

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: Remove hedge (retrospective) and erect fence to east boundary and install air source heat pump and air conditioning unit to south (rear) elevation.

LOCATION: Rockmount, Forest Road, St. Martin.

APPLICANT: Ms P Burtenshaw

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: 05/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan, images of Vertical Tongue & Groove Effect Panels, kick plate & post, AFM Acoustic Report no. 320,

Application Ref: FULL/2021/1902

Property Ref: J001410000

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.The hours of operation of the air source heat pump shall be limited to between 08:00 and 18:00 hours.

Reason - The equipment is to be situated close to neighbouring residential properties and a limit on the hours of use is needed to prevent a nuisance or annoyance to nearby residents.

5.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. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - In order to minimise the impact of the equipment on the amenities enjoyed by the occupiers of adjoining residential properties.

Expiry Date: This permission will cease to have effect on 04/01/2025 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/2021/1902
Property Ref: J001410000
Valid date: 17/09/2021
Location: Rockmount Forest Road St. Martin Guernsey GY4 6UG
Proposal: Remove hedge (retrospective) and erect fence to east boundary and install air source heat pump and air conditioning unit to south (rear) elevation.

Applicant: Ms P Burtenshaw

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. The hours of operation of the air source heat pump shall be limited to between 08:00 and 18:00 hours.

Reason - The equipment is to be situated close to neighbouring residential properties and a limit on the hours of use is needed to prevent a nuisance or annoyance to nearby residents.

5. 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. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - In order to minimise the impact of the equipment on the amenities enjoyed by the occupiers of adjoining residential properties.

OFFICER'S REPORT

Brief Description of the site:

Rockmount is a detached dwelling situated to the south of Forest Road.

The application relates to the removal of a hedge along the east boundary and because the hedge has been removed this aspect of the development is retrospective. The hedge is to be replaced with a tongue and groove fence with kick boards. Following the deferral of the application an Acoustic Report was provided in relation to the air source heat pump along with revised plans showing the relocation of the equipment to the rear of the property. An air conditioning unit and air source heat pump are proposed to the rear/south of the property. The applicant has indicated that a planning condition limiting the time for using the air source heat pump would be acceptable.

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

Relevant History:

Pre-application advice was sought in this case regarding the removal of a hedge.

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Consultation:

Office of Environmental Health and Pollution Regulation – commented on the application as originally submitted and expressed concerns about the proximity of residential properties to the proposed air handling units. The submission does not include the sound power/sound pressure level for each unit and there is no data relating to any acoustic properties of any proposed attenuation enclosure/measures. Additional information is requested to enable a more full assessment to be carried out.

Following the receipt of further information and revised plans OEHPR indicated that the noise generated by the proposed equipment could be managed by planning conditions.

La Societe Guerneslaise – highlight that all types of hedges support nesting birds and other wildlife and recommend that an informative note is placed on any decision relating to the timing of the removal of the hedge to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance, 2012.

Conclusion/Brief comment:

The existing hedge was shown to be in a poor condition and its removal is accepted. Although La Societe Guerneslaise has recommended that an informative be included on any permission regarding removing the hedge at an appropriate time, given that the hedge has already been removed (and permission is sought in retrospect for this element) such an informative would be unnecessary.

The siting of the proposed air conditioning unit, air source heat pump and timber fence are such that they will not be highly publicly visible from outside the site and will not result in harm to the character and appearance of the locality.

The revised siting of the equipment would be further from the site boundaries with the adjoining residential properties. Although some concerns remain regarding the potential for noise nuisance from the air source heat pump this can be managed by planning conditions relating to the hours of operation and noise generation. Subject to these conditions the development for an air source heat pump and air conditioning unit will not result in unacceptable harm to the amenities of the occupiers of surrounding dwellings.

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.

In view of the above, it is recommended that planning permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 24 December 2021

