

Agenda Item	6.7
Report No	PLS-026-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 10 March 2020

Report Title: 19/04892/FUL: Church of Jesus Christ of Latter-day Saints
Church of Jesus Christ of Latter-day Saints, 13 Ness Walk, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Installation of Air Source heat Pump (Retrospective)

Ward: 13 – Inverness West

Development category: Local Development

Reason referred to Committee: Over 8 objections received

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This application for planning permission is for the installation of an air source heat pump for the Church of Jesus Christ Latter Day Saints located on the west side of Ness Walk in the Ballifeary area of Inverness. As the development is already in situ the application is retrospective.
- 1.2 Supporting Information: Design and Access Statement, Manufacturers Specification of ASHP
- 1.3 Variations: Amended Elevational Drawings denoting acoustic hood and increased fence height, submission of Noise Monitoring Survey

2. SITE DESCRIPTION

- 2.1 The site comprises a church that is set within a generous curtilage with private off-street parking and a large rear garden area on the west side of Ness Walk within the Inverness (Riverside) Conservation Area. The air source heat pump ASHP is located to the rear of the building and car parking area. There are properties neighbouring the site from Warrand Road to the south, Springfield Gardens to the west and Wellingtonia Court to the north/north-west.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|-----------------------------|
| 3.1 | 26.01.2017 | 16/03948/FUL – Extension to church and car park and replacement windows for the existing church (as amended) | Planning Permission Granted |
| 3.2 | 26.05.2008 | 08/00370/FULIN - Alterations and Extensions | Planning Permission Granted |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 ('Bad Neighbour'), Unknown Neighbour
Date Advertised: 22.11.2019
Representation deadline: 06.12.2019
- Timeous representations: 9
Late representations: 0
- 4.2 Material considerations raised are summarised as follows:
- a) Noise from ASHP at all hours of day and night impacting neighbours
 - b) Equipment not in keeping with the Conservation Area
 - c) ASHP should not run until the application is resolved
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

- 5.1 **Environmental Health** initially objected pending further detail on noise mitigation measures and demonstration that such mitigation measures can comply with the relevant standards.

A Noise Monitoring Survey was undertaken, the scope of which was agreed with Environmental Health. A subsequent Noise Assessment Report was submitted. Environmental Health further commented that the noise report followed the relevant guidance and that penalties had been added to the source noise to account for the impact of tonality and intermittency. It is noted that following installation of an acoustic enclosure that noise levels can meet the required limits. It is noted however that there is only a 1dB margin in meeting these levels on the basis of the following assumptions:

- the background noise level used in the calculations is representative. To clarify, in the event that compliance monitoring is required, any noise condition would relate to background levels measured at that time.
- the noise characteristic penalties are appropriate
- the manufacturers data regarding the acoustic attenuation qualities of the enclosure is accurate.

The objection was withdrawn on the basis that a condition is attached which restricts the noise.

- 5.2 **Historic Environment Team** commented that it has no objection, however the preference would be for the timber clad structure housing the ASHP should be closer to the church to avoid isolated structures being located within the wider grounds of the building.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design

57 - Natural, Built & Cultural Heritage

- 6.2 **Inner Moray Firth Local Development Plan (2015):**

No relevant site-specific policies refer to HwLDP

- 6.3 **Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

- 7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014)

Historic Environment Policy for Scotland (HEPS) May 2019

Historic Environment Circular 1 (June 2016)

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, s64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Planning Authority has to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) siting, design and impact on Conservation Area
 - c) residential amenity
 - d) any other material considerations.

Development plan/other planning policy

- 8.4 The church has recently been extended and renovated under planning permission 16/03948/FUL. The development to which this application relates was installed without the benefit of planning permission while these works were being undertaken.
- 8.5 The site lies within the established settlement development area of the City and within the Inverness (Riverside) Conservation Area. Development proposals within the settlement development area are capable of being supported where they demonstrate sensitive siting and design, in keeping with local character, without significant detrimental impact on individual or community residential amenity. In conservations areas, development requires to demonstrate that it will not have an unacceptable impact on the heritage source.
- 8.6 Providing that the development is appropriately sited and designed and has no significant detrimental impact on individual or community residential amenity or on the character and/or appearance of the conservation area, it would accord with the Development Plan.

Residential Amenity

- 8.7 The main concern raised in representations relates to the noise from the ASHP and the impact that this has on nearby properties. Environmental Health initially objected to the proposals on the basis that, at a distance of 20m from the ASHP, operational noise emitted was a steady 58dB(A). According to the manufacturers data, at that

distance it should be approximately 48dB(A). With this in mind, the applicant has been given the opportunity to provide mitigation and run additional noise monitoring surveys to ascertain whether the mitigation would bring the noise to an acceptable level. The acceptable levels, that can be secure through planning conditions, are NR 20 when measured or calculated within the bedroom of any noise sensitive premises with windows open for ventilation purposes, or, where the operating NR level does not exceed the background noise level by more than 5dB(A). It has been demonstrated that these levels can be met, and Environmental Health have removed its objection, albeit it was noted that there was only a 1dB margin for error. The applicant has therefore progressed with installation of a larger 'acoustic hood' that can allow for a 3dB margin of error, providing further noise mitigation than that agreed by Environmental Health. Accordingly, noise levels can be achieved that can minimise impact to nearby properties.

