

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 pumps with acoustic enclosure to south elevation of dwelling and to north of pool area.

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: 19/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture: 2076 EW.01C, South Elevation Plan & Pool Part Plan & East Elevation

Application Ref: FULL/2022/1935

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.

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 - To protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 18/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this permission relates to the installation of air source pumps only, and does not confer consent for any other work, including any such work shown on the approved plans.

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/2022/1935
Property Ref: A102560000
Valid date: 29/09/2022
Location: Amherst Place Amherst Road St. Peter Port Guernsey
GY1 2DW
Proposal: Install air source heat pumps with acoustic enclosure to south elevation of dwelling and to north of pool area.

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.

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 - To protect the amenities of neighbouring residents.

INFORMATIVES

For the avoidance of doubt, this permission relates to the installation of air source pumps only, and does not confer consent for any other work, including any such work shown on the approved plans.

OFFICER'S REPORT

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Site Description:

The application site comprises a detached residential dwelling-house located to the west of Amherst Road. The property is located in a Conservation Area and Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

FULL/2020/1907	Demolish section of walls to widen and alter vehicular access and install access gate (revised scheme).	Granted
FULL/2022/0427	Install 2 air source heat pumps to south (side) elevation	Withdrawn
FULL/2022/1601	Erect outbuilding with covered outdoor kitchen and erect shed and external steps and walls.	Granted
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:

The application relates to installing two Air Source Heat Pumps (ASHP) with an acoustic enclosure to the south elevation of the dwelling, and one ASHP to the north of the pool area. The application has been accompanied by an acoustic report. The application follows on from the withdrawn application FULL/2022/0427 as described above.

Following deferral, the applicant supplied further information regarding the single ASHP to the north of the pool area. The revision shows that the ASHP will feature an enclosure in an attempt to reduce any potential noise nuisance from the equipment. The agent has noted in their letter dated 6th March 2023 that the enclosure will reduce noise emissions by 22dB.

Other works shown on the submitted plans have been separately approved under the applications outlined above.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None

Consultations:

Environmental Health – initial comments – 26th January 2023

"I have reviewed the proposed plans for the installation of air source heat pumps (ASHPs) with acoustic enclosures to the south elevation of the dwelling and one air source heat pump to the north of the pool area. There is currently insufficient information for me to comment fully on this application.

I have read the submitted Acoustic Report (number 358) dated 5 September 2022, produced by Amalgamated Facilities Management in relation to the two ASHPs to be installed to the south elevation and note that this concludes that if each of the ASHPs is installed within its own Envirolite T3-1750 acoustic enclosure, the noise generated from the overall installation (of these two specific ASHPs) at the closest neighbour's house façade or garden boundary will be at least 5dB below the. I would therefore be satisfied that a condition being attached to the consent would suitably address my concerns regarding these two ASHPs. However, I have concerns regarding the proposed ASHP to be installed near the swimming pool.

Regarding the swimming pool ASHP, I have carried out an acoustic distance calculation and I am concerned that the level of noise at the nearest receptor will be above the existing background level. I would therefore welcome evidence to demonstrate that measures can be put in place to reduce the rating level of the ASHP so that it can achieve 5dB below the existing background sound level.

Should further information on this matter be submitted, I would be happy to look at this and provide additional comments.

I would be grateful if the above information is considered during the determination of this application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.”

Environmental Health – revised comments – 13th April 2023

I have reviewed the additional information, received by this office on 13th March, regarding the installation of an air source heat pump (ASHP) with acoustic enclosure to the north of the pool area at the above site.

I am aware that this application also relates to the installation of two ASHPs with acoustic enclosures to the south elevation of the property and I have previously assessed information in relation to these two ASHPs. Evidence has been submitted regarding these two ASHPs which shows that if each of the ASHPs is installed within its own Envirolite T3-1750 acoustic enclosure, the noise generated from the overall installation (of these two specific ASHPs) at the closest neighbour's house façade or garden boundary will be at least 5dB below the existing background noise level.

The most recently submitted information, regarding the ASHP to be installed north of the pool area, also shows that by placing an acoustic enclosure around the ASHP, a reduction noise level of 22dB can be achieved, which in turn would result in the noise level of the ASHP achieving at least 5dB below the existing background noise level.

I do note that in their letter dated 6 March, JG Architecture state that the proposed acoustic enclosure is an 'Environ T1-1350', yet the accompanying Environ System Acoustical Data sheet quotes the transmission loss data for an 'Environ ELV1.1.25AC' acoustic enclosure. Regardless of this, it is apparent that an acoustic enclosure is available for the applicant to achieve at least 5dB below the existing background noise level in regard to the pool ASHP.

I would therefore recommend, in relation to the application for all three proposed ASHPs, that the following condition is attached to any granted consent:

- *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.*

I would be grateful if these issues are considered during the determination of this application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.

Summary of Issues:

Any impact on the residential amenity of nearby residential properties.
Design and appearance.

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).**

The acoustic enclosures for the two ASHPs on the south elevation of the property would mitigate any significant noise concerns that could adversely affect neighbouring residents. Although due to the close proximity between these two pumps and neighbouring property to the south, it is considered reasonable and necessary in this instance to attach a recommended condition often used in similar situations by the Office of Environmental Health and Pollution Regulation to protect the amenities of nearby residents should any noise complaints transpire.

In light of the amendments secured, the Office of Environmental Health and Pollution Regulation are satisfied that the proposed enclosure surrounding the single ASHP near the pool area would enable the unit to operate at least 5dB below the existing background noise level.

There is however some discrepancy between the specification reference of the enclosures submitted as pointed out in the Office of Environmental Health and Pollution Regulation's comments (i.e. 'Environ T1-1350' and 'Environ ELV1.1.25AC'). It is therefore recommended that a noise condition is attached to the decision in relation to all three proposed ASHPs in the interest of protecting neighbour amenity. On this basis, it is assured that the development would not undermine the amenities of neighbouring residents.

Due to their siting, the design and appearance of the units will not affect visual amenity or the character of the area.

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: 17/04/23