

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: Install air conditioning units and screening to external terrace to north elevation of building and south elevation of multi-storey car park.

LOCATION: Trafalgar Court, Les Banques, St. Peter Port.

APPLICANT: LPE Limited

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: 16/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: FME Integrated: 737-001a Rev 1 (Drawing 1 of 2), 737-001a Rev 1 (Drawing 2 of 2), 737-101 Rev 1, 737-101a Rev 1, 737-201 Rev 1(Block Plan), 737-301 Rev 1 (Site Plan), Loop: REYQ-U (38 to 42 hp) Condensing Unit Details (date stamped 08/03/22).

Application Ref: FULL/2022/0582

Property Ref: A104700000

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 units hereby approved shall be limited to operate only between 08:00-18:00.

Reason - In the interests of protecting neighbour amenity.

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 1 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 - In the interests of protecting neighbour amenity.

6.Prior to any of the air conditioning units hereby approved being brought into use the screening to serve it shall be installed in accordance with the approved plans.

Reason - In the interests of visual amenities.

Expiry Date: This permission will cease to have effect on 15/12/2025 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/2022/0582
Property Ref: A104700000
Valid date: 07/04/2022
Location: Trafalgar Court Les Banques St. Peter Port Guernsey GY1 3EZ
Proposal: Install air conditioning units and screening to external terrace to north elevation of building and south elevation of multi-storey car park.

Applicant: LPE Limited

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. The units hereby approved shall be limited to operate only between 08:00-18:00.

Reason - In the interests of protecting neighbour amenity.

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 1 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 - In the interests of protecting neighbour amenity.

6. Prior to any of the air conditioning units hereby approved being brought into use the screening to serve it shall be installed in accordance with the approved plans.

Reason - In the interests of visual amenities.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a multi-storey office building served by a multi-storey car park to the north-west. The premises is located in a Main Centre Outer Area as designated in the Island Development Plan.

Planning permission is sought to install air conditioning units and screening to an external terrace to the north of the office building, and on a terrace area to the south of the multi-storey car park.

The application was deferred due to concerns over the impact of the development on the amenities of neighbouring residents as a result of the proposed equipment.

Additional information was submitted in attempt to overcome the concerns raised, however Environmental Health raised concerns over the accuracy of the data submitted. The application was later deferred again to request further clarification and further information has been supplied.

Relevant History:

None germane to this application.

Existing Use(s):

Trafalgar Court – Office development.

Assessment: (Tick as appropriate)

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

MC4(A)	Office Development in Main Centres
GP8	Design
GP9	Sustainable Development

Consultation:

The Office of Environmental Health and Pollution Regulation:

Initial comments – 3rd May 2022:

"I have reviewed the proposed plans for Trafalgar Court, Les Banques, St. Peter Port which were received by email on 8th April 2022. Having regards to the information provided the current proposal may not be suitable in this location.

I have concerns regarding the extent of this application, the number of units proposed and the close proximity to residential properties. An acoustic report is required to demonstrate that the units will operate at 5 dB below background level at the nearest receptor.

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."

Revised comments – 12th September 2022:

"I have reviewed the acoustic report for the proposed plans for Trafalgar Court, Les Banques, St. Peter Port which was received by email on 31st August 2022. The report demonstrates that the air conditioning units will operate at 1 dB below background level at the nearest receptor. The survey was undertaken during an early afternoon in

order to represent a normal working day. The units are assumed to run continuously and there was no night-time data.

Unless it can be demonstrated that the air conditioning units will operate at 5 dB below background level at the nearest receptor at all times when the units are likely to operate then the current proposal is not suitable in this location. This is so to not adversely affect residents in the area.

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."

Further comments – 17th October 2022:

"I have reviewed the acoustic report for the proposed plans for Trafalgar Court, Les Banques, St. Peter Port which was received by email on 31st August 2022 and the email from FME Integrated received 3rd October 2022. I would recommend that the following conditions are attached to the consent:

- The units are limited to operate during 'normal working hours' 08:00-18:00; and*
- There must be no increase on the background level.*

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Following the impracticalities of attaching a planning condition onto the decision in respect of bullet point two given that it does not meet the 'six tests' of applying planning conditions to a planning decision, the Office of Environmental Health and Pollution Regulation have amended their comments as follows:

Final comments – 13th December 2022:

"I have reviewed the acoustic report for the proposed plans for Trafalgar Court, Les Banques, St. Peter Port which was received by email on 31st August 2022 and further correspondence. Taking into the consideration all available information I would recommend that the following conditions are attached to the consent:

- The units are limited to operate during 'normal working hours' 08:00-18:00; and*
- 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 1 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*

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

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.

In light of the additional information and justification submitted, the proposal is unlikely to significantly affect the amenities of neighbouring residents with regards to noise emissions. It is reasonable and necessary to impose planning conditions in line with final comments from the Office of Environmental Health and Pollution Regulation in order to safeguard the amenities of neighbouring residents.

Despite the number of air conditioning units adjacent to the main building and multi-storey car park, the proposals will be set against the backdrop of both buildings respectively, which themselves are setback from public vantage points, and therefore is unlikely to have a detrimental effect on visual amenity or the character of the surrounding area.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 14/12/22

