

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Install air source heat pump to east elevation and install air source heat pump with acoustic fencing to west elevation.

LOCATION: Val Au Bourg, Saints Bay Road, St. Martin.

APPLICANT: Mr & Mrs A Healing

I refer to the application referred to below received as valid on 27/05/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 06/08/2025

Drawing Nos: DLM Architects: 1176-1000C, 2700C & 2701C.

Application Ref: FULL/2025/0729

Property Ref: J011310000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The application has not been accompanied by sufficient information to demonstrate that the proposed development, if permitted, would not be severely detrimental to the amenities of occupiers of surrounding dwellings resulting from an unacceptable degree of noise and disturbance arising from the air source heat pumps proposed. The proposals are therefore contrary to Policies GP8 d. and GP13 a. of the Island Development Plan.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/0729
Property Ref: J011310000
Valid date: 27/05/2025
Location: Val Au Bourg Saints Bay Road St. Martin Guernsey GY4 6
Proposal: Install air source heat pump to east elevation and install air source heat pump with acoustic fencing to west elevation.
Applicant: Mr & Mrs A Healing

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application has not been accompanied by sufficient information to demonstrate that the proposed development, if permitted, would not be severely detrimental to the amenities of occupiers of surrounding dwellings resulting from an unacceptable degree of noise and disturbance arising from the air source heat pumps proposed. The proposals are therefore contrary to Policies GP8 d. and GP13 a. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Val Au Bourg was a detached two and a half storey dwelling situated on a sloping site between Saints Bay Road and Val au Bourg. The dwelling has now been demolished and work has commenced on the redevelopment of the site.

Residential properties exist to the immediate north, east and west of the site. Vehicular access is via a driveway from Saints Bay Road whilst a pedestrian and secondary access gate exist in the roadside boundary to Val au Bourg. Much of the site benefits from mature landscaping with terraced levels with steps/ramps to access various parts of the garden.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2023/1208 - Demolish existing dwelling and glasshouse, erect replacement dwelling and landscaping, erect replacement glasshouse, alter and erect gate to east vehicle access – granted

FULL/2023/1890 – Demolish existing dwelling, erect replacement dwelling and associated works, infill existing vehicle access to east boundary, (revised scheme) – granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the installation of two air source heat pumps at the property. One to the east elevation and the other to the west which incorporates acoustic fencing.

The application has been accompanied by an acoustic report produced by Acoustic Associates SW Ltd., dated 7th April 2025.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation (OEHPR) – have reviewed the proposed plans to install 1 No. air source heat pump (ASHP) to the east elevation and 1 No. ASHP with acoustic fencing to the west elevation of the property at the above site. There is currently insufficient information provided for me to comment fully on the proposals.

I have reviewed the ‘Air Source Heat Pump Noise Assessment’ acoustic report produced by Acoustic Associates SW Ltd., dated 7th April 2025, ref. 8121, as well as the manufacturer specification sheets provided for the Daikin RZAG50A and the Daikin REYQ20 and I have the following comments:

Daikin RZAG50A – Proposed for East elevation:

The acoustic report states that this model is rated at:

- 62 dB LwA (sound power level)
- 58 dBA at 1m (measured in studio conditions)

However, the manufacturer's specification sheet provides:

- 63 dBA (sound power level)
- 49 dBA (sound pressure level)

There is a notable discrepancy between the acoustic report and the manufacturer's data. I would therefore ask that the applicant contact Acoustic Associates SW Ltd. to clarify the source of the sound data used in the report and to confirm whether the assessment findings remain accurate based on the correct manufacturer specifications.

Daikin REYQ20 – Proposed for West elevation:

The manufacturer's specification sheet provides:

- 83 dBA (sound power level)
- 62 dBA (sound pressure level)

The acoustic report notes that this model has been "oversized so that it will need to operate in its Low Noise Mode 3, with a reduced noise level of 48 dBA at 1m."

It is important to note that the noise assessment is based solely on operation in this lowest noise mode. This department cannot accept assessments that rely on the unit being operated solely in a specific mode, such as Low Noise Mode 3, as this cannot be reasonably regulated or enforced in practice. The noise assessment must instead be based on the full operational capability of the unit, i.e., the standard operating mode or worst-case scenario.

In addition, the acoustic report includes a screenshot of further sound data—not present in the submitted manufacturer's specification—which indicates a sound pressure level of 66 dBA when operating in 'Standard' mode, as well as providing sound data for Low Noise Modes. I request that the complete and original specification sheet containing this data be provided to enable full and transparent assessment.

Acoustic Barrier Proposed for West elevation:

The report proposes the construction of a 2m high solid timber fence (20 kg/m²) around the ASHP to provide noise mitigation.

To evaluate this proposal, I ask that the sound reduction index (Rw or equivalent) for the fencing specification is provided. Ideally, this should be supported by third-party test data or a manufacturer's acoustic performance sheet so we can verify that it will achieve the required noise reduction.

Once the above clarifications and supporting data have been provided, I would be happy to reassess the suitability of the proposals against relevant acoustic criteria.

Summary of Issues:

The key issue in this case is the impact of the equipment proposed on the amenities of the area and residential amenity associated with noise from the proposed air source heat pumps.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The information provided with the application is not sufficient to ensure that the proposed equipment would not have a detrimental impact on residential amenity. In this case there are discrepancies between the Acoustic Report and the Manufacturer's specification sheets regarding both the eastern and western units. This represents a notable difference between the two and although clarification has been sought regarding these matters relating to the source of the sound data used and whether the assessment findings remain accurate based on the correct manufacturer specification, no response or clarification regarding this has been supplied.

With regard to the western unit the submission states that the unit is oversized which means that it will need to operate in a low noise mode to reduce the noise levels generated and the noise assessment has been undertaken solely on this mode of operation. It is not possible for the Authority to govern, by way of planning condition, that the unit is operated in this low noise mode and nor can Environmental Health reasonably regulate or enforce this through their legislation. As a result, the information provided does not demonstrate that the unit will not operate without harm to the amenities of surrounding occupiers contrary to Policies GP8 and GP13 of the IDP.

The western unit is proposed to be accompanied by an acoustic barrier, a 2m high solid timber fence for noise mitigation however, without the sound reduction index for the fencing specification it is not possible to fully assess the effectiveness of the acoustic barrier in this particular case and whether it will achieve the required noise reduction at Val au Bourg.

Although the application was deferred in order for the applicant/agent to address these matters no response or additional information has been supplied.

In view of the above therefore, it is recommended that permission is refused.

Notwithstanding the above, it is noted that the siting and appearance of the proposed air handling equipment will not result in undue harm to the character and appearance of the locality when considering Policies GP8 and GP13 of the IDP.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 04/08/2025

