

Delegated Decision Report

Application No:	25/0243	Statutory Period Expires:	28th May 2025
------------------------	----------------	----------------------------------	----------------------

Site:	33 Alanbrooke Avenue Newport NP20 6QJ		
Proposal:	INSTALLATION OF AN AIR SOURCE HEAT PUMP TO THE REAR OF THE PROPERTY		
Applicant:	T Perry		
Type:	Full	Ward:	Malpas
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 33 Alanbrooke Avenue is a 2no storey, semi-detached property situated in the Malpas ward.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to install the heat pump to the rear of the property, in the back garden. It will measure 1.2m in width and 1m in depth. It is to be located within 2.6m from the nearest boundary. It will be located underneath and existing rear facing window and set off the back wall of the property. As it is located within 3 metres of the boundary of the property, the installation is not Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended), hence why planning permission has been sought from the authority.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- GP2 (General Amenity_
- GP6 (Quality of Design)
- GP7 (Environmental Protection)

5.4 SUPPLEMENTARY PLANNING GUIDANCE
NONE.

6. CONSULTATION RESPONSES

6.1 Environmental Health Officer: No objection subject to conditions.

6.2 Senior Scientific Officer: No response received.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 03.04.2025, Site Notice was put up on 11.04.2025

7.1 NEIGHBOURS: 5no neighbours, sharing a common boundary and opposite, were consulted and 1no response was received.

Neighbour comments included:

- Noise disturbance to sleep

8. ASSESSMENT

8.1 Air source heat pumps (ASHPs) must be sited to have minimal effect on the external appearance of the property and wider amenity of the area. The ASHP is to be sited along the rear elevation which is a less prominent elevation that is not visible from the public realm which is an appropriate siting for the proposal. As such, it is considered that there would not be an adverse visual impact that causes detriment to the visual amenity of the neighbouring occupier nor detracts from the character of the area. Therefore, the proposal accords with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

8.2 As the ASHP is located 2.6m away from a neighbouring habitable room, noise impact has been considered as part of this application and as such the Environmental Health officer was consulted. The Environmental Health Officer offers no objection but various conditions are recommended that relate to future maintenance of the plant, specific details of the base upon which it is sited and specific details of an acoustic fence. These matters are for the operator and responsible homeowner to manage and ongoing maintenance of the pump is not suitably controlled via planning condition. The noise report does not require a fence or any specific features to mitigate noise. These conditions are not included as would impose unnecessary or unreasonable requirements and are not compliant with legal tests for planning conditions. The concerns of the neighbour are noted but owner occupier would be most affected by a noisy pump by reason of its location which is sensitively sited well off any intervening boundary with another domestic garden. The supporting noise information is satisfactory and no objection is raised by the environmental health officer so there is no reason to consider any demonstrable impact upon amenity insofar as noise is concerned.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;

- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. **CONCLUSION**

10.1 The ASHP is suitably sited and would not have an adverse visual impact or impact on the amenity of the neighbouring occupier.

11. **DECISION**

GRANTED WITH CONDITIONS

01 PLANS CONDITION

The development shall be implemented in accordance with the following plans and documents:

- Site Plan received 27/03/2025
- Block Plan received 27/03/2025
- MCS Noise Calculator (V3) – MCS020

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Location Plan received 03/04/2025

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4 and GP6 were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.