

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: Installation of 2 x air source heat pumps within units C2 & C3.

LOCATION: La Vigne, Guelles Road, St. Peter Port.

APPLICANT: Infinity Construction Ltd

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: 29/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects - 1120-site-1034

Application Ref: FULL/2022/1064

Property Ref: A10263A002+A10263A003

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

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 28/09/2025 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/2022/1064
Property Ref: A10263A002+A10263A003
Valid date: 06/05/2022
Location: La Vigne Guelles Road St. Peter Port Guernsey GY1 2DP
Proposal: Installation of 2 x air source heat pumps within units C2 & C3.

Applicant: Infinity Construction Ltd

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.

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

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Brief Description of the site:

The site known as 'Le Vigne' is located to the west of Guelles Road and is a new development of 8 flats and 5 dwellings. Units C2 & C3 are large detached dwellings which are directly west of the ribbon development along Guelles Road. There are other larger detached neighbours to the north and south, with two more new dwellings to the west. The properties are located within the St Peter Port Main Centre Outer Area and Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP4 – Conservation Areas
GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development

Consultations:

The Office of Environmental Health and Pollution Regulation.

4th July 2022

'Having regards to the information provided, the current proposal for unit C2 is not suitable and I have concerns relating to the close proximity of existing residential properties and the use of an air source heat pump in the proposed location.

Using the details provided for the proposed 'Norsup Silent Pro 17' pump, I have carried out a distance calculation to the nearest existing noise sensitive premises for both the proposed C2 & C3 pump locations. I have concerns about relating to the proposal for the pump in unit C2 as I have calculated this to be 38dB. This is likely to be in excess of the existing background noise level in the area and I therefore confirm that there is insufficient information for me to be able to comment on this application fully.

It should be noted that the calculation carried out took into account the nearest existing property, however, we would expect the rating level of the units to operate at 5dB below the LA90 background level 1m from the façade of the proposed neighbouring property.

At a minimum the department requires the following information:

- Manufacturer's specification of the proposed unit (if changing from the one proposed)*
- Distance to the closest noise sensitive property (this includes domestic gardens)*
- Evidence that the noise level the proposed pump would operate at would be at least 5dB(A) below the lowest background noise level at any time (this is generally at night)*
- Details of any proposed attenuation measures to reduce the level of the air source heat pump.'*

26th September 2022

'I have reviewed Acoustic report number 361 dated 15th September 2022, completed by Amalgamated Facilities Management, regarding the proposed plans for the installation of an air source heat pump at unit C2 of the above site, which was received by this office on 21st September 2022.

I note that the Summary of the report concludes that 'if the proposed heat pump is installed in the position shown on DLM Architects drawing no. '11120-Site-1034 Revision A', no extra sound attenuation measures will be required, as the noise it generates at the nearest noise sensitive receptor will be 5 dB below the existing L_{A90} background sound level.' To protect residential amenity, I would therefore recommend that a condition is attached to any granted consent stating:

- *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 L_{A90} 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.*

I note that the report conclusion is based on the Rating level being calculated from 1-metre from the façade of the nearest noise sensitive receptor, as per BS 4142:2014 guidance. However, I would advise the applicant that noise nuisance can affect someone in the total home environment, including their garden. Therefore, if complaints are received about noise from the air source heat pump affecting residents in their garden, these can be investigated and assessed for statutory nuisance.

I further note mention in the report of a garden room which may be constructed which could increase sound reflections from the air source heat pump towards the nearest noise sensitive receptor. The OEHPR would be grateful if we were consulted on any future planning application for the construction of a garden room.'

Conclusion/Brief comment:

This application is to install an air source heat pump to the two properties C2 & C3 of La Vigne development. C2's pump will be located in the northeast of the site behind a pre-fab garden room and C3's pump will be located close to the south boundary behind the detached garage.

Initially, no acoustic report was submitted, which caused concerns with Environmental Health, the application was deferred to allow the applicant to submit a full acoustic report. It has since been demonstrated that the noise levels ought to be within acceptable noise parameters.

To ensure the acceptable noise levels are maintained a condition will be added to the decision as stated above.

The pumps are part of a new development, they are small and will be tucked away, meaning that it is unlikely they will impact on the special quality of the surrounding conservation area, nor should they affect neighbour amenity.

Policy GP9 Sustainable Development, seeks to ensure all new development takes into account the use of energy and resources and any adverse impacts on the environment. There has been sufficient information provided with the application to comply with the requirements of this policy.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 26/09/2022