

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 external insulating render system and air source heat pump to north elevation of property.

LOCATION: Tydroma, La Houquette, Castel.

APPLICANT: Mr & Mrs K Pratt

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: 16/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Direct Architectural Solutions - 1391-SV-01, -02 & -03.

Application Ref: FULL/2023/0017

Property Ref: D00800B000

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.Prior to the air source heat pump hereby approved being first brought into use, the noise associated 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, and shall be operated at this level thereafter. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To ensure noise pollution is kept to a minimum and in the interests of neighbouring amenity.

Expiry Date: This permission will cease to have effect on 15/03/2026 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/2023/0017
Property Ref: D00800B000
Valid date: 16/01/2023
Location: Tydroma La Houquette Castel Guernsey GY5 7DY
Proposal: Install external insulating render system and air source heat pump to north elevation of property.

Applicant: Mr & Mrs K Pratt

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. Prior to the air source heat pump hereby approved being first brought into use, the noise associated 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, and shall be operated at this level thereafter. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To ensure noise pollution is kept to a minimum and in the interests of neighbouring amenity.

OFFICER'S REPORT

Site Description:

The property known as 'Tydroma' is a 1970's two storey dwelling which is located to the west of the ribbon development along the west side of La Houquette Road. To the north and east are detached residential dwellings to the south is the garden and open land beyond and open land to the west. The property is located Outside of the Centres 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.

Brief Description of Development:

This application is to install an Air Source Heat Pump (ASHP) to the north boundary, and install an external insulating render system to the exterior of the property.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation received and the issues are:

- The ASHP is a double fan unit with a low frequency sound of 46dB, which is more of a 'noise nuisance' than low frequency noise at that level, which travels further. (also the noise levels may increase with the aging of the unit, particularly if it's not serviced correctly and regularly). Example comparator 'a

person speaking at 1m away would record levels of 55dB' just slightly above the 46dB level created by this type of ASHP, therefore it would almost be like somebody speaking in a garden continually. Which is in close proximity of my property and neighbouring properties curtilage.

- As time, distance and shielding is three ways of mitigating noise, would it be possible to relocate the ASHP to the West elevation where there are no nearby properties rather than the proposed North elevation where there are three, which will probably be affected by the low frequency noise. From an installation point of view this would mean just a small amount of additional cabling and would eliminate the noise created by this double fan unit.

Consultations:

The Office of Environmental Health and Pollution Regulation.

Initial consult reply, 9th February 2023

I have reviewed the proposed plans for Install external insulating render system and air source heat pump to north elevation of property of Tydroma which were received by post on 18th January 2023. Having regards to the information provided the current proposal is not suitable in this location.

I have concerns relating to the close proximity of residential properties and the proposal for the use of an air source heat pump. I have carried out a distance calculation and found that the air source heat pump would operate at 49 dB at the closest noise sensitive property boundary (approx. 1.5 m to the North). Therefore, this proposal is likely to have a significant impact on the neighbouring property. The pump would need to operate at least 5 dB(A) below the lowest background noise level at any time (this is generally at night) and details of any proposed attenuation measures to reduce the level of the air source heat pump would need to be submitted.

Should further information be forthcoming I will reconsider my recommendation.

I would urge the applicant to contact an acoustic consultant.

Any measurements and assessment shall be made in accordance with British Standard 4142:2014.

On the 13th February the initial consult was revoked and the following has replaced it;

It appears that previously the correspondence with the applicant that was submitted with the application was missed, therefore I have reconsidered the distance calculation.

Unfortunately this changes our recommendation to the Planning Service and as such I would recommend that that following condition is attached to the 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.

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The application was initially deferred for the applicant/agent to provide further acoustic information. However, Environmental Health then updated their consult response, adding a condition rather than requiring further information.

A second deferral letter was sent out to see if the ASHP could be relocated further away from the neighbouring properties in the interest of neighbour amenity. The agent explained that moving the unit further away from the neighbours would put the unit much closer to the property's bedrooms, which wouldn't be ideal.

It was decided to continue the planning process with the ASHP in the proposed location, as the condition will ensure that the noise levels from the unit are kept to an acceptable level so as not to harm neighbouring amenity.

The proposals are not considered to impact on the character and amenity of the surrounding area.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 08/03/2023