

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: Variation to previously approved plans to demolish existing buildings and erect 5 dwellings with associated parking and landscaping - install air source heat pumps to all 5 units.

LOCATION: Les Yvelins, Rue De Quanteraine, St. Pierre Du Bois.

APPLICANT: Mr L Abbott & Mr T Holland

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: 08/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1105_3A, & _4A.
Warmflow- AS02-R32 specification manual.

Application Ref: FULL/2023/1217

Property Ref: F00602A000

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 on or before 23/08/2024.

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: In the interests of neighbour amenity.

5. The Air Source Heat Pumps hereby permitted, shall not be in use or in operation between 23:00 and 07:00 on any day.

Reason: In the interest of neighbour amenity.

6. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 23/08/2021, issued under planning application reference FULL/2021/1092, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 23/08/2024 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/2023/1217
Property Ref: F00602A000
Valid date: 05/07/2023
Location: Les Yvelins Rue De Quanteraine St. Pierre Du Bois Guernsey
GY7 9DQ
Proposal: Variation to previously approved plans to demolish existing
buildings and erect 5 dwellings with associated parking and
landscaping - install air source heat pumps to all 5 units.
Applicant: Mr L Abbott & Mr T Holland

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 on or before 23/08/2024.

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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.

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Reason - To limit the effect of the permission to the specified variation/s only.

OFFICER'S REPORT

Brief Description of the site:

The application site is located to the north of Route Des Sages and to the rear of a residential property known as 'Le Grai' and access is from Rue de Quanteraine. The site is located Outside of the Centres and within an Agriculture Priority Area (APA) as designated under the Island Development Plan (IDP).

The site previously comprised a complex of former agricultural buildings and an area of hardstanding, however these have now been demolished as part of site clearance works associated with the approved application FULL/2021/1092 which allowed the demolition of existing buildings and erection of five dwellings with associated parking and landscaping.

The neighbouring 'Le Grai' is a Protected Building, although the application site does not contribute to or form part of the setting of the protected building in any materially significant way.

Relevant History:

FULL/2022/2167- Variation to previously approved plans to demolish existing buildings and erect 5 dwellings with associated parking and landscaping – reconfigure, alter materials and fenestration and alter boundaries to unit B1 & B2. Omit Juliet balcony, alteration to materials and fenestration to Units A1, A2 & A3 and alterations to passing point

FULL/2021/1092- Demolition of existing buildings and erection of five dwellings with associated parking and landscaping

FULL/2020/0552- Convert agricultural units into five dwellings with associated parking and landscaping.

Existing Use(s):

Use Class 28 – Agriculture

Consultations:

The Office of Environmental Health and Pollution Regulation were consulted on the application, and made the following comments in July 2023:

I have reviewed the application and proposed plans for the installation of five air source heat pumps (ASHPs) at all five residential units at the above previously approved development site. There is currently insufficient information submitted for me to comment fully on the application.

I have concerns relating to the noise impact that the air source heat pumps may have on existing residents and note the proposed locations of the ASHPs in relation to existing residential properties.

I note that the product manual for the Warmflow A-Series is included in the submission, but it is not confirmed which of the three models the applicant proposes to install – these each have different Sound Power Levels. There is also no acoustic information provided as part of the application and no data relating to any proposed acoustic attenuation measures or properties of any proposed enclosures.

At a minimum this department requires the following information:

- Confirmation of the proposed make and model number of each proposed unit*
- Manufacturers' specifications for each of the proposed units*
- Distance to the closest noise sensitive property (this includes domestic gardens)*

- Evidence that the noise level the proposed pumps 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 noise level of the air source heat pumps

I would urge the applicant to contact an acoustic consultant and 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.

While I can only provide comment on the proposed development in relation to the existing local area, the applicant is advised to also take in to account the impact that noise from each proposed ASHP may individually and/or cumulatively have on each of the five residential units at their own development site.

A Noise Assessment Impact was provided by the applicant 22/02/2024, and Environmental Health were reconsulted on this and made the following comments (received 01/03/2024):

I have reviewed the additional informational provided for the installation of five air source heat pumps (ASHPs) at the above site and there are a number of issues of concern that I must raise.

The acoustic report submitted does not take into account the cumulative impacts of multiple units at the site. However, considering the results of the acoustic assessment, we believe that the application of the following conditions to the consent are likely to mitigate noise complaints in the future. In addition, I note that ASHPs are generally designed to operate during night-time hours, however, the applicant has advised us that this is not intended to be the case with these units. I would therefore recommend that the following conditions are attached to any consent granted for this application:

Control of noise level of plant/machinery

- 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.

Hours of operation of plant/machinery

- *The hours of operation of the air source heat pumps should be limited to between 07:00 hours and 23:00 hours on any given day.*

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

Policies considered most relevant:

GP1 - Landscape Character and Open Land

GP5 - Protected Buildings

GP8 - Design

GP9 - Sustainable Development

GP16(B) - Conversion of Redundant Buildings – Demolition and Redevelopment

Conclusion/Brief comment:

- The application proposes the installation of 5 x air source heat pumps (ASHPs) as an amendment to the original scheme.
- Three of the ASHPs have an adjacent 1.5m fence panel to assist in screening.

The installation of the ASHP within the garden of each dwelling has been assessed by Environmental Health due to the potential for noise disturbance. They have advised that the use of two conditions to limit the noise and the hours of operation to daytime only, will be sufficient to prevent/mitigate any harm to future occupants and existing neighbours.

The proposed ASHPs are fairly discreetly located and will not be highly visible from public vantage points.

On the above basis, it is considered that the application conforms to the objectives of the relevant IDP policies and therefore is acceptable under all policies.

No harm to the Protected Building at Le Grai, or its setting is anticipated.

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.

Recommendation:

Grant with Conditions



Date: 07/03/2024

