

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Install air source heat pump to east elevation.

LOCATION: Petit Maison, Rue De La Bonne Fleur, Le Vauquiedor, St. Andrew.

APPLICANT: Mr & Mrs Seabrook

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 18/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates drawing no: 03.101B & 03.102A, Hitachi Yutaki-M RASM 3-6(V)NE details and AFM Acoustic report number 312.

Application Ref: FULL/2021/1666

Property Ref: K00422A001

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development

(Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones.

Reason - The equipment is close to residential property and a limit on the noise generated by the air source heat pump is needed to prevent a nuisance or annoyance to nearby residents.

5.The hours of operation of the air source heat pump hereby approved shall be limited to between 09:00 hours and 17:00 hours.

Reason - The air source heat pump will be situated close to residential properties and a limit on its use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 17/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the

development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning

Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/1666
Property Ref: K00422A001
Valid date: 13/08/2021
Location: Petit Maison Rue De La Bonne Fleur Le Vauquiedor St.
Andrew Guernsey GY6 8TS
Proposal: Install air source heat pump to east elevation.

Applicant: Mr & Mrs Seabrook

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre

from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones.

Reason - The equipment is close to residential property and a limit on the noise generated by the air source heat pump is needed to prevent a nuisance or annoyance to nearby residents.

5. The hours of operation of the air source heat pump hereby approved shall be limited to between 09:00 hours and 17:00 hours.

Reason - The air source heat pump will be situated close to residential properties and a limit on its use is needed to prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Brief Description:

Petit Maison is a detached dwelling under construction. The east site boundary is marked by a timber fence with steep bank down to road level. The road provides further separation between the application site and adjoining properties to the east and north.

The application as originally submitted related to the installation of an air source heat pump to the north of the dwelling, Petit Maison. Following the deferral of the application however, the scheme was revised and the air source heat pump relocated to the east elevation.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2020/1517 - Demolish existing and erect new dwelling, erect detached car port/store and create new vehicular access – granted

FULL/2021/0014 - Variations to plans previously approved to demolish existing and erect new dwelling, erect detached car port/store and create new vehicular access - Alter car port, erect lean-to glasshouse to south gable of car port and reposition vehicle access - granted

Existing Use(s):

01 Dwelling houses

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable development
GP13: Householder development

Consultation:

Office of Environmental Health and Pollution Regulation – commented on the application as originally submitted setting out that there is insufficient information to fully assess the proposals. OEHPR express concerns about the proximity of residential properties and the proposal for the use of an air source heat pump. The proposed pump operates at a sound power level of 65 dB with the façade of the nearest property being located approximately 13m from the air source heat pump. The prediction calculation undertaken demonstrates that the air source heat pump will operate at 35 dB at the façade of the nearest property. This level is likely to be higher than the background noise level in the area. Additional information was therefore requested with a recommendation to employ an acoustic consultant.

Following receipt of additional information OEHPR commented further setting out that some concerns still exist but they are likely to be alleviated by conditions. A number of matters are also raised in relation to the acoustic report:

- The measurements were undertaken on a Friday and consideration should be given to Sunday operation as traffic flows will be reduced and impact on background noise levels. As the predicted noise level is well below the background this is unlikely to be an issue in this case.
- The report makes reference to following BS4142:2014 but does not give justification for deviation from BS4142 measurement durations and during daytime hours, 1 hour measurements should be undertaken.

Conclusion/Brief comment:

The location of the air source heat pump adjacent to the east elevation of the building, set away from the site boundary will ensure that it does not result in harm to the character and appearance of the locality.

The site is located in a residential clos therefore there is the potential for such equipment to result in noise nuisance to surrounding residential occupiers. The equipment has however, been positioned away from neighbouring properties (almost equidistance from the north and south site boundaries) to limit the potential for nuisance to occur. Furthermore, subject to conditions OEHPR have raised no objections to the revised siting of the equipment. The installation of the air source heat pump in its revised location and subject to appropriate conditions will not result in unacceptable harm to the amenities of any surrounding residential neighbours in accordance with Policies GP8, GP9 and GP13 of the Island Development Plan.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

The application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions



Date: 17 November 2021

