

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: Demolish dwelling and erect replacement dwelling, install air source heat pump to south boundary and associated works (revised scheme).

LOCATION: Le Requin, Rue du Candie, St. Andrew.

APPLICANT: Mr & Mrs Atkinson

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: 03/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. - 10650/S1-02C, 03B, 04A, 05A & 06A.
Lovell Ozanne & Partners Ltd. GP9 Sustainability Statement Specifications of Air Source Heat Pump (dated 22/08/2024) and Acoustic Enclosure (dated 30/09/2024)

Application Ref: FULL/2024/1130

Property Ref: K003350000+K003330000

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.No external timber or stone cladding shall be installed until samples of the materials to be used have been submitted to and agreed in writing by the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of visual amenity.

5.Prior to the occupation or completion of the replacement dwelling, whichever is the sooner, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority (see notes below):

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

7. Prior to the occupation or completion of the replacement dwelling, a scheme for the treatment of the north boundary of the curtilage to the replacement dwelling shall be submitted to and agreed in writing by the Authority. No occupation of the dwelling hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed, including the installation of the gate across the field access.

Reason - To clearly define the extent of domestic and agricultural uses and to prevent domestic uses encroaching onto the adjoining agricultural land.

8. 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 reasonable amenities of neighbouring residents.

9. The development shall not be occupied until the electric car charging point and all sustainable design features set out in the Lovell Ozanne GP9 Sustainability Statement have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

10. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 03/10/2027 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/2024/1130
Property Ref: K003350000+K003330000
Valid date: 11/07/2024
Location: Le Requin Rue du Candie St. Andrew Guernsey GY6 8UB
Proposal: Demolish dwelling and erect replacement dwelling, install air source heat pump to south boundary and associated works (revised scheme).

Applicant: Mr & Mrs Atkinson

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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materials to be used have been submitted to and agreed in writing by the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of visual amenity.

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- i) full details of tree and hedge planting;
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Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

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Reason - To protect the reasonable amenities of neighbouring residents.

9. The development shall not be occupied until the electric car charging point and all sustainable design features set out in the Lovell Ozanne GP9 Sustainability Statement have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

10. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for a revised scheme to demolish dwelling and erect a replacement dwelling. The replacement dwelling is proposed to comprise of 1½ storey pitched roof and single storey flat roof elements. The dwelling would be finished with a mix of timber clad, stone clad and rendered walls and slate pitched roofs. An air source heat pump is proposed along the south boundary.

The site comprises of a detached 1½ storey hipped roof dwelling situated to the north of Candie Road and elevated above the highway by approximately 1.5 metres. The dwelling forms part of ribbon development of residential properties to the north of the highway but it is situated in a rural area with open agricultural land to the west, north and south of the site and the highway is bounded by earth banks and hedging.

The site is situated in an Agriculture Priority Area and is Outside of the Centres.

Relevant History:

24/05/2023 - FULL/2023/0677 – Permission granted for variations to previously approved plans to demolish dwelling and erect replacement dwelling - increase

ground floor footprint and alter first floor footprint, omit flue, alterations to external materials, alterations to fenestration and relocate pedestrian and vehicular accesses within the north boundary.

05/08/2022 – FULL/2022/0418 – Permission granted to demolish dwelling and erect replacement dwelling. Create field access to north boundary and infill/level pedestrian access staircase to south boundary.

Existing Use(s):

Residential use class 1: dwelling house

Assessment: *(Tick as appropriate)*

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

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

Policies considered most relevant:

Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP13: Householder Development
Policy IP6: Transport infrastructure and support facilities
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Consultations:

The Office of Environmental Health and Pollution Regulation, 31/07/2024

"I have reviewed the proposed plans for the demolition of existing dwelling, erection of replacement dwelling, and installation of an air source heat pump (ASHP) at the above site. There is an issue of concern that I must raise.

I have reviewed the acoustic information that has been submitted for the proposed ASHP and have been able to carry out an approximate acoustic distance calculation to assess potential noise impact on the nearest noise sensitive receptor. To ensure that the potential for statutory nuisance is mitigated, I would recommend that the following condition is attached to any consent granted 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 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.

I would be grateful if this issue is considered during the determination of this application”.

