therefore, given the applicant has demonstrated the appropriate noise levels can be achieved, the proposal is not considered to have a detrimental impact upon neighbouring properties in terms of noise nuisance. Should the equipment go over and above these levels, the statutory nuisance provisions would apply. However, to safeguard the amenity of the neighbouring properties, it is considered reasonable to place a condition to ensure the air source heat pump is installed in accordance with the approved plans and maintained and retained as such for the lifetime of the development.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy H14 and the NPPF.

Highway Safety

Policy H14 requires the operational car parking needs of the property to continue to be met.

There are no alterations to be made to the existing arrangements and the proposal will not impact upon the use of the property.

On this basis, the proposal is considered to comply with Policy H14 and the Cumbria Development Design Guide.

Planning Balance and Conclusion

The proposed air source heat pump and associated works are considered acceptable in scale and design and considered to conserve the historic features of the Grade II Listed Building. The proposal is not considered to impact upon the character and setting of the Listed Building and locality. With the introduction of the approved documents and maintenance condition, the proposal would not have a detrimental impact upon residential amenity and therefore considered for approval.

	On balance, the proposed works represent an acceptable form of development which accords with the policies set within the Copeland Local Plan and the guidance in the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: 1. The development hereby permitted must commence before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:- Application Form, received 23/10/2024 Site Location Plan, scale 1:1250 received 23/10/2024; Proposed Floor Plans and Elevations, scale 1:100 received 23/10/2024; Air Source Heat Pump Details received 23/10/2024; Noise Assessment Calculations received 23/10/2024; Indoor Unit and Buffer Location, additional information received 03/12/2024; Primaries Location, additional information received 03/12/2024; Proposed Heat Pump Location, additional information received 03/12/2024; Reason To conform with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004. 3. The air source heat pump shall be installed in accordance with the approved documents 'The aira heat pump outdoor unit information' and 'noise assessment calculations' undertaken by Aira Home dated 17 September 2024 and maintained and retained as such for the lifetime of the development.



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Reason

In the interest of safeguarding residential amenity in accordance with Policy H14 of the Copeland Local Plan.

Informative

The applicant should note that noise disturbance from the tonal and intermittent nature of the ASHP, particularly in an area with a quiet acoustic background, is possible. The ASHP should be kept in good order and maintenance also, as models can be subject to wear and tear over time and become noisier as a result. In such circumstances, the statutory nuisance provisions of s79 Environmental Protection Act 1990 can apply.

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Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: K. Bamford

Date : 09/01/2025

Authorising Officer: N.J. Hayhurst

Date : 13/01/2025

Dedicated responses to:- N/A