

**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:** Variations to plans previously approved to 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 - remove hedge, erect retaining wall enclosure for relocated air source heat pump/air conditioning unit and bin store to north-east of garage and alter air source heat pump to north-west elevation of garage.

**LOCATION:** La Madeleine, Ruelle 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:** 29/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** CCD Architects: 3697/PL14C & /PL15.  
Henderson Green: SK15.11.23 Issue P2, 2x octave/sound pressure graphs (RZAG60A and 5MXM-N) and 3 x Daikin technical data documents (RZAG-A, EPRA14-18DW7 and 5MXM-N).

**Application Ref:** FULL/2024/1281

**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 on or before 28/01/2027.

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.

5. 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 29/01/2024, issued under planning application reference FULL/2023/2399, 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 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](http://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](mailto: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/2024/1281  
**Property Ref:** F003550000  
**Valid date:** 31/07/2024  
**Location:** La Madeleine Ruelle De La Madeleine St. Pierre Du Bois  
Guernsey GY7 9EW  
**Proposal:** Variations to plans previously approved to 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 - remove hedge, erect retaining wall enclosure for relocated air source heat pump/air conditioning unit and bin store to north-east of garage and alter air source heat pump to north-west elevation of garage.  
  
**Applicant:** Mr & Mrs A Patterson

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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 28/01/2027.

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.

5. 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 29/01/2024, issued under planning application reference FULL/2023/2399, and subject to the terms and conditions thereof.

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

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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 Madeline 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.

Permission was granted under application reference FULL/2023/2399 to install an air source heat pump and air conditioning heat pump adjacent to the garage building and a separate air conditioning heat pump adjacent to the roadside boundary.

This application seeks amendments to the previously approved scheme to remove a hedge, to relocate the air source heat pump and air conditioning heat pump adjacent to the garage with new retaining wall enclosure to also house a bin store.

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/2022/1541 - Change of use from agricultural land to domestic garden (690 sq.m.) – granted

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

FULL/2023/2399 – 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 - granted

FULL/2024/1180 - Variation to previously approved plans to extend and alter at ground floor level, erect single storey garden store/workshop to east elevation of outbuildings. Erect a greenhouse to south-east elevation - alter roof material and form, install balustrade and wall to north-east, alter ramp/planter and entrance roof to south. Alterations to fenestration, material and alteration to wall to north – under consideration

Pre-application advice was sought in this case.

**Existing Use(s):**

01 dwellinghouse  
28 agriculture

**Assessment:** *(Tick as appropriate)*

no representation  
accords with policy  
within curtilage  
design acceptable

|   |
|---|
| x |
| x |
| x |
| x |

visual amenity acceptable  
no material neighbour impact  
traffic not affected

|   |
|---|
| x |
| x |
| x |

**Policies considered most relevant:**

Island Development Plan policies:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

**Consultations:**

Office of Environmental Health and Pollution Regulation - have carried out an acoustic distance calculation, which indicates that the level of noise that could be experienced at La Madeleine De Bas. From this calculation I still believe that that a level 5 dB below existing background level is not achievable. Considering planning permission was granted in January 2024 to a similar application. I still maintain that it may be more sensible to recommend the following condition:

- 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.

**Conclusion/Brief comment:**

The proposed works all represent a good standard of design and will not result in harm to the amenities of occupiers of adjoining dwellings. The replacement roofs proposed will respect the character of the local open landscape.

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 for the proposed development.

**Recommendation:**

Grant with Conditions



**Date:** 28/08/2024