The Office of Environmental Health and Pollution Regulation, 02/09/2024

“I have reviewed the revised plans for the installation of an air source heat pump (ASHP) at the above site which were received by email on 22nd August 2024.

Having regard to the revised model of ASHP and the acoustic information provided, I have carried out an approximate acoustic calculation to assess the potential noise impact on the nearest noise sensitive receptor. I have concerns that should the ASHP be located as indicated on the 03 Proposed Site Plan, the noise associated could cause a detriment to the amenity of nearby residents. As such, there is currently insufficient information for me to comment fully on this application.

Should the applicant wish to proceed with installing the ASHP in the proposed location, at a minimum the department requires the following information:

- Manufacturers’ specifications of the proposed unit
- 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 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.

The applicant may also wish to consider relocating the unit away from nearby properties to lessen the noise impact of the ASHP. Should the applicant be minded to relocate the ASHP, we would welcome the details of any proposed changes”.

The Office of Environmental Health and Pollution Regulation, 02/10/2024

“I have reviewed the additional information provided for the installation of an air source heat pump (ASHP) at the above site which was supplied by email on 1st October 2024. There is an issue of concern that I must raise.

The specification of the acoustic enclosure proposed to attenuate the ASHP states that a 5-8dB reduction in sound range could be achieved. I have carried out an

approximate acoustic calculation with this sound reduction and the results show that a reduction of this level could allow the ASHP to operate at least 5dB below the existing background noise level. In order to protect the amenity of nearby residents, I would recommend that the following condition is attached to any consent granted 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 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.

I would be grateful if this issue is considered during the determination of this application”.

Conclusion/Brief comment:

Planning permission was granted to demolish the dwelling and erect a replacement dwelling in August 2022 (FULL/2022/0418) with variations approved in May 2023 (FULL/2023/0677). This application is for a revised scheme which includes the replacement of the previously approved 1st floor flat roof element with 2 pitched roofs orientated east to west, minor alterations and extensions to the ground floor footprint and the installation of an air source heat pump.

The revised dwelling is broadly the same siting as the previously approved scheme. Whilst the ridge heights of the 1st floor pitched roof elements are marginally higher than the previously approved flat roof design, the overall mass and bulk of the 1st floor element is reduced, particularly when viewed from the east and west, and the pitched roof design more closely resembles the character and form of neighbouring properties.

There is a mix of style of properties within the wider area and the scale, design and materials of the proposed dwelling would not detract from the openness of the area and would not have a significant adverse effect on the character of the local built environment. Precise details of the external materials can be requested by condition. A soft landscaping scheme for the site could help to further soften the visual impact of the dwelling, this can be dealt with by condition. The overall design of the dwelling is good and the scale, mass and design of the replacement dwelling accords with Policies GP1, GP8 and GP13.

The first floor east elevation window would be set back approximately 16 metres from the eastern boundary with the adjoining neighbouring property. The distance to the neighbouring property to the east would be sufficient to safeguard the amenities of neighbouring residents.

During the course of consideration the model of the air source heat pump was revised. Concerns were raised about the potential for noise impacts from the revised air source heat pump and in response the application was amended to include the installation of an acoustic enclosure around the air source heat pump.

The Office of Environmental Health and Pollution Regulation advise that if the proposed enclosure reduces the sound range as stated in the submitted information then the air source heat pump could operate at least 5dB below the existing background noise level which would be sufficient to safeguard the amenities of neighbouring residents. To ensure that this is the case, it is recommended that a condition is applied to limit the noise associated with the air source heat pump.

The parking layout remains similar to the existing arrangements and there is scope to provide storage for bicycles if required. Precise details of the north boundary treatment were requested by condition as part of the previously approved schemes to ensure that there is a suitable boundary between domestic and agricultural uses and it is recommended that the previous condition is reiterated for this revised proposal.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is supported by a letter from the agent which sets out how the development has been designed to take into account sustainable design principles. The agent advises that new construction will aim to use locally sourced materials, the building fabric has been specified to be of high thermal performance, the design of fenestration has considered the balance between natural light and thermal comfort, an air source heat pump will replace the existing oil boiler, all lighting will be low energy LED fittings and an electric vehicle charging point is proposed. Whilst the information lacks precise details and measurable outcomes, the overall layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9. A Waste Management Plan has been submitted which sets out how construction waste is to be minimised and dealt with.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 03/10/2024

