

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 vents to north-east (front) elevation and vents to south-west elevation.

LOCATION: Ignite Studios, Units A & C, Rock Health, Victoria Avenue, St. Sampson.

APPLICANT: Ignite Studios 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: 24/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture - 2109 02.01A, 02.02 & 02.03

Application Ref: FULL/2022/0665

Property Ref: B012730000

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 - To protect the amenities of neighbouring residents.

5.Notwithstanding the information submitted and prior to the installation of the air conditioning units, full details of a hedge planting scheme, including the height, species and spacing of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the timber fence enclosure is sufficiently screened in public views in the interests of visual amenity.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the installation of the air conditioning units. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure the timber fence enclosure is sufficiently screened in public views in the interests of visual amenity.

7.The timber fence enclosure shall be installed in accordance with drawing 02.03 prior to the first use/operation of the air conditioning units hereby approved.

Reason - To avoid noise nuisance and in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 23/02/2026 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/2022/0665
Property Ref: B012730000
Valid date: 17/03/2022
Location: Ignite Studios Units A & C Rock Health Victoria Avenue
Victoria Avenue St. Sampson Guernsey GY2 4BB
Proposal: Install air conditioning units and vents to north-east (front)
elevation and vents to south-west elevation.

Applicant: Ignite Studios 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. 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 - To protect the amenities of neighbouring residents.

5. Notwithstanding the information submitted and prior to the installation of the air conditioning units, full details of a hedge planting scheme, including the height, species and spacing of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the timber fence enclosure is sufficiently screened in public views in the interests of visual amenity.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the installation of the air conditioning units. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure the timber fence enclosure is sufficiently screened in public views in the interests of visual amenity.

7. The timber fence enclosure shall be installed in accordance with drawing 02.03 prior to the first use/operation of the air conditioning units hereby approved.

Reason - To avoid noise nuisance and in the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The application site comprises a large building, the majority of which was previously utilised by a tenpin bowling business, and now used as a gym following the grant of planning permission in 2020 (FULL/2020/0556). The site also comprises several flats.

The site is located to the west of Victoria Avenue, adjacent to The Track and La Rocque a Lane.

The property is sited Outside of the Centres as designated in the Island Development Plan Proposals Map.

Relevant History:

FULL/2021/238 2	Install replacement air conditioning units to south-west elevation.	Refused
PAPP/2006/43 54	Extend existing and create additional units of staff accommodation and install new and replacement pedestrian bridges and steps.	Granted
FULL/2020/055 6	Change of use of former bowling alley to health and fitness centre (Public Amenity Use Class 21) and omit Condition 5 of PAPP/2006/4354 to enable unrestricted occupation of former staff flats	Granted

Existing Use(s):

Sui Generis – mixed use (application proposal relates to Rock Health – Multipurpose fitness centre, Use Class 21))

Residential Use Class 2 – Flats

Brief Description of Development:

Planning permission is sought to install air conditioning units and vents to the north-east (front) elevation and vents to the south-west elevation of the building.

The agent has noted in their letter of 15th March 2022 that *“Ignite Studios is to occupy Units A & C at Rock Health with a view of providing purpose-built health and fitness studios to local sports groups and teams.”*

Concerns were raised over the potential effect on the amenities of neighbouring residents with regards to noise nuisance from the air conditioning units. The agent has provided further information from an acoustic consultant in attempt to overcome the concerns raised.

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

Island Development Plan policies:

OC9: Leisure and Recreation Outside of the Centres

GP8: Design

GP9: Sustainable Development

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation - 10th May 2022

"I have reviewed the proposed plans for the installation of air conditioning units and vents to the north-east and south-west elevations at the above premises, which were received by email on 14th April 2022. There is currently insufficient information provided for me to fully comment on this application.

I have concerns relating to the close proximity of residential properties and the proposed vent locations. The details of the specific proposed air conditioning system has not been provided – although sound data is provided for Daikin REYQ-U system, the specific model number is required to properly interpret this data.

Should further information be forthcoming I will be happy to look at this and provide further comment.

At a minimum the department requires the following information:

- *Manufacturers' specifications of the specific proposed units*
- *Distance to the closest noise sensitive property (this includes domestic gardens)*
- *Evidence that the noise level the proposed air conditioning system would operate at would be at least 5 dB(A) below the lowest background noise level at any time (this is generally at night)*
- *Details of any proposed attenuation measures to reduce the level of the air source heat pump*

Given the number of proposed units, 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."

The Office of Environmental Health and Pollution Regulation - 15th February 2023

I have reviewed the revised plans and additional information submitted by the applicant, regarding the installation of air conditioning units and vents to the north-east (front) elevation and vents to the south-west elevation at the above site, which were received in this office on 23rd January 2023. I have read the noise impact assessment report, carried out by Aura (Sound & Air) Limited, which concludes:

“In our opinion, in context, targeting a Rating Level that is 5 dB less the Background Sound Level in this environment is considered acceptable and not likely to cause adverse impact to nearby noise sensitive receivers.”

I would therefore recommend that the following condition is attached to any issued consent:

- *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.*

I would be grateful if these issues are considered during the determination of this application.

Summary of Issues:

Noise from the proposed air conditioning units and the effect on the amenities of adjoining residents.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The application relates represents a form of Indoor Formal Recreation as set out in Policy OC9 of the IDP. The IDP makes provision for alterations to an existing facility such as this and as the scheme would not increase the scale of the facility which could undermine the vitality of a Local or Main Centre there is scope to consider the proposal.

In light of the amendments secured, the siting and size of the air conditioning units coupled with the timber fence and appropriate soft landscaping in front, would represent an acceptable form of design (Policy GP8). Consequently, the development would not have an unacceptable impact on the character and appearance of the locality when viewed in the context of the existing design and scale of the building and therefore the proposal accords with Policy GP8. Soft landscaping can be managed by condition and although some planting is shown on the application drawings further details are considered necessary in order to provide appropriate visual screening of the fence.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Careful consideration has been afforded to the effect of the development on the amenities of neighbouring residents. Upon receipt of the acoustic consultants' findings together with the Environmental Health's officers' comments, the proposal is not considered to cause undue harm to the amenities of neighbouring residents to warrant refusal. It is however, necessary and reasonable to attach a planning condition reflecting the Environmental Health officers' recommendation in the interests of protecting the amenities of neighbouring residents, should a noise complaint transpire. A condition relating to the erection of the timber fence will also provide an element of acoustic benefit.

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.

Date: 22/02/23