Siting, Design and Impact on Inverness Riverside Conservation Area

- 8.8 Section 64 of the Planning (Listed Building & Conservation Area) (Scotland) Act 1997 places a duty on Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.9 The ASHP is located to the south of the recently installed car parking area at the rear of the building. The unit has a footprint of approximately 3.3m x 1.1m and is 1.9m in height. It is located within a fenced compound which is shared with the bin storage area. The site is surrounded by a slatted timber fence. In order to further reduce visual impact, and assist with noise attenuation, a close-boarded fence at 2.6m in height has now been agreed. This will be finished in a green colour to assist with integrating it into its surroundings. The addition of the acoustic hood will mean that the development will project 700mm above the fence. With this in mind, additional landscaping should be secured around the fence/compound in order to minimise the visual impact further. It can also provide a further buffer to noise emitting from the ASHP. This can be sought through conditions.
- 8.10 Once the landscaping is provided, it is considered that the ASHP can be accommodated within the site, without having a significantly detrimental impact on the character or appearance of the Conservation Area.

Material considerations

- 8.11 None

Non-material considerations

- 8.12
- Overgrown trees exist within the site
 - ASHP not included within the original application

Matters to be secured by Section 75 Agreement

- 8.13 None

9. CONCLUSION

- 9.1 This application has been submitted in order to regularise unauthorised development. The applicant has worked with officers in Environmental Health and Planning to reduce the noise to an acceptable level, and also to ensure that the impact on the setting of the Conservation Area is minimised. It has been demonstrated that the ASHP can operate within the required noise parameters and these can be adequately controlled by planning condition. It is considered that the siting of the ASHP can be accommodated within the site without having a significant impact on the setting of the Conservation Area with the addition of landscaping.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. All plant, machinery and equipment associated with this development shall be so installed, maintained and operated such that either of the following standards are met: -
 - any associated operating noise must not exceed NR 20 when measured or calculated within the bedroom of any noise-sensitive premises with windows open for ventilation purposes.
- OR
- the operating noise Rating level must not exceed the Background noise level by more than 5dB(A) including any characteristics penalty. Terms

and measurements to be in accordance with BS 4142: 2014 Methods for Rating Industrial & Commercial Sound.

(For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan).

Reason: In order to ensure that the air source heat pump hereby approved shall emit an acceptable level of noise in the interest of residential amenity of nearby residents.

2. Within two months of the date of this decision a landscaping plan shall be submitted for approval in writing by the Planning Authority. For the avoidance of doubt this shall denote a close-boarded fence surrounding the site which shall be maintained in perpetuity, and detail on planting to be provided around the air source heat pump. All agreed details shall be implemented on site within one month of the details being approved.

Reason: In order to provide additional screening around the site in the interest of visual amenity as the site is located within Inverness (Riverside) Conservation Area.

3. For the avoidance of doubt the air source heat pump shall not operate until the acoustic hood mitigation has been installed to the satisfaction of the Planning Authority in consultation with the Environmental Health Authority.

Reason: In the interest of residential amenity.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

