

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 and air conditioning heat pump to north-east of garage building; Install air conditioning heat pump adjacent to roadside boundary.

LOCATION: La Madeleine, Rue 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: 29/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3697 PL14B & Henderson Green: P22017 SK15.11.23 P1, Daikin Altherma technical data EPRA14-18DW7 and Panasonic details for PACi Elite Outdoor Unit - R32 highlighted red

Application Ref: FULL/2023/2399

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.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 increase 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 28/01/2027 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/2023/2399
Property Ref: F003550000
Valid date: 15/12/2023
Location: La Madeleine Rue De La Madeleine St. Pierre Du Bois
Guernsey GY7 9EW
Proposal: Install air source heat pump and air conditioning heat pump
to north-east of garage building; Install air conditioning heat
pump adjacent to roadside boundary.
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.

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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 Madeleine 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 installation of an air conditioning heat pump and air source heat pump to the rear of the garage (northeast) and the installation of a separate air conditioning heat pump situated adjacent to Ruelle De La Madeleine.

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

FULL/2023/0792 - Excavation and installation of ground source heat pump system within the domestic garden and agricultural land – granted

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:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Consultation:

Office of Environmental Health and Pollution Regulation - there are a number of issues of concern that are raised. Calculations have been made to assess the combined noise level from the proposed Daikin EPRA18DW17 and Panasonic PACi NX U-100PZH3E8 units and it is believed that the noise level experienced by a local property could be up to 30 dB. A planning condition was therefore recommended in order to address these concerns.

Further clarification was provided by OEHPR in relation to this proposal and the recommended condition. Concerns relate to the unit proposed to the north of the westernmost part of the building. The nearest noise sensitive domestic property is approximately 27m away and using the specification provided for this unit an acoustic distance calculation has been carried out which indicates that the level of noise at La Madeleine De Bas would be 30dB. As the background noise in this area is predicted to also be around 30dB the originally proposed condition may not have been achievable therefore the recommended condition has been amended.

Conclusion/Brief comment:

The siting and appearance of the equipment is considered satisfactory and will not have a detrimental impact on the character and appearance of the locality.

The position of the equipment itself will not impact on residential amenity in terms of light/overlooking and subject to the recommended condition by OEHPR the

equipment will not result in unacceptable harm to the amenities of the occupiers of surrounding dwellings.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

In view of the above it is recommended planning permission is granted.

Recommendation:

Grant with Conditions



Date: 25/01/2024

