

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 and air conditioning unit to north (side) elevation (Revised Scheme).

LOCATION: Martello House, 56 Princes Close, Fort George, St. Peter Port.

APPLICANT: Mr A & Mrs V Pyatt

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: 18/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Stackhouse Design Ltd: 21-05-03C & SK100B2; Dakin air conditioning unit specification; Mitsubishi Ecodan Heat Pump specification; Aura Noise Assessment

Application Ref: FULL/2023/2239

Property Ref: A41110A056

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 - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 18/10/2027 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/2023/2239
Property Ref: A41110A056
Valid date: 29/02/2024
Location: Martello House 56 Princes Close Fort George Fort George St.
Peter Port Guernsey GY1 2SU
Proposal: Install air source heat pumps and air conditioning unit to
north (side) elevation (Revised Scheme).

Applicant: Mr A & Mrs V Pyatt

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 - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Site Description:

The site comprises a residential property located on the Fort George Estate. The site is triangular in shape and prominently located, with roads bounding the site on all sides except the south.

The site is surrounded by residential properties across the roads in all directions, and bounds a residential property to the south.

The former dwelling at the site has now been demolished and a replacement dwelling constructed. The property has an access and parking from Rue Vautier to the west and a further access to the east.

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

Relevant History:

23/06/2023 FULL/2021/0242 Permit to demolish existing and erect replacement dwelling.

18/08/2023 FULL/2023/0597 Permit for variation to previously approved plans to demolish existing and erect replacement dwelling - increase floor area at lower ground floor/basement level, alter terrace at ground floor and material and fenestration alterations (part-retrospective).

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission was initially sought under this application to install one air source heat pump and one air conditioning unit to the north of the new dwelling, at the western end of that elevation. The units were to be set 500mm below ground level and enclosed by a screen wall and planting.

Following deferral, the application has been amended to propose two air source heat pumps and one air conditioning unit, repositioned to the eastern end of the north elevation and sunk below ground level.

An updated Noise Assessment Report is provided.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None received.

Consultations:

The Office for Environmental Health and Pollution Regulation commented on the application as initially submitted as follows:

I have reviewed the application for the installation of an air source heat pump (ASHP) and an air conditioning unit (ACU) to the north side elevation of the above property, including the Plant Noise Assessment, produced by Aura (Sound & Air) Limited, dated 26th October 2023, Ref. M95.1 V3. There is currently insufficient information for me to comment fully on this application.

I note that a BS4142 noise assessment was carried out using acoustic data provided for 1 x ASHP Mitsubishi PUZ-HWM140YHA Ecodan R32 and 1 x ACU Daikin RYYQ-U7Y1B. The assessment results show that a worst-case scenario would result in the two units operating at 6 dB(A) above the background sound level in the daytime period (07:00 – 23:00 hours) and 13 dB(A) above the background sound level in the night-time period (23:00 – 07:00 hours) at a nearby noise sensitive premises (Receiver Location 2). Using BS4142, the latter outcome would indicate that the noise level is *'likely to be an indication of a significant adverse impact, depending on the context.'*

This department would expect the units to operate at least 5 dB(A) below the existing background sound level when measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, and Aura have recommended

options within their report for the noise to be mitigated to this level. However, there is no accompanying confirmation or specification from the applicant about which option they are choosing.

I would request that further information is provided to confirm how noise from the units will be reduced.

If the applicant is choosing to mitigate noise by introducing an acoustic enclosure:

I would recommend that they seek the advice from the author of the report (or another consultant of their choosing) and that details of the specific enclosure that will be fitted, including its acoustic attenuation data, are provided, along with written confirmation that the enclosure will attenuate to at least 5 dB below the existing L_{A90} background sound level.

I would ask that they indicate the times that the units are proposed to be operated.

It is noted that parts of the Recommendations section of the noise assessment cite Receiver Location 3 as being the worst affected, however the results show that this is actually Receiver Location 2, and I would advise the applicant should be aware of this and that this is taken in to account by anyone designing an acoustic enclosure.

If the applicant is choosing to select alternative plant with a lower noise output, this department would request the following information:

- Manufacturer's specification for the exact proposed model, including full acoustic data
- Evidence that the proposed plant would operate at a noise level which is at least 5 dB(A) below the lowest background noise level at any time

The Office for Environmental Health and Pollution Regulation commented on the revised application received 27/06/2024 as follows:

I have reviewed the (revised scheme) application for the installation of three air source heat pump / air conditioning units at the above property, including the Plant Noise Assessment, produced by Aura (Sound & Air) Limited, dated 18th June 2024, Ref. N56.1 V1.

The Plant Noise Assessment shows that a BS4142 noise assessment was carried out using acoustic data provided for 1 x Daikin RYYQ8-12U unit and 2 x Mitsubishi PUZ HWM140YHA units. I note that these units are proposed to be sited in a 'bunker' that is 3000mm in depth located on the northern elevation of the property.

The assessment results show that if the units are operated at full duty, this would result in the units operating at 3 dB(A) below the L_{A90} background level in the

daytime period (07:00 – 23:00 hours) and 4 dB(A) above the L_{A90} background level in the night-time period (23:00 – 07:00 hours) at a nearby noise sensitive premises (Receiver Location 2). Using BS4142, the latter outcome would indicate that the noise level is *'likely to be an indication of a significant adverse impact, depending on the context.'*

To avoid background creep in this residential area, this department would expect the units to always operate at least 5 dB(A) below the existing background sound level when measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises.

Aura have carried out a further acoustic assessment for the units when operating on quiet mode and have calculated that if all units are operated on quiet mode at all times, they will operate at least 5 dB(A) below the existing background sound level. However, I feel it would not be workable or enforceable to recommend that a condition is attached to a planning consent stating that the equipment must only be operated in quiet mode.

Instead, other options must be considered to lessen the noise impact of the units on residents, by either relocating the units elsewhere or for different attenuation measures to be utilised.

Based on the current information submitted for the units to be installed in this location, and without any further options for attenuation provided, I have no other option than to recommend refusal for the units to be installed at the proposed location.

Summary of Issues:

Impact on the amenity of neighbouring properties.

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 proposed air source heat pumps and air conditioning unit would be set below ground level, immediately adjacent to the dwelling, and neither the pumps nor the associated retaining structure, would be visible from outside of the site. There would therefore be no adverse impact on the visual amenity or character of the area.

Concerns have been raised by the Office for Environmental Health and Pollution Regulation regarding the potential for noise impact on neighbouring properties and

the application has been deferred twice to address these concerns, resulting in the re-positioning of the units and the provision of a revised sound assessment report. The report identifies that the proposed units could be operated within the noise limitations required by OEHPR (5dB(A) below the existing background sound level when measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises), but at night time this could only be achieved if the units were operated on quiet mode. Whilst this is not ideal, the applicant has been made aware of that fact and it has been demonstrated that the proposed units are capable of operating within the OEHPR requirements. On balance, given this fact, together with the distance to and relationship with surrounding property, in this instance it is considered that the application adequately demonstrates that the units would not adversely impact on neighbour amenity and the decision can be conditioned to ensure that the units must operate within the stated limits.

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 accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 14/10/2024