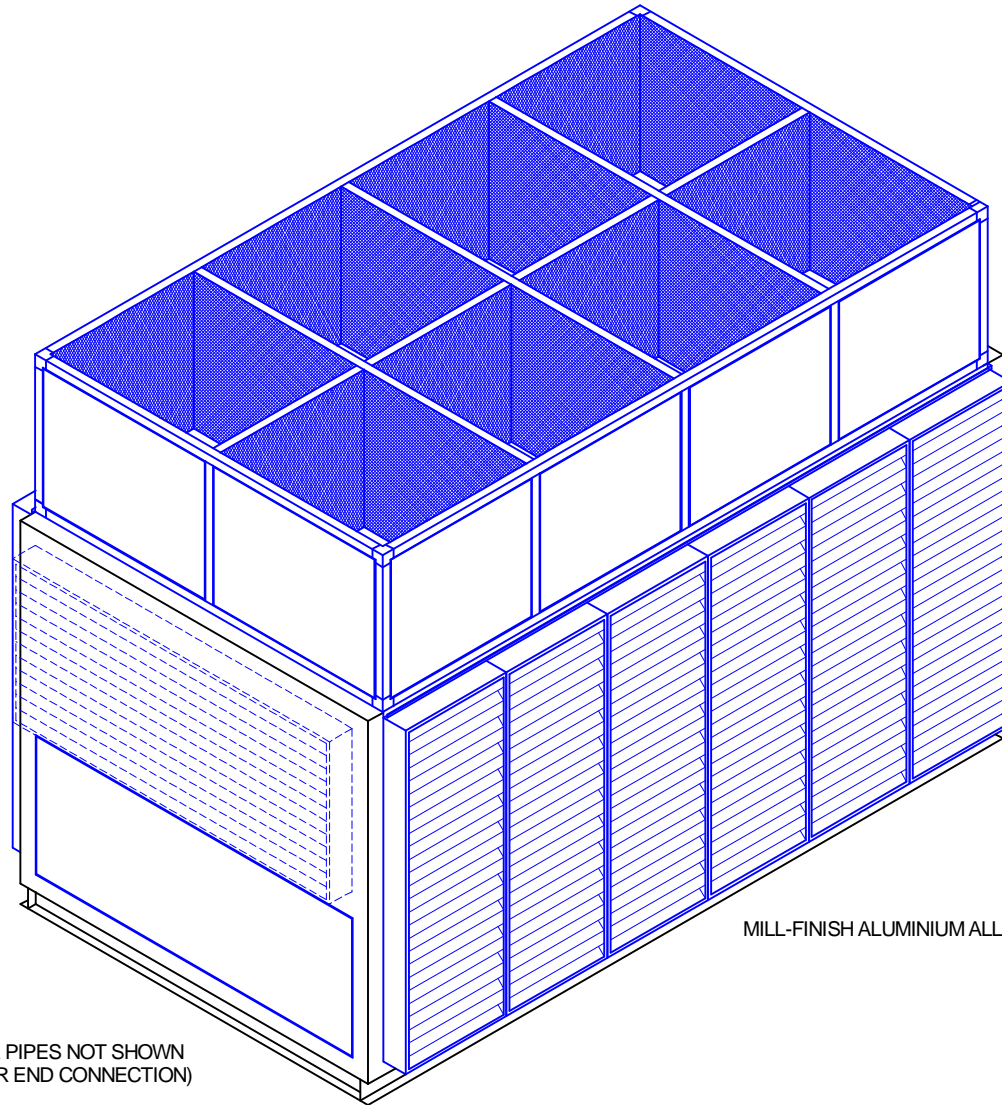
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation: Area Planning Manager – South
Author: Laura Stewart
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan - 620.A001.01
Plan 2 - Site layout Plan - 620.A101_01
Plan 3 - General Plan - 620_A550_03
Plan 4 - General Plan -000001
Plan 5 - General Plan – Heat Pump – A701-01

GENERIC CHILLER PACKAGE TYPE AA203 (LIFT-OFF LOUVRE)

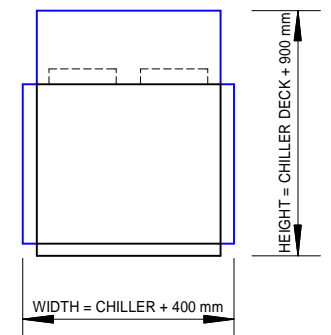
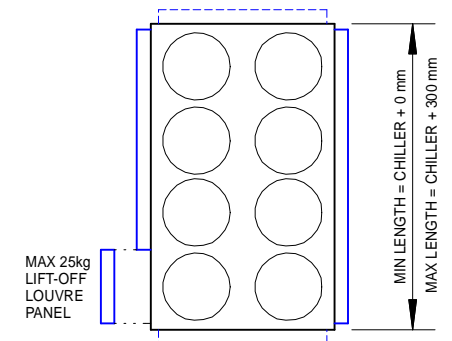


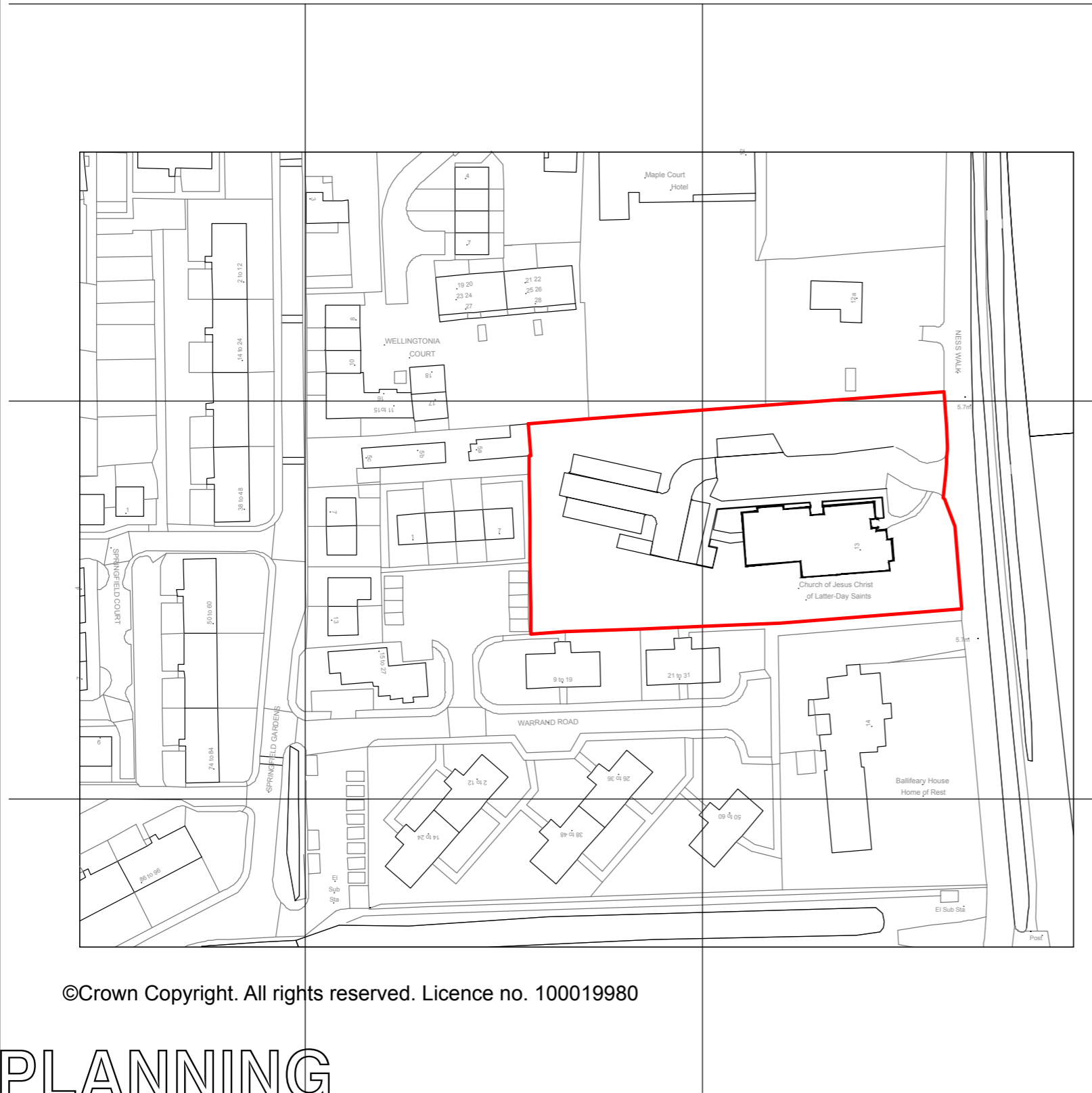
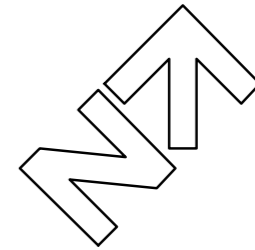
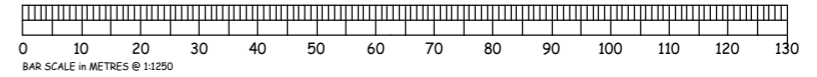
END ACOUSTIC LOUVRE(S)
WHERE FITTED

CHILLED WATER PIPES NOT SHOWN
(CAN BE SIDE OR END CONNECTION)

MILL-FINISH ALUMINIUM ALLOY LOUVRES

INCREASE IN DIMENSIONS
OF BASE CHILLER (NOMINAL)





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DETAILS:

13 Ness Walk
 Inverness
 Inverness-shire
 IV3 5SH

OS Easting: 266339
 OS Northing: 844263

Site Area: 5800m2

PLANNING

Parkside
 Holyhead Road
 Boningale
 Shropshire. WV7 3DA

W: www.s7a.co.uk
 T: 01952 825829

Registered in England and Wales No 7177166



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Title:
LOCATION PLAN

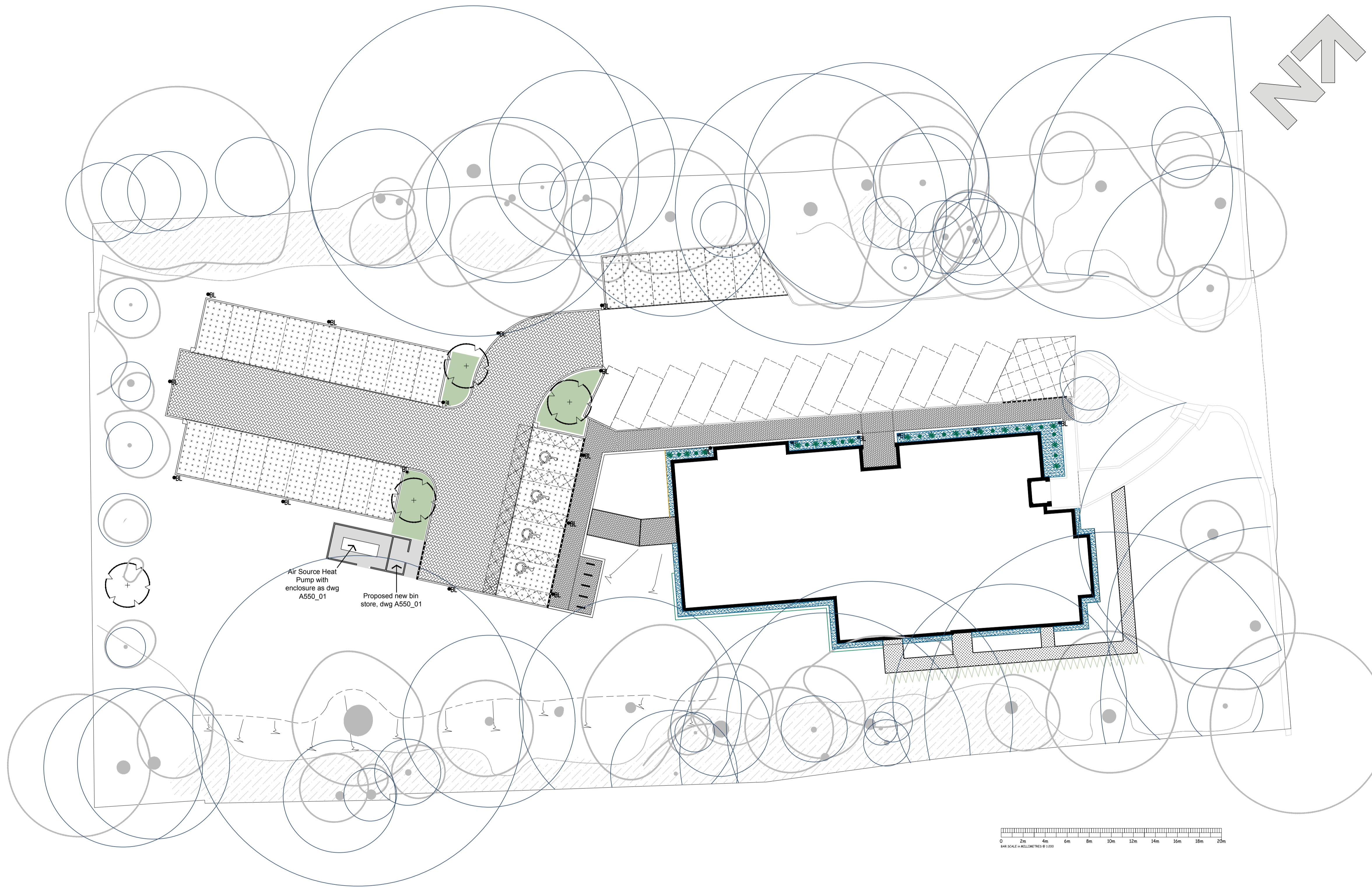
Revision:

Project:
**INVERNESS MH
 AIR SOURCE HEAT PUMP**

13 Ness Walk Inverness - IV3 5SH

Drawing No:
620.A001.01

Rev: -
 Scale: 1:1250 @ A3
 Date: May 2015



PLANNING

Parkside
Holyhead Road
Borringale
Shropshire, WV7 3DA

W: www.s7a.co.uk
T: 01952 825629

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Title:

**SITE LAYOUT
AIR SOURCE HEAT PUMP PROPSALS**

Project:

