

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: Erect single storey outbuilding/plant room.

LOCATION: Duke Of Richmond Hotel, Cambridge Park Road, St. Peter Port.

APPLICANT: Red Carnation Group

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: 01/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3163-DR-001B.
 BSS Technical Team: Mech-01, 272272-1
 Kingsley Plastics Ltd: SO-18884 1 & 2 (date stamped 02/06/23).

Application Ref: FULL/2022/1831

Property Ref: A111910000

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 recommendations contained in section 6.0 of the noise impact assessment report produced by Aura (Sound & Air) Limited on 2nd May 2023, reference M35.1 V1, must be followed and installed in strict accordance when plant and machinery incorporated within the development are fitted.

The recommendations from the acoustic report need to be followed in order to reduce potential harm to the amenities of neighbouring 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. 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.

Expiry Date: This permission will cease to have effect on 31/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is highly recommended that a suitably qualified noise control specialist (including the Office of Environmental Health and Pollution Regulation), be consulted prior to the fitting of mechanical items to the proposed plant and machinery incorporated within the development, in light of Condition 4.

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/2022/1831
Property Ref: A111910000
Valid date: 18/10/2022
Location: Duke Of Richmond Hotel Cambridge Park Road St. Peter Port
Guernsey GY1 1UY
Proposal: Erect single storey outbuilding/plant room.

Applicant: Red Carnation Group

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 recommendations contained in section 6.0 of the noise impact assessment report produced by Aura (Sound & Air) Limited on 2nd May 2023, reference M35.1 V1,

must be followed and installed in strict accordance when plant and machinery incorporated within the development are fitted.

The recommendations from the acoustic report need to be followed in order to reduce potential harm to the amenities of neighbouring 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. 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.

INFORMATIVES

It is highly recommended that a suitably qualified noise control specialist (including the Office of Environmental Health and Pollution Regulation), be consulted prior to the fitting of mechanical items to the proposed plant and machinery incorporated within the development, in light of Condition 4.

OFFICER'S REPORT

Site Description:

The application site comprises the Duke of Richmond Hotel which is located on the corner between L'Hyvreuse and Cambridge Park Road.

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

Relevant History:

FULL/2012/0837	Erect a kitchen extraction flue housed inside a faux chimney stack (rear elevation).	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect a single storey outbuilding/plant room.

The application was deferred as concerns were raised over the potential for noise nuisance from the proposed equipment.

The agent has sought the advice of an acoustic consultant in attempt to overcome the concerns raised.

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

MC8 – Visitor Accommodation in Main Centres and Main Centre Outer Areas
GP4 Conservation Areas
GP8 Design
GP9 Sustainable development

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

3/11/22 – Original comments:

"I have reviewed the proposed plans for the erection of a single storey external plant room at the above site and would like to make the following comments:

There is currently insufficient information provided for me to comment fully on the proposal. I note that the submitted Site Location and Block Plan, ref. '3163-DR-001 A', uses a blue line to denote the extent of the Duke of Richmond Hotel site. Included within the blue, to the east, is a domestic property named on Cadastre as 'L'Hyvreuse Mews'. This property is located approximately 4m away from the proposed location of the new plant room and I have concerns about the noise impact that the plant room could have on residents of the domestic property. However, I am unsure why the domestic property has been included within the extent of the hotel site.

Should further information be forthcoming I'd be happy to look at this and provide further comment on this planning application.

The following information would be gratefully received:

- *Confirmation on why the Cadastre listed domestic property, L'Hyvreuse Mews is included within the marked Duke of Richmond Hotel site.*
- *Details of plant equipment to be installed, including manufacturers' specifications.*
- *Distance from plant room to the closest noise sensitive property (this includes domestic outdoor areas).*
- *Evidence that the noise level the proposed plant 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 plant room equipment. It is noted that the plant room itself will provide a level of noise reduction, as such details of the sound reduction level offered by the construction materials would be welcomed.*

I would urge the applicant to contact an acoustic consultant and 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.

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

18/07/23 - Revised comments:

"I have reviewed the additional information submitted by DRP Architecture on 1st June 2023, including the noise impact assessment letter, dated 2nd May 2023, from Aura (Sound & Air) Limited, reference M35.1 V1.

I note that the outcome of Aura's acoustic assessment predicts that, at the nearest noