

Dealt with by: Environmental Health

Our Ref: smd/2021/0440

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Date: 6th December 2021

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

21 The Heathers, School Close, Dilhorne

PROPOSED DEVELOPMENT

Installation of Air Source Heat Pump (ASHP)

Potential Areas Of Environmental Concern.

1. Noise (Comments and advisory)

General Comments.

6th December – From a technical consideration there is no further information provided to address the fact the proposed ASHP is predicted to cause an adverse impact to amenity according to the Micro Certification Scheme (MCS) certificate as submitted by the applicant. Environmental Health can only comment on the predicted impacts from a technical perspective and so our advice can only be as set out previously. The ASHP failed to be allowed under Permitted Development rights because of non-compliance with the MCS Planning Standards and so there is no new information provided which addresses the reason for that refusal.

The existing ASHPs on School Lane were granted planning permission in 2013, there is no record Environmental Health were consulted on this application. The reason for this is a planning matter. These may have pre-dated current MCS and Permitted Development rules.

From a subjective consideration the applicants' neighbour has raised no objection and so if the current neighbours remain and relations between the parties remain as existing then there is likely to be no complaint. But that situation can change where residents move out or a relationship alters. It would be worth mentioning the granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received. This may then compromise the future operation of the ASHP and incur cost to the householder.

The consultation has requested an opinion from Environmental Health, this is what has been provided. The decision to grant or deny planning permission is a decision for the Planning Department. The neighbour appears positive to the development which may counter the MCS certificate result but Environmental Health cannot overrule the technical results as submitted.

11th August -The MCS Cert. predicts a level of 49dBA outside the neighbouring property which is 7 dBA above the prescribed MCS (Permitted Development) level of 42dbA. This is a very high level of noise to impact the outside of a neighbour's property on a regular basis and throughout the night.

Allowing for a maximum 15dB attenuation (noise reduction) for an open window the operational level of the ASHP noise would cause sound levels inside the nearest bedroom of the neighbouring property to be approx. 34 dbA. This is 4 dBA above the prescribed maximum night time bedroom levels of 30dBA as set out in BS8233:2014 Guidance on sound insulation and noise reduction for buildings and World Health Organisation Noise Guideline Values. This level of noise would cause sleep disturbance.

Additionally Dilhorne is a quiet rural village and night time sound levels inside the bedroom would be currently as low as 18-25dbA. This noise would cause a minimum increase of 9 dbA over background levels. This would be a significant change to the pre-existing sound levels inside the bedroom.

Aside from this the amenity for the neighbours in their garden and living rooms would be compromised.

In consideration of the above if permission is granted for this ASHP then complaint would be likely and based on the points above it would be proven. (See advisory)

Recommendation

The Environmental Health Department recommend **refusal** of the application due to a predicted significant adverse impact to the amenity of the adjoining neighbours.

Advisory Note/ Informative:

The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Regards,
Environmental Health