INVERNESS MH

NESS WALK - INVERNESS

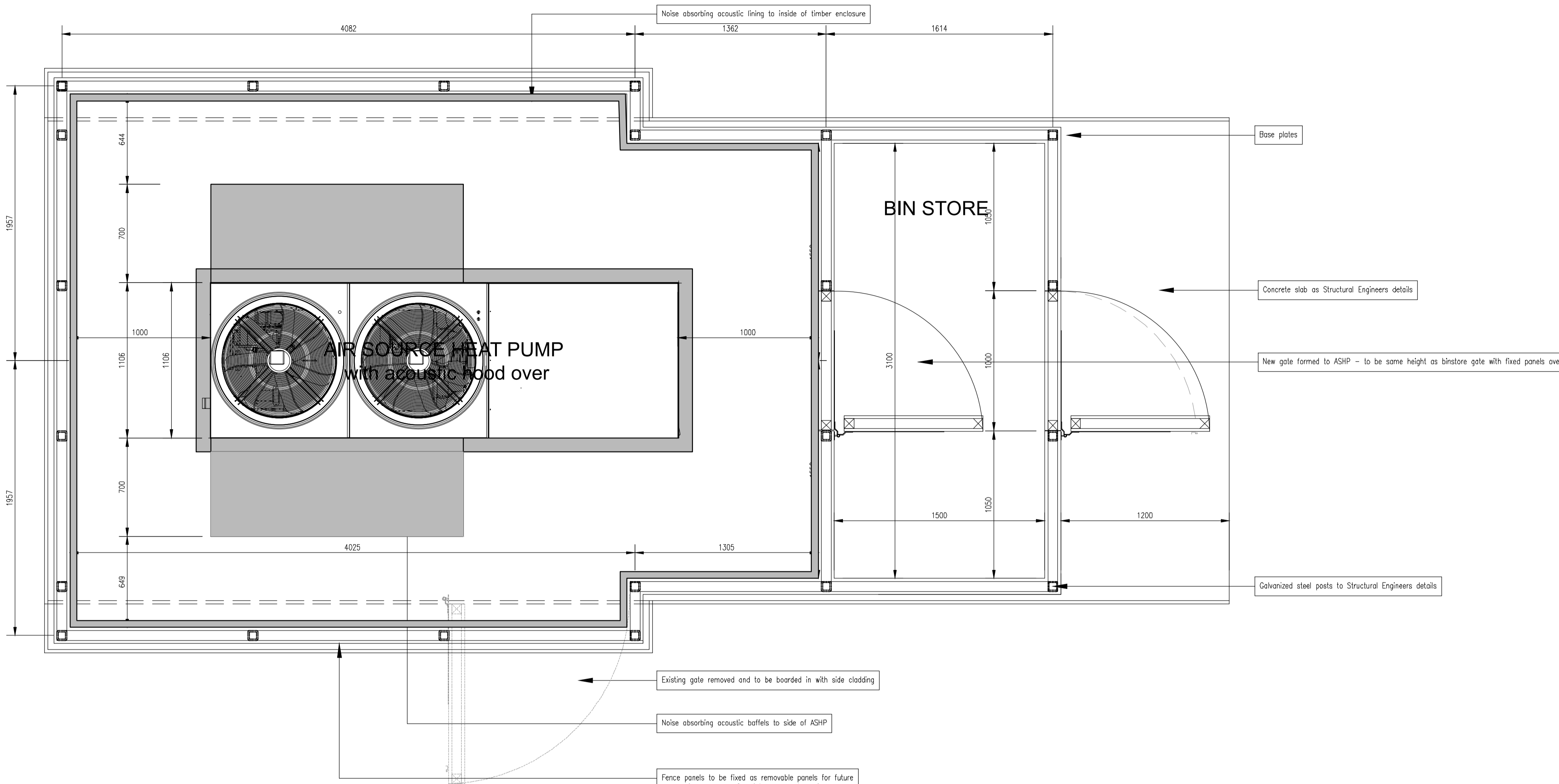
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Rev: -

