

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: Excavation and installation of ground source heat pump system within the domestic garden and agricultural land.

LOCATION: La Madeleine, Ruelle De La Madeleine, St. Pierre Du Bois.

APPLICANT: Mr & Mrs A Patterson

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: 16/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Ltd - 3697 PL12B and Kensa Heat Pumps Factsheet (Slinky Installation V5).

Application Ref: FULL/2023/0792

Property Ref: F003550000

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.Any soil removed in the excavation of the trenches hereby approved shall be carefully retained on the site and once the ground source heat pump pipes have been laid, the trenches shall be back filled with the original soil and any turfs replaced within a timeframe previously agreed in writing by the Authority.

Reason - In the interests of the visual amenity of the rural location and to ensure that the development is completed in a timely manner to enable the land to be made available/returned to agricultural use within the Agriculture Priority Area.

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 - To prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 15/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Although there is no known archaeology in the field, the excavation of the trenches would provide a welcome opportunity for the States Archaeologist to check the soil profiles exposed and to check spoil removed before it is returned to the trenches. It is desirable that access be granted to the States Archaeologist, Culture & Heritage

Service, and that you contact them to gain advice or make arrangements for a visit during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

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/2023/0792
Property Ref: F003550000
Valid date: 17/05/2023
Location: La Madeleine Ruelle De La Madeleine St. Pierre Du Bois
Guernsey GY7 9EW
Proposal: Excavation and installation of ground source heat pump system
within the domestic garden and agricultural land.
Applicant: Mr & Mrs A Patterson

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. Any soil removed in the excavation of the trenches hereby approved shall be carefully retained on the site and once the ground source heat pump pipes have been laid, the trenches shall be back filled with the original soil and any turfs replaced within a timeframe previously agreed in writing by the Authority.

Reason - In the interests of the visual amenity of the rural location and to ensure that the development is completed in a timely manner to enable the land to be made available/returned to agricultural use within the Agriculture Priority Area.

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 - To prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

Although there is no known archaeology in the field, the excavation of the trenches would provide a welcome opportunity for the States Archaeologist to check the soil profiles exposed and to check spoil removed before it is returned to the trenches. It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for a visit during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

OFFICER'S REPORT

Brief Description of the site:

La Madeleine, Ruelle De La Madeleine is a detached dwelling with Ruelle De La Madeleine to the west, a neighbouring dwelling, field and Rue Des Vinaires to the north, field and Rue de la Madeline to the south and a field behind the roadside development to Route des Paysans to the east. The dwelling is substantially surrounded by open and undeveloped agricultural land. The agricultural land to the east of La Madeleine benefits from a vehicular access in the southern boundary from Rue de la Madeleine. A number of trees sit within the area approved as domestic garden and separate the area of actively used agricultural land from the dwellinghouse.

The application relates to the excavation of three trenches (1.2m deep and 1.2m wide) primarily on agricultural land to the east of the dwelling and running in a southwest-northeast direction in order install underground pipework connecting into a ground source heat pump within the curtilage and to the northeast of the dwelling, La Madeleine.

The earthbank shown on the application drawings was granted planning permission as part of the approval for the change of use of agricultural land to domestic garden (FULL/2022/1541).

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. La Madeleine De Bas adjacent to the application site is a Protected Building.

Relevant History:

FULL/2022/1795 - Demolish conservatory, plant room, demolish and rebuild chimney, extend and alter at ground floor level, erect single storey garden store/workshop to east elevation of outbuilding. Erect a greenhouse to south-east elevation – granted

FULL/2022/1541 - Change of use from agricultural land to domestic garden (690 sq.m.) – granted

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse
28 agriculture

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:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Consultation:

States Archaeologist - The three proposed trenches for the 'slinky pipes' associated with the ground source heat pump are quite substantial, at 50m in length by 1m wide and 1.2m deep. Although there is currently no known archaeology in this field, the excavation of these trenches would provide a welcome opportunity to check the soil profiles exposed by the excavation and also to check the spoil removed before it is put back in the trenches. I would therefore be grateful if you could ask the applicants to contact me before the excavation takes place, to arrange a convenient time to visit.

Office of Environmental Health and Pollution Regulation - I am concerned about the potential for noise nuisance to arise and would therefore recommend that the 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.

Conclusion/Brief comment:

Policy OC5(A) makes provision for proposals not related to a farmstead or holding on agricultural land subject to the proposal meeting the aims of all other relevant policies in the Plan. In this case, the scheme relates to buried pipework across agricultural land to serve a domestic ground source heat pump. The position of the pipes below ground is such that they will not undermine the functionality of the agricultural land being positioned so as not to interfere with farm machinery working the land and will therefore not undermine the commercial function of the APA. Once work is complete the land will return to its original condition and appearance and will not, therefore, have a detrimental impact on the wider landscape character.

The scheme relates to a domestic ground source heat pump with associated above ground equipment situated within the curtilage of the dwellinghouse. This will be seen in the context of the built development on the site and screened from the wider area by the previously approved earthbank. There are no immediate neighbours and the development will not have an adverse impact on residential amenity in terms of noise generation particularly given the condition recommended by the Office of Environmental Health and Pollution Regulation.

The development does not fall within a Site of Special Significance or Area of Biodiversity Importance. As part of the Habitat Survey, 2018 it was recognised as

arable farmland with little in the way of conservation interest. The development will not therefore, have an unacceptable impact on biodiversity.

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

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 permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 16/06/2023

