

Proposed Air Source Heat Pumps at Dwellinghouses

KEY INFORMATION

Ward West End

Address

51 Magdalen Yard Road
Dundee
DD1 4LQ

Applicant

F & H Developments
2 Marshall Place
Perth

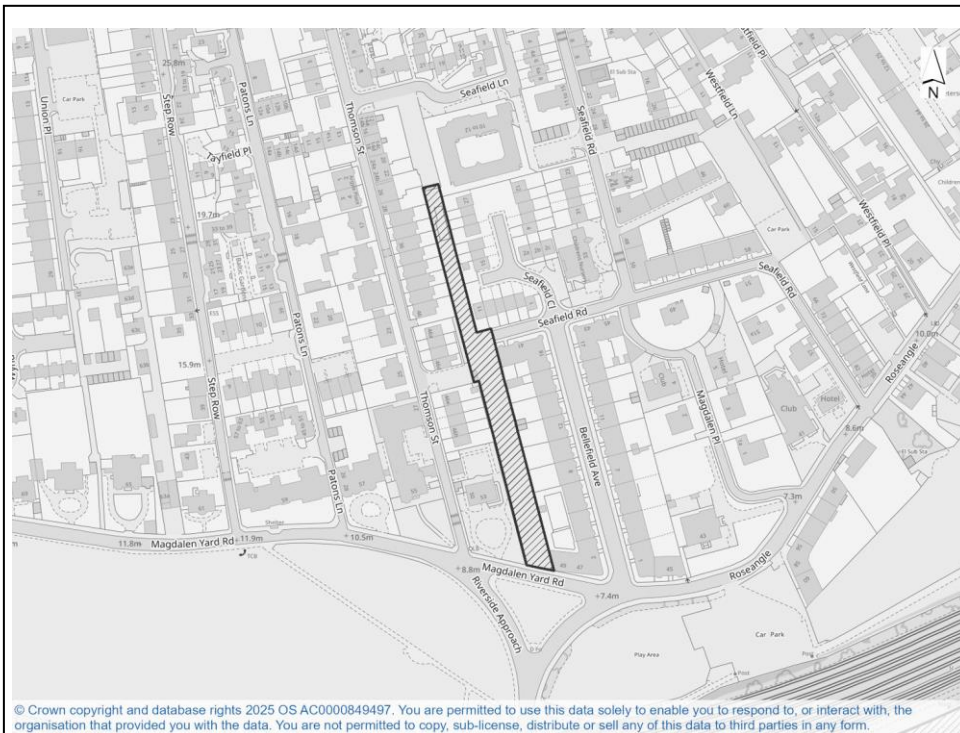
Agent

Denholm Partnership

Validated: 7 May 2024

**Report by Head of
Planning & Economic
Development**

Contact: Craig Swankie



SUMMARY OF REPORT

- This application seeks planning permission for the installation of nine of air source heat pumps. Five of the proposed air source heat pumps would serve detached new build dwelling houses within the north and centre of the site, and four would serve a flatted development within the south of the site.
- The air source heat pumps would serve houses and flats approved under planning permission 19/00297/FULL. The detached dwellings within the site are nearing completion.
- The air source heat pumps are proposed to meet the requirement for a low carbon heating system to be provided at the new build dwellings.
- The statutory neighbour notification process was undertaken. Six objections were received raising concerns the proposed air source heat pumps would be detrimental to residential amenity.
- As this application have received six objections, it is to be determined by the Planning Committee.
- More details can be found at [24/00236/FULL | Installation of air source heat pumps | Land At Former Tay Rope Works Magdalen Yard Road Dundee](#)

RECOMMENDATION

The proposal complies with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the addition of air source heat pumps (ASHP) within a residential development. The residential development, which is currently under construction, comprises five houses and four flats. The application proposes each of the houses and flats are to be served by an ASHP to provide heating.
- 1.2 The residential development was approved under planning permission 19/00297/FULL. The applicant states since the approval of planning permission, there have been changes to emissions standards as required under the Building (Scotland) Regulations 2004. These changes require low carbon heating systems to be provided. To meet the current requirements, the design of the flats and dwelling houses has been modified to include ASHPs.
- 1.3 The applicant proposes to install 8kw ASHPs within garden ground at each of the five detached dwelling house, and four, 4kW ASHPs to the rear of the flats. Each ASHP measures 0.74m high, 0.88m wide and 0.38m in deep, and will be contained within a sound enclosure to reduce noise.



Figure 1 – Proposed Site Plan

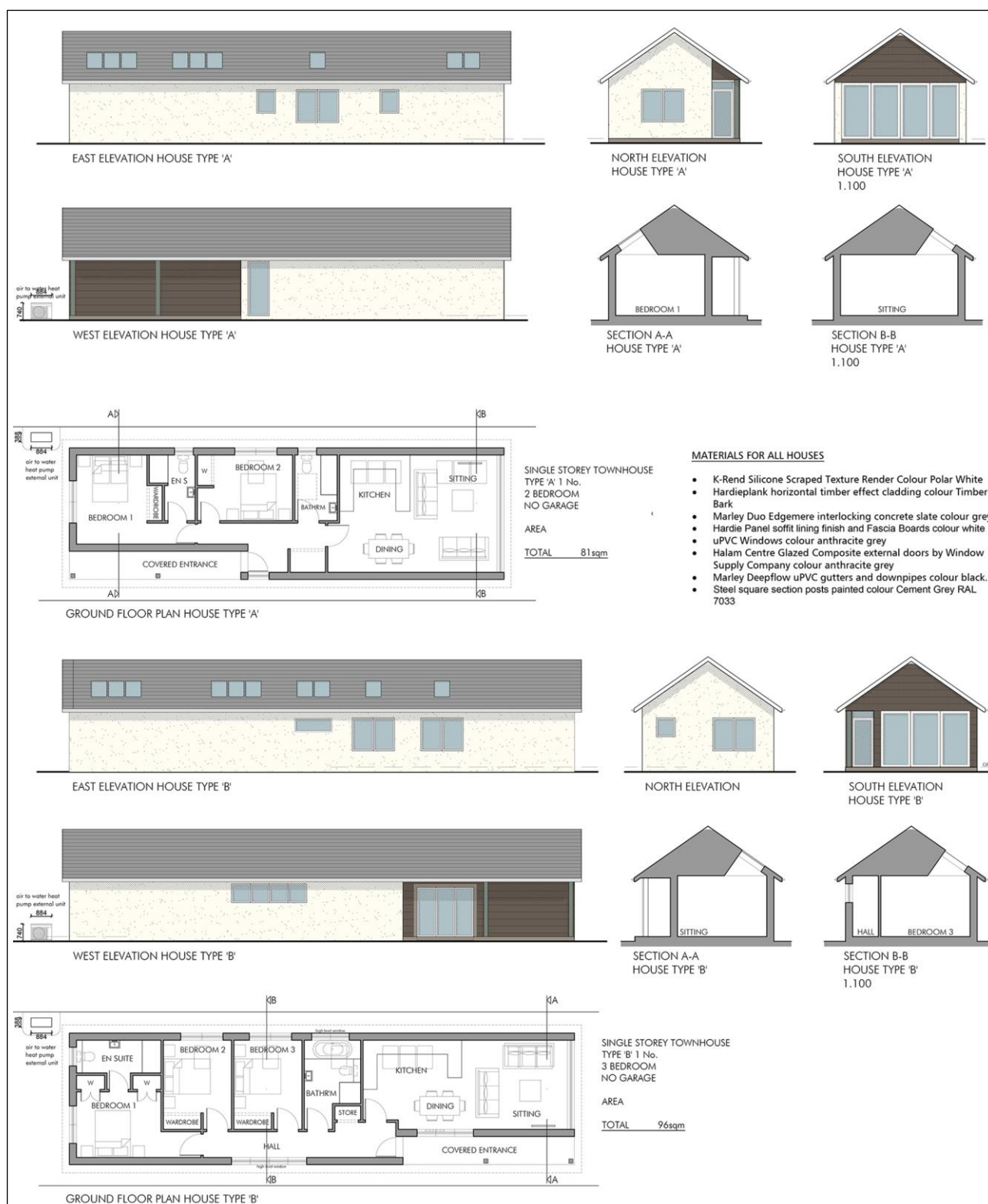


Figure 2 – House Type A and B With Air Source Heat Pumps

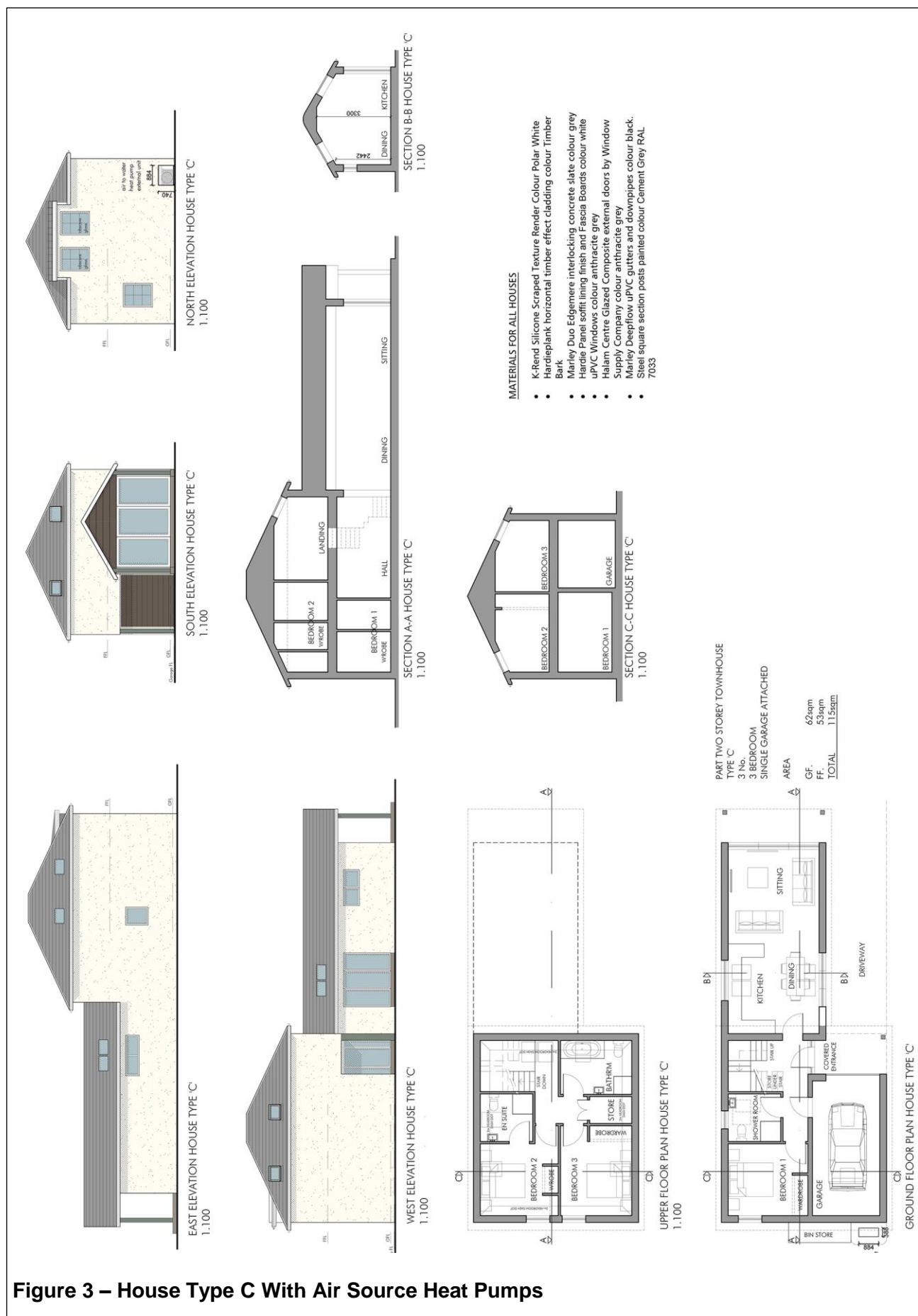


Figure 3 – House Type C With Air Source Heat Pumps

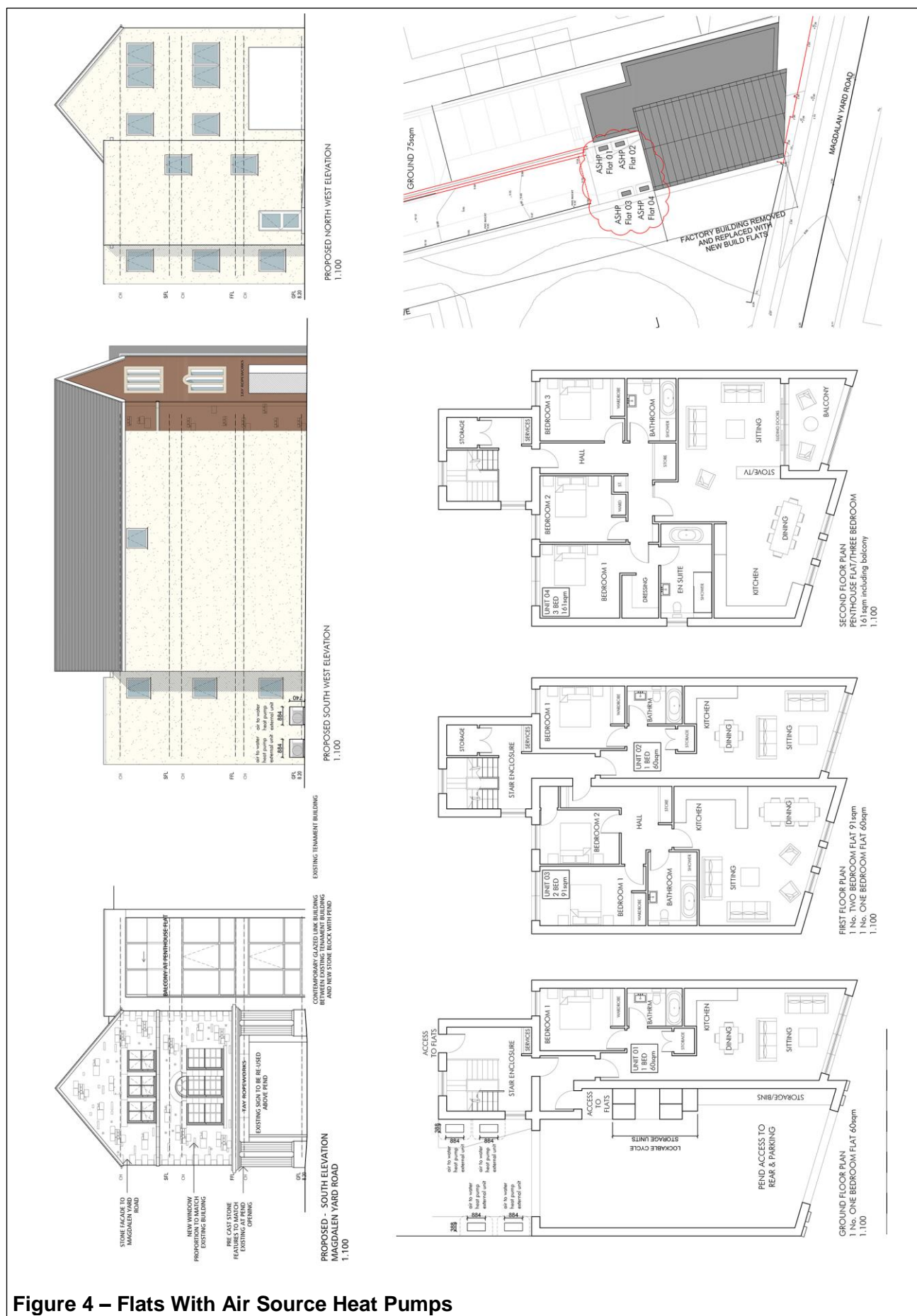


Figure 4 – Flats With Air Source Heat Pumps

2 SITE DESCRIPTION

- 2.1 The site was originally occupied by the Tay Rope Works. It is in the process of being developed, with five houses currently under construction. The site is long and narrow, being predominantly 12 metres wide by 130 metres long within the south and 8 metres wide by 80 metres long in the north. The site slopes down from north to south between the rear gardens of the residential properties which front on to Thomson Street to the west and Bellfield Avenue and Seafeld Close to the east.
- 2.2 The surrounding area is residential in nature, with predominantly traditional dwellings and flats contained within the West End Lanes Conservation Area. There are also modern residential developments including on Seafeld Close and Patons Lane. Magdalen Green is located 50 metres to the south west, and Perth Road is 150 metres to the north.



Figure 5: View of Site From Thomson Street



Figure 6: View of Site From Magdalen Yard Road

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance to this application:

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the climate and nature crisis

Policy 2: Climate mitigation and adaptation

Policy 7: Historic assets and places

Policy 11: Energy

Policy 14: Design, quality and place

Policy 23: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design/Placemaking

Policy 39: Environmental Protection

Policy 51: Dev in Conservation Areas

- 3.2 There following plans, policies and non-statutory statements are considered to be of direct relevance.

Historic Environment Policy for Scotland

Managing Change in the Historic Environment.

4 SITE HISTORY

- 4.1 14/00616/FULL sought to renew an existing planning permission (11/00110/FULL) for the erection of the residential development. 14/00616/FULL was approved subject to a Section 75 Agreement and conditions in March 2015;
- 4.2 14/00617/LBC sought to renew listed building consent 11/00111/LBC for the dismantling and rebuilding of the façade of the former Tay Rope Works. 14/00617/LBC was approved subject to conditions in April 2015;
- 4.3 18/00127/FULL sought to renew 14/00616/FULL for the erection of 5 houses and 2 flats. Planning committee resolved to approve 18/00127/FULL subject to a Section 75 Agreement and conditions in May 2018;
- 4.4 18/00146/LBC sought to renew listed building consent 14/00617/LBC for the dismantling and rebuilding of the facade to be incorporated into the new development proposed under 18/00127/FULL. 18/00146/LBC was approved subject to conditions in May 2018;
- 4.5 18/00353/FULL sought planning permission for 5 houses and 4 flats. The application was refused in November 2018.
- 4.6 18/00372/LBC sought consent for the demolition of the Tay Rope Works façade. The application was refused in November 2018;
- 4.7 19/00297/FULL for the erection of five houses and four flats was approved in August 2019.
- 4.8 19/00299/LBC for Listed Building Consent to demolish the Tay Rope Works façade was refused at planning committee in August 2019. The applicant requested an appeal of this decision which was upheld by DPEA and listed building consent was granted in December 2019.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken.
- 5.2 Six letters of objection were received, raising the following concern:
- noise from the proposed heat pumps will have a detrimental impact on the amenity of residents within the surrounding area throughout the day, impacting on matters including working from home, enjoyment of garden ground and sleeping.
- 5.3 The matters raised in representations are considered within the main body of this report.

6 CONSULTATIONS

- 6.1 No consultee comments were received.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the National Planning Framework 4 relevant to the determination of this application are specified in the Policy Background section above.

Design and Visual Impact

- 7.2 **NPF4 NPF Policy 14a and 14b: Design, Quality and Place** - states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- 7.3 **LDP Policy 1: High Quality Design and Placemaking** - states that all development proposals should follow a design-led approach to sustainable, high quality placemaking. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development.
- 7.4 The proposed air source pumps would be located within the garden ground of each detached dwelling, located towards an external wall of each property. The heat pumps and associated sound covers are of a size and form which can be accommodated within garden ground without impact on the character or appearance of the houses. Similarly, the air source heat pumps serving the proposed flatted development would be located to the rear of the building, restricting views of the heat pumps from surrounding public roads including Magdalen Yard Road. Due to the position of the proposed air source heat pumps there would be no significant impact on views of the development from public areas.

7.5 Overall, it is considered that the proposed works would have a neutral visual impact on the street scene overall.

7.6 **The proposal is in compliance with NPF Policy 14 and LDP Policy 1.**

Residential Amenity

7.7 **NPF Policy 23e: Health and Safety** - requires development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. **LDP Policy 39: Environmental Protection** - states that all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

7.8 As a total of nine air source heat pumps are proposed, there is potential for the combined noise of the heat pumps to impact on the amenity of the proposed development and neighbours surrounding the site. A Noise Impact Assessment (NIA) has been submitted in order to understand and confirm the potential noise impacts from the air source heat pumps.

7.9 The Noise Impact Assessment concludes that the noise generated by the air source heat pumps, which are to be equipped with sound enclosures, will be lower than the ambient background noise measured at the new build houses and the flatted dwellings. The assessment also considers the impact of the proposed heat pumps on noise at the nearest existing residential houses, and demonstrates the required NR35 noise level criteria would be achieved. The NIA therefore demonstrates that when operational, noise from the air source heat pumps would achieve target noise criteria and would not cause any significant noise disturbance.

7.10 A condition is recommended that restricts the total noise to a maximum of NR 35 when measured 1 metre externally from the facade of adjacent residential accommodation. A further condition is recommended to ensure that sound enclosures are installed at each air source heat pump in accordance with the NIA and supporting statement to ensure that the required noise level can be achieved. Subject to the recommended conditions, there would be no unacceptable impact on residential amenity to the neighbouring properties.

7.11 **The proposal complies with NPF4 Policy 23 and LDP Policy 39, subject to conditions.**

Climate Change

7.12 **NPF 4 Policy 1: Tackling the climate and nature crises** - requires significant weight to be given to the global climate and nature crises when considering all development proposals. **NPF4 Policy 2c: Climate mitigation and adaptation** - sets out that development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

7.13 The proposal relates to the installation of an ASHPs within a new build residential development, reducing greenhouse gas emissions from the site compared to alternative heating methods.