Scale: 1:200 @ A1

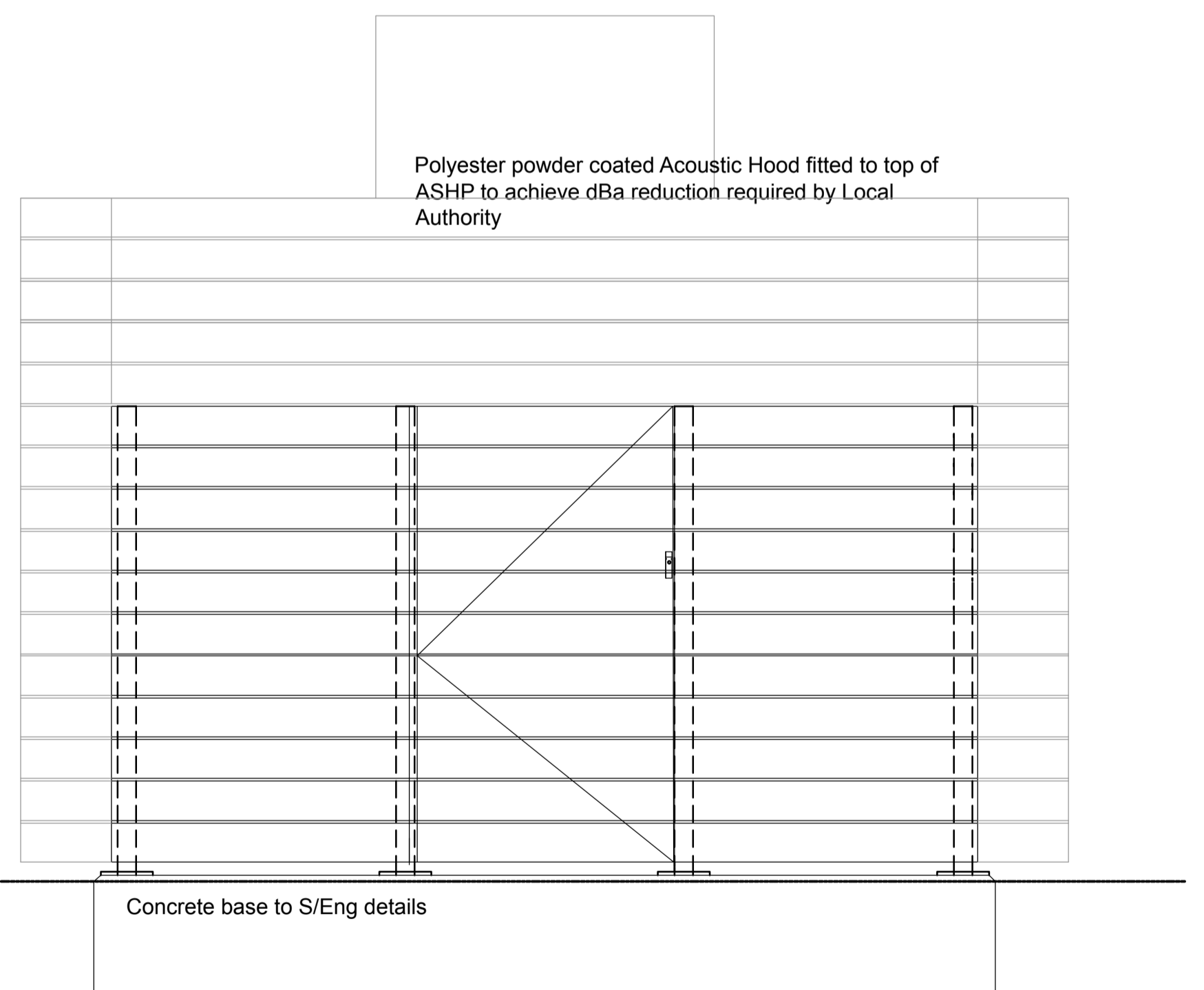
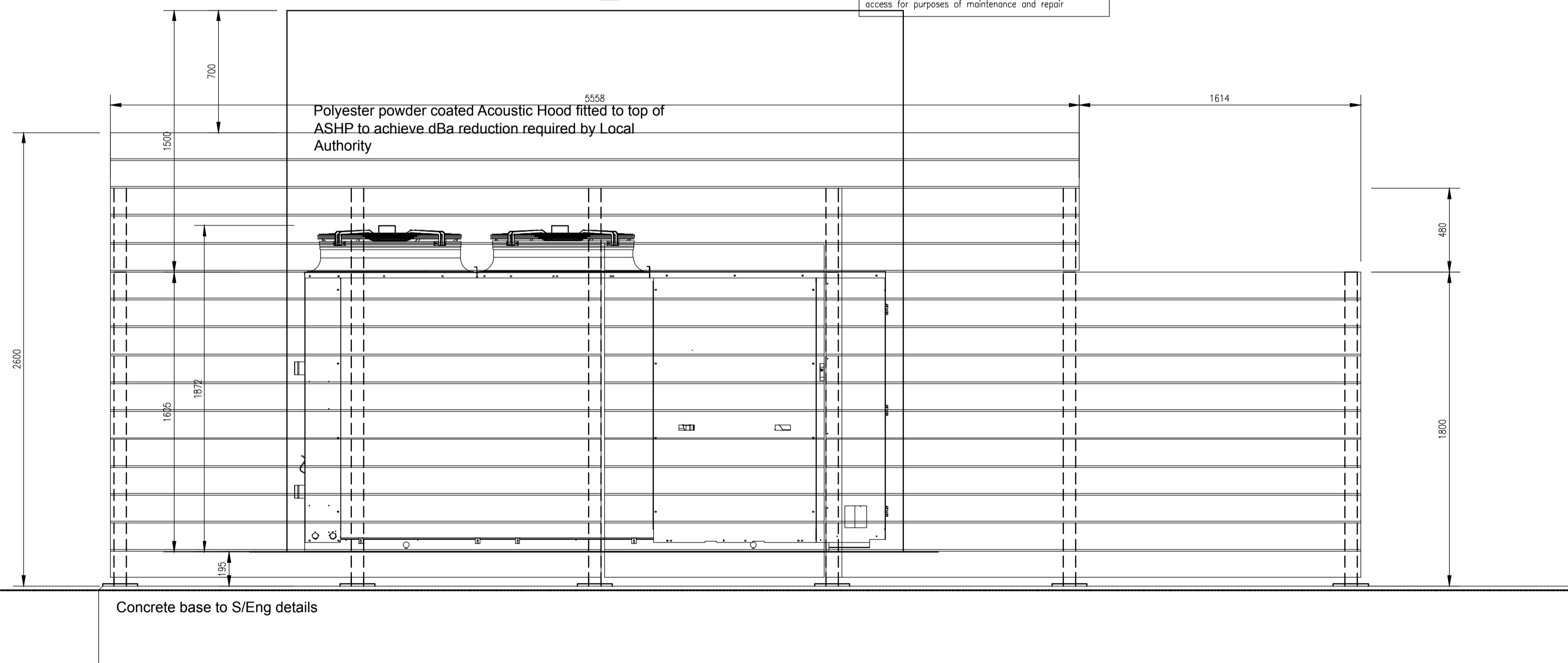
Date: August 2018



MATERIALS
 Enclosure to be double clad internally and externally in horizontal larch cladding to all side with 10mm gaps between panels. Internal and external cladding to staggered by half a board

FINISHES
 Acoustic Hood to be supplied Polyester Powder Coated DARK GREEN

Fencing to be stained DARK GREEN



CONSTRUCTION

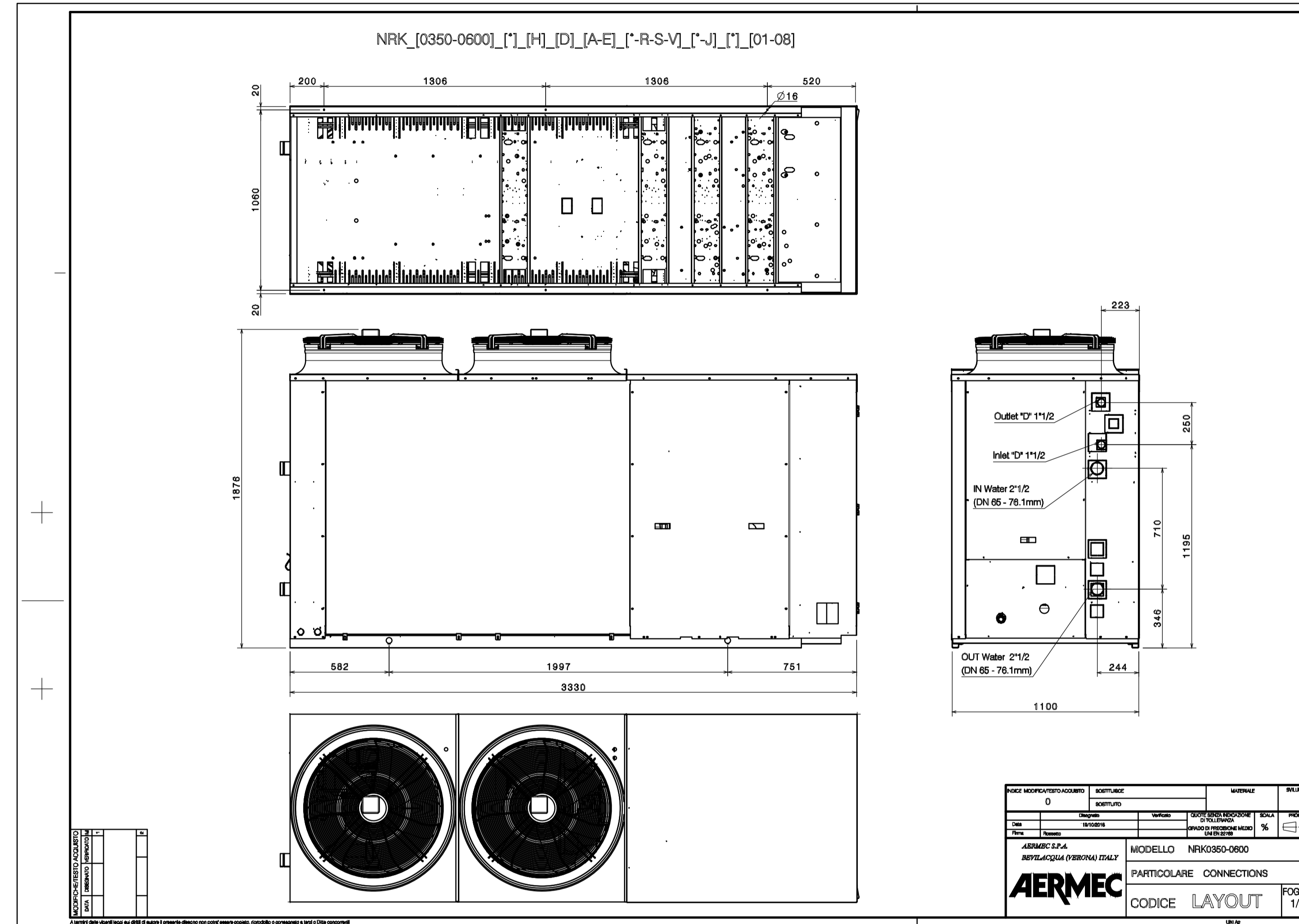
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Title:
PLAN AND ELEVATION OF BIN STORE AND AIR SOURCE HEAT PUMP ENCLOSURE
Increased ASHP and Fence Height

Project:
Inverness Meeting House
 Ness Walk, Inverness, IV3 5SQ.
 Drawing No:
620_A550_03
 Rev:
 Scale: 1:20 @ A1
 Date: March 2019



PLANNING