

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 pump to north elevation.

LOCATION: Le Houguillon, Les Nicolles, Forest.

APPLICANT: Mr & Mrs J Hooley

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: 14/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - B24-10483-S1-50, -110B & -130B.
Technical specification of unit- PX50

Application Ref: FULL/2023/0962

Property Ref: H005380000

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.

5.As confirmed in the agent's e-mail of 30th June 2023, the air source heat pump hereby approved shall operate during daytime hours only (07:00 hours - 21:00 hours), and at no other time.

Reason - to minimise the impact on the amenities of neighbouring residents by controlling the operational hours of the pump. Any such change in the operational time of the pump is likely to amount to a material change in circumstances and therefore may require planning permission to further assess the effect on the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 13/07/2026 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/2023/0962
Property Ref: H005380000
Valid date: 22/05/2023
Location: Le Houguillon Les Nicolles Forest Guernsey GY8 0AE
Proposal: Install air source heat pump to north elevation.

Applicant: Mr & Mrs J Hooley

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.

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.

5. As confirmed in the agent's e-mail of 30th June 2023, the air source heat pump hereby approved shall operate during daytime hours only (07:00 hours - 21:00 hours), and at no other time.

Reason - to minimise the impact on the amenities of neighbouring residents by controlling the operational hours of the pump. Any such change in the operational time of the pump is likely to amount to a material change in circumstances and therefore may require planning permission to further assess the effect on the amenities of neighbouring residents.

OFFICER'S REPORT

Site Description:

The application site comprises a detached dwelling located to the south of Les Nicolles. The property is accessed by a private access road. A hedge and 1.8m make up the north boundary of the site. Planning permission was recently granted to make a number of alterations and extensions to the property.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

PREA/2023/0637	Install air source heat pump.	Pre-application
FULL/2022/0751	Extend and alter at ground floor and first floor level, create garage/car port at basement level with raised terrace at ground floor level and erect retaining wall to west boundary	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to install an air source heat pump to the north elevation of the property.

The application was deferred as the information submitted was insufficient in order for Environmental Health to undertake their initial calculations to consider the potential effect on neighbouring residents.

The agent has provided further information as requested, although further information was requested by Environmental Health in respect of the distance of the pump closest noise sensitive property, details of any attenuation measures to reduce the noise level, and 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, including at night.

In light of the additional required, the agent has confirmed on the drawings that the pump will be approx. 15m from the nearest neighbouring property and that the pump will only operate during daytime hours only. No evidence has been provided to demonstrate that the pump would operate at would be at least 5 dB(A) below the lowest background noise level at any time.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None received.

Consultations:

Office of Environmental Health and Pollution Regulation's comments:

Initial comments - 12th June 2023:

"I have reviewed the proposed plans for an air source heat pump to be installed at the above mentioned address which were received by post on 9th June 2023 and there is insufficient information for me to comment.

I would be happy to review this application if the sound power or sound pressure levels are provided.

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

Additional comments following further information – 3rd July 2023:

“I have reviewed the additional information supplied for the proposed plans for an air source heat pump to be installed at the above mentioned address which were received by email on 3rd July 2023. Having regards to the information provided I have concerns about the noise levels that the air source heat pump may generate at the nearest residential property.

Should further information be forthcoming I will revisit the application.

At a minimum the department requires the following information:

- *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.*

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 will not have a detrimental impact on the character of the area or visual amenity due to its position.

The pump measures approximately 1m height, 1.3m width x 0.5m depth, and therefore is marginally larger than the size prescribed in the Land Planning and Development (Exemptions) Ordinance, 2023. In addition, there will be only one pump within the curtilage of the property, will not be installed within 1m of a neighbouring boundary, features only one fan within the pump, nor is the pump sited within a site of special significance.

Whilst no evidence has been submitted that demonstrates that the pump will not operate at least 5 dB(A) below the lowest background noise level at any time, it is not considered reasonable in this particular case to require the outstanding information. This decision has been reached when taking into account; the boundary treatment along the north boundary, the distance to the nearest neighbouring property (approx. 15m), the size of the pump, the inclusion of one fan, and that the pump is marginally beyond the criteria set out within the Exemptions Ordinance for the installation of air source heat pumps. However, it is considered necessary and reasonable to attach a condition to the decision to ensure that the pump will operate at least 5 dB(A) below the lowest background noise level at any time in the interests of protecting the amenities of neighbouring residents. It is also reasonable to ensure that the pump is only used during daytime hours only as set out in the agent's e-mail in order to minimise the potential nuisance to neighbouring residents and that the pump is only to be installed to serve the outdoor swimming pool.

No representations have been received as part of this application. Although should complaints be received in the future and a statutory nuisance be identified then the Office of Environmental Health and Pollution Regulation retains the ability to take action.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions

Date: 13/07/23

