

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 4 air source heat pumps to north elevation.

LOCATION: Dolphins, Jerbourg Road, St. Martin.

APPLICANT: Mr & Mrs Moulton

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: 17/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2156 03.501;
Vaillant Arotherm Plus Technical Data Sheet

Application Ref: FULL/2024/0660

Property Ref: J016260000

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 noise is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 17/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please find attached a copy of the consultation response from the Office for Environmental Health and Pollution Regulation for your reference.

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/2024/0660
Property Ref: J016260000
Valid date: 18/04/2024
Location: Dolphins Jerbourg Road St. Martin Guernsey GY4 6BJ
Proposal: Install 4 air source heat pumps to north elevation.

Applicant: Mr & Mrs Moulton

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 noise is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

Please find attached a copy of the consultation response from the Office for Environmental Health and Pollution Regulation for your reference.

OFFICER'S REPORT

Brief Description of the site:

The application site is located to the east of and at a slightly lower level than Jerbourg Road. The site comprises substantial grounds containing significant mature planting, although some clearance has been undertaken recently. The dwellinghouse formerly located on the site has been demolished and works are underway on the construction of the new dwelling as part of an extant permission for demolition and rebuild.

The site lies Outside of the Centres at the top of the east coast cliffs (which are designated as a Site of Special Significance) with panoramic views towards neighbouring islands.

The site forms part of the Batterie Strassburg protected building listing. At this site the listing covers a machine gun post, together with two flak emplacements in the adjacent field.

Relevant History:

FULL/2022/1426 Demolish dwelling and erect replacement dwelling and associated landscaping. Approved 19/10/2022

Existing Use(s):

Residential Use Class 1

Assessment: *(Tick as appropriate)*

no representation	X
accords with policy	X
within curtilage	X
design acceptable	X

visual amenity acceptable	X
no material neighbour impact	X
traffic not affected	X

Policies considered most relevant:

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Consultation response:

The Office for Environmental Health and Pollution Regulation comments as follows:

I have reviewed the proposed plans for the installation of four air source heat pumps (ASHPs) to the north elevation of the property at the above site.

There are some issues of concern that I must raise about the information provided in the application, which I ask the Planning Officer to pass on to the applicant and their agent:

1. An ASHP noise level calculation form has been completed, which uses a standard MCS (permitted development) tool developed for use in England. The form states there is a 'permitted development noise limit of 42 dB(A)' which is not relevant to Guernsey and the MCS tool is not suitable for use on the island. Guernsey is unique in its circumstances and is often more densely populated with lower background noise levels. There are limited locations on the island that are likely to have background noise levels of 40 dB; generally, background noise levels are considerably lower than this, with some areas having a recorded background noise level of 21 dB. Whilst the MSC tool can be of use to calculate a predicted noise level, local circumstances need to be considered and we would require any new installation to operate at a rating level 5 dB below the existing LA₉₀ background level (as measured in accordance with BS4142:2016).
2. The completed ASHP noise level calculation has been completed incorrectly, as it is based on one unit operating at 54 dB(A). If this sound power level is correct for each unit, the decibel level for four units must be calculated. In this case, 54 dB(A) x 4 = 60 dB(A).

3. Whilst the sound power level of 54 dB(A) has been used, I note that the brochure for the unit states the sound power level is 54 dB(A) for 3/5 kW, 55 dB(A) for 7 kW and 60 dB(A) for 10/12 kW. It is not explicitly specified which model the applicant wishes to install.

Without knowing which model the applicant wishes to install, I have carried out an acoustic distance calculation based on four of the noisiest models operating at 60 db(A) at one time – the total output noise level would be 66 dB(A). When calculated over 65 metres, the predicted noise level is approximately 30 db(A) at the nearest noise sensitive receptor (no deduction has been made for noise radiation). I acknowledge the comment in the cover letter that there is a 5m rise in height of the land between the proposed ASHP location and the nearest noise sensitive receptor, however without a formal BS4142 assessment being carried out, this has not been considered in my calculation.

To ensure that resident amenity at the nearest noise sensitive receptor is protected, I would recommend that the following condition is attached to any granted consent issued for this application:

- 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 L_{A90} 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.

I would be grateful if this recommended condition is considered when determining this application.

I would ask that the applicant is made aware that installing the four units at the proposed location may not prevent their neighbour from being affected by noise in their garden. I have roughly calculated that this is 15 metres away from the proposed position. If a complaint was raised with this office about this, we would investigate whether the ASHPs were causing a nuisance and if we identified this, we would serve a legal notice for its abatement. I would suggest that the applicant speaks with their neighbour about the proposed location of the ASHP, to see if they have any concerns about this.

Conclusion/Brief comment:

This application seeks permission for the installation of 4no air source heat pumps adjacent to the north elevation of the garage block, c14m from the property boundary. The application is supported by MCS 020 Planning Standard – ASHP Noise Impact Assessment and a supporting letter from Synergy, the supplier of the units.

The proposed pumps would be discretely located and of negligible visual impact outside of the site, or consequently on the character of the area.

The pumps are located facing towards the adjacent residential property to the north. Taking into account the relative levels (the adjacent site being located at a higher level than the application site), the intervening established planting, the position of the dwelling and key amenity spaces on the adjacent property, and the comments made by the OEHPR above, it is considered that the pumps could be controlled in a manner which would prevent adverse impact on the amenity of the adjoining property. It is therefore recommended that the application be approved, subject to the noise limitation condition recommended by OEHPR. If it transpires that the pumps do not operate within this limit, steps may be required under the relevant legislation to reduce noise emissions and any mitigation equipment required may require a separate application for planning permission.

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.

Recommendation:

Grant with Conditions



Date: 17/05/2024

