

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 to east (rear) flat roof and erect signage to west (front) and east (rear) elevation and internal alterations (Protected Building).

LOCATION: 15 Le Pollet, St. Peter Port.

APPLICANT: Pavers 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: 07/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Pavers: Rev 1 Layout Plan, Rev 1 Electrical Layout Plan & External Signage 18.05.22
Paul Foster Interiors - Q6442/HJR/130522/001

Application Ref: FULL/2022/0895

Property Ref: A112930000

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.

5.The hours of operation of the air conditioning condenser units should be limited to between 09:00 hours and 17:30 hours Monday to Saturday. The air conditioning condenser units shall not be operated at any time on Sunday.

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 06/10/2025 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/2022/0895
Property Ref: A112930000
Valid date: 31/05/2022
Location: 15 Le Pollet St. Peter Port Guernsey GY1 1WF
Proposal: Install air conditioning units to east (rear) flat roof and erect signage to west (front) and east (rear) elevation and internal alterations (Protected Building).

Applicant: Pavers 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 - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

5. The hours of operation of the air conditioning condenser units should be limited to between 09:00 hours and 17:30 hours Monday to Saturday. The air conditioning condenser units shall not be operated at any time on Sunday.

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 property known as '15 Le Pollet' is a dual fronted building with four storeys off North Plantation to the east and four and a half storeys off Le Pollet to the west. There are attached buildings to the north and south. The property is located within the St Peter Port Main Centre, a Conservation Area, the Core Retail Area and the Harbour Action Area as defined in the Island Development Plan. The property is also a Protected Building.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Retail use class 10: general retail.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

MC6: Retail in Main Centres
MC10: Harbour Action Areas
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development

Consultations:

The Office of Environmental Health and Pollution Regulation.

22/06/2022

'There is currently insufficient information for me to provide a full comment on the application.'

I have concerns relating to the proximity of residential properties and the proposed location for the external air conditioning condenser units. I note that there is a domestic property on the sixth and seventh floor of the property and there are already three other condenser units installed on the flat roof. I am concerned that noise from the proposed added units may impact residents.

It is not clear from the submitted documentation whether there are to be two or three new condenser units – the drawing titled 'Existing & proposed condenser locations', drawing no. Q6442/HJR/130522/001 shows two new condensers, and the document titled 'Pavers Standard Specification', under the heading 'HVAC' states three external condenser units will be located on the flat roof.

Whilst details of the of the specific proposed condenser units are included, these have been edited and the full manufacturers specification, including acoustic information is not provided as part of the application.

I would recommend that further information should be forthcoming and if submitted I will reconsider my recommendation.

At a minimum the department requires the following information:

- *Manufacturers' specification documentation of the proposed units*
- *Distance to the closest noise sensitive property (this includes domestic gardens)*
- *Evidence that the noise level the proposed installations 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 conditioning condenser 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.'

27/09/2022

'Concerns remain regarding the proximity of residential properties and the location for the external air conditioning condenser units. I am concerned that noise from the proposed added units may impact residents and would therefore recommend that the following conditions are attached to any granted planning 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 L_{A90} 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.*
- *The hours of operation of the air conditioning condenser units should be limited to between 09:00 hours and 17:30 hours Monday to Saturday. The air conditioning condenser units shall not be operated at any time on Sunday.*

I would be grateful if the above information is considered during the determination of this application.'

Conclusion/Brief comment:

This application is to install two air conditioning units to the east rear flat roof adjacent to the existing units. Erect signage to the west front elevation and one to the east rear elevation and some minor internal alterations.

Although the site is located in a Harbour Action Area the works are minor, inconsequential and would not prejudice the outcomes of a Local Planning Brief nor inhibit the implementation of a Brief.

Initially there was not enough information for Environmental Health to comment on, however, this information has now been submitted and Environmental Health have requested conditions be added to the decision, to prevent excessive noise emissions from the units.

The signs are to be painted onto the various parts of the building and therefore considered acceptable.

The minor internal alterations are to internal walls, which in this instance are not considered to be historic and therefore can be altered without affecting the special interest of the building.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 07/10/2022

