

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: Remove oil tank to front of property and install air source heat pump to rear of property.

LOCATION: Woodlands, Les Pieces Lane, Forest.

APPLICANT: Mr & Mrs R Pratt

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: 15/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Digimap address locator image showing location of ASHP, Grant ASHP specification sheet, Planning application detail drawing (all date stamped received 26/09/2024)

Application Ref: FULL/2024/1325

Property Ref: H006710000

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 15/10/2027 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/2024/1325
Property Ref: H006710000
Valid date: 06/08/2024
Location: Woodlands Les Pieces Lane Forest Guernsey GY8 0AY
Proposal: Remove oil tank to front of property and install air source heat pump to rear of property.

Applicant: Mr & Mrs R Pratt

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

Brief Description of the site:

The application site comprises a detached property situated to the west of Les Pieces Lane. Surrounding the site, the area mainly comprises residential properties in all directions with fields beyond.

The site is situated Outside of the Centres as designated in the Island Development Plan. Although not situated within, a Conservation Area borders the site to the south.

Relevant History:

FULL/2017/1013	Remove conifer hedge and erect fence and wall (north boundary). Relocate oil tank to front of property and erect a wall/fence enclosure (retrospective).	Granted 20/06/2017
FULL/2013/2720	Erect extensions to rear, porch to front of dwelling and alter windows/doors.	Granted 06/11/2013

Existing Use(s):

Residential

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:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Consultation Responses

Office of Environmental Health and Pollution Regulation (OEHPR)

By letter 7th August 2024 stated the following:

"I have reviewed the proposed plans for the installation of an air source heat pump which were received by email on 6th August 2024. Having regard to the information provided the current proposal is not suitable in this location.

I am concerned about the potential for statutory noise nuisance to arise given the sound power level of the proposed unit and the proximity of the neighbouring property. Whilst I acknowledge that attempts have been made to retain a barrier to the shield the heat pump unfortunately this is unlikely to have suitable acoustic properties to mitigate the noise to a level that it would achieve the required 5 dB below the existing LA90 background noise level. There are no data relating to any acoustic properties of the barrier. Having carried out an approximate calculation the air source heat pump is likely to operate at a level of 37dB at the nearest receptor. This will exceed the background noise level, especially at nighttime when such units are designed to operate.

There is also reference in the covering letter to crushing taking place. If this crushing is likely to take place on site, we would have concerns about the proximity to the neighbouring properties. In addition, an Air Pollution Licence is required for crushing equipment and the owner/operator of the equipment should contact this office if a licence is not already in place. Further information is available on our webpage at gov.gg/pollution.

Should further information be forthcoming I will reconsider my recommendation. I would encourage the applicant to consider the:

- *Repositioning of the unit*
- *Providing details of the acoustic properties of the barrier*
- *Providing 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)*
- *Providing 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 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. Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Following receipt of the consultation, the application was deferred and revised drawings submitted showing the air source heat pump in a new position to the rear of the property. OEHPR was reconsulted on the revised plans and by letter dated 8th October 2024 stated the following:

"I have reviewed further information provided for the proposed plans to install an air source heat pump at the above mentioned property which were received by post on 2nd October 2024. Having regards to the information provided I 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 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."*

Conclusion/Brief comment:

As initially applied for, planning permission was sought to remove an existing oil tank to the front of the property and to install an air source heat pump in its place, within the existing oil tank enclosure. However, following concerns raised by OEHPR with regard to the potential impact on neighbours, the applicant has amended the scheme. Permission is now sought to remove the oil tank to the front of the premises (the oil tank enclosure will remain and will be used as a bin store) and to install the air source heat pump to the rear of the premises.

In the revised position the air source heat pump will be situated against the rear elevation of an existing extension. It will be screened from the surrounding area by the existing residential property and from the neighbouring property to the north by the corner of the property and the boundary wall. The proposal would therefore not have any negative impact on the visual character or appearance of the surrounding area.

The air source heat pump in its revised position would be situated circa 15m from the nearest residential property. OEHPR were re-consulted on the application and raised no objection with regard to potential for noise disturbance, but did recommend that a condition be included to ensure that the equipment operates

within required background noise parameters. Subject to the condition, the proposal would not harm the amenities of any nearby residential properties.

The removal of the oil tank to the front of the premises would remove unwanted equipment and the retention of the oil tank enclosure to be used as a bin store is acceptable and would not harm the character of the area. The proposal would not harm highway safety in any way.

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: 14/10/2024

