

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: Reposition existing ventilation system.

LOCATION: Trinity Square Apartments, Lower Vauvert, St. Peter Port.

APPLICANT: GY Development Ltd

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: 06/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates A181001 PD 600 G.
Systemair details: LDR 80-50 Silencer and RSI 80-50 M3 sileo

Application Ref: FULL/2021/2614

Property Ref: A40633A000

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. The hours of operation of the kitchen extraction system shall be limited to only between 07:00 hours and 23:00 hours daily.

Reason - The premises are close to residential property and a limit on the use of the equipment is needed to prevent a nuisance or annoyance to nearby residents.

5.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.

Reason - The premises are close to residential property and a limit on the noise generated is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 05/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In relation to condition 5, Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

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/2021/2614
Property Ref: A40633A000
Valid date: 21/12/2021
Location: Trinity Square Apartments Lower Vauvert St. Peter Port
Guernsey GY1 1LX
Proposal: Reposition existing ventilation system.

Applicant: GY Development Ltd

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.

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Reason - The premises are close to residential property and a limit on the noise generated is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

In relation to condition 5, Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

OFFICER'S REPORT

Brief Description:

The application relates to the relocation and enhancement of a ventilation system serving La Piazza, part of the Trinity Square Apartments building, Lower Vauvert. An existing mechanical flue and extract system exits at ground floor level to the rear and runs up the outside of the building and terminates just above eaves level. The adjoining site is currently being redeveloped and in connection with this the flue would be extended and terminate across the new adjoining flat roof.

The site is located in the Main Centre, Conservation Area and Regeneration Area as designated in the Island Development Plan.

Relevant History:

FULL/2019/1599 - Change of use, extension and alterations to fenestration of retail and office unit to create 5 residential flats - granted

Existing Use(s):

Residential
Restaurant

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:

Island Development Plan policies:

MC6: Retail in Main Centres
GP4: Conservation Areas
GP8: Design
GP9: Sustainable Development

Consultation:

Office of Environmental Health and Pollution Regulation - have concerns relating to the close proximity of residential properties in relation to the proposed positioning of the extraction flue and the noise that residents may be subject to. Details of the specific proposed extraction system are not included with the application. There is also no acoustic information provided as part of the application and no information relating to any proposed attenuation measures. Further information is required therefore, in relation to the proposed development and potential impact on residential amenity having regard to the British Standard 4142:2014.

Further comments were provided following the receipt of an acoustic report:

The additional information comprises an acoustic report, detailing an acoustic assessment carried out by Aura (Sound & Air) Limited. It is noted that the assessment was carried out on the currently installed fixed plant extract equipment and does not take into account the proposed positioning of the duct outlet as submitted to this office on 26th January 2022. Within that proposal was a plan to move the duct outlet over the roof line of the adjoining building. It is therefore unclear where the final positioning of the flue outlet will now be.

However, the OEHPR acknowledge that the completed acoustic assessment was based on the outlet being closer to the nearest noise receptive residential property

than that proposed in the previous submission. The conclusion of the assessment states 'that the equipment does not have a significant noise impact'.

To protect residents from noise disturbance, a number of conditions are recommended relating to the control of noise and the hours of operation.

Conclusion/Brief comment:

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.

The application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions



Date: 04 May 2022

