

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: Erect outbuilding with covered outdoor kitchen and erect shed and external steps and walls.

LOCATION: Amherst Place, Amherst Road, St. Peter Port.

APPLICANT: Mr Cloete & Miss Alexander

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: 14/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2076 PH02.01H, PH02.02D, Brochure 4406420 & Rait 44 Details

Application Ref: FULL/2022/1601

Property Ref: A102560000

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.

Expiry Date: This permission will cease to have effect on 13/10/2025 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/2022/1601
Property Ref: A102560000
Valid date: 31/08/2022
Location: Amherst Place Amherst Road St. Peter Port Guernsey GY1 2DW
Proposal: Erect outbuilding with covered outdoor kitchen and erect shed and external steps and walls.

Applicant: Mr Cloete & Miss Alexander

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.

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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.

OFFICER'S REPORT

Site Description:

The application site comprises a detached dwelling located to the west of Amherst. The property is located in a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/1935	Install air source heat pumps with acoustic enclosure to south elevation of dwelling and to north of pool area.	Pending
FULL/2022/1907	Demolish section of walls to widen and alter vehicular access and install access gate (revised scheme).	Pending
FULL/2022/0427	Install 2 air source heat pumps to south (side) elevation	Withdrawn
FULL/2021/2218	Demolish outbuilding, erect replacement pool house, erect pergola, external steps and walls and alter raised patio and install air source heat pumps	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission was originally sought to erect an outbuilding with a covered outdoor kitchen. The application also included erecting a shed, walls, external steps and an air source heat pump and enclosure.

Concerns were raised in relation to the Air Source Heat Pump (ASHP) and the potential cumulative effect on the amenities of neighbouring residents in light of The Office of Environmental Health and Pollution's comments.

The agent has since amended the drawings and has omitted the ASHP in attempt to overcome the concerns raised.

An extant planning permission remains valid in relation to installing two ASHPs to the rear of the property, albeit it is associated with design that is different to that proposed FULL/2021/2218.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None received.

Consultations:

The Office of Environmental Health and Pollution's comments:

"I have reviewed the proposed plans for an air source heat pump to be located in the garden of the above mentioned property, which were received by email on 31st August 2022. There is insufficient information to enable me to comment on this application.

To enable me to comment, please provide the following information:

- Whilst I have the specification sheet for the proposed air source heat pump, the dB levels relate to 'noise', rather than a sound pressure or sound power level. Please specify whether the 'noise' is sound pressure or sound power level*
- 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 5 dB(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*
- Further details on the 'Acoustic Reflective Acoustic Fencing', and whether or not the air source heat pump will be fully enclosed with this product.*

I would urge the applicant to contact an acoustic consultant I have attached a list of consultants who are prepared to operate on the island. Please note that inclusion on the list does not infer any kind of recommendation by the department.

Any measurements and assessment shall be made in accordance with British Standard 4142:2014. Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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 proposal adopts a good standard of design by virtue of its scale, form, massing, siting and materials. Due to its position and design, the proposal will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

By the omission of the ASHP, the comments raised by The Office of Environmental Health and Pollution's have been negated. A separate application (FULL/2022/1935) involving the installation of ASHPs has been submitted and is currently pending determination

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 12/10/22