7.14 **The proposal therefore complies with Policies 1 and 2c of the NPF4.**

- 7.15 **NPF4 Policy 11a: Energy** - states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
- i wind farms including repowering, extending, expanding and extending the life of existing wind farms;
 - ii enabling works, such as grid transmission and distribution infrastructure;
 - iii energy storage, such as battery storage and pumped storage hydro;
 - iv small scale renewable energy generation technology;
 - v solar arrays; and
 - vi proposals associated with negative emissions technologies and carbon capture; and vii. proposals including co-location of these technologies.
- 7.16 The proposal relates to the installation of ASHPs within a new build residential development, in accordance with point iv.
- 7.17 **As such, the proposal complies with Policy 11a of the NPF4.**

Historic Environment

- 7.18 **NPF Policy 7d: Historic assets and places** – states development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i architectural and historic character of the area;
 - ii existing density, built form and layout; and
 - iii context and siting, quality of design and suitable materials.
- 7.19 **LDP Policy 51: Development in Conservation Areas** - states that within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the conservation area.
- 7.20 The proposal is for the addition of air source heat pumps within the curtilage of buildings which form part of a new build housing development. The air source heat pumps would be located within garden ground of each house, and to the rear of a flatted development. The air source heat pumps and associated acoustic enclosures at each house would be partially screened by existing boundary treatments restricting views of the heat pumps from the surrounding area. The heat pumps which are to serve the flatted block would be located to the rear of the building, restricting views from Magdalen Yard Road. Due to the size and position of the air source heat pumps, they would be a minor addition to the wider new build residential development and would have no significant impact on the character, density, layout or quality of design of the residential development or West End Lanes Conservation Area.
- 7.21 **The proposal meets the requirements of NPF4 Policy 7d and LDP Policy 51.**
- 7.22 **It is concluded that the proposal is in accordance with the Development Plan.**

Historic Environment Policy for Scotland

- 7.23 The Historic Environment Policy for Scotland sets out principles and policies for the recognition, care and sustainable management of the historic environment. It seeks to influence decision making that will be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes to society and the environment, and to achieve the best possible outcome for the historic environment, maximising its benefits.
- 7.24 Managing Change in the Historic Environment - Micro Renewables advises that heat pump systems require careful design to minimise impacts to the historic environment. Pipework and pump equipment (often in one or two units, some indoors, some outdoors) need to be carefully located to avoid both physical and visual impacts.
- 7.25 In this instance the air source heat pumps are located with garden ground of new build houses and to the rear of a flatted development. The heat pumps would not be clearly visible from any public elevation. Any works to connect the pumps to the heating system within the new build dwellings would have no impact on any historic buildings or the character of the site.
- 7.26 As such the proposals would have no detrimental impact on the Conservation Area in line with the policies of the Historic Environment Policy for Scotland in addition to Managing Change in the Historic Environment.

MATERIAL CONSIDERATIONS

- 7.27 The material considerations to be taken into account are as follows:

A – LETTERS OF REPRESENTATION

- 7.28 Six letters of objection were received raising the following valid material grounds:
- 7.29 Objection - Noise from the proposed heat pumps will have a detrimental impact on the amenity of residents within the surrounding area throughout the day, impacting on matters including working from home, enjoyment of garden ground and sleeping.
- 7.30 Response – A noise impact assessment (NIA) has been submitted with the application. The NIA considers noise from the air source heat pumps and the impact on residential amenity. The NIA demonstrates the air source heat pumps can achieve target noise levels with acoustic enclosures. Through meeting target noise levels, noise from the heat pumps would not be significant, and would have no detrimental impact on residential amenity. Planning conditions can be attached to any planning permission requiring acoustic enclosures be installed as the submitted proposals, and to restrict noise levels.
- 7.31 The letters of objection also raised concerns with elements of the previously approved residential development including alterations to site boundary treatments. These are not matters which can be considered under the present application which is for air source heat pumps only.
- 7.32 **It is concluded that there are no material considerations which would justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** – the development hereby permitted shall be commenced within three years from the date of this permission.

Reason – to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
 - 2 **Condition** – prior to first use the air source heat pumps shall be installed as specified and fitted with the specified sound cover as outlined in Document 06 - Supporting Statement dated 3 April 2024. The sound covers shall be retained in perpetuity.

Reason – in the interest of protecting residential amenity.
 - 3 **Condition** – the total noise from all mechanical and electrical plant/services shall, at all times, not exceed a noise rating level of 35 (NR 35) as measured 1 metre external to the facade of adjacent existing residential accommodation and the adjacent residential accommodation within this development.

Reason – in the interest of protecting residential amenity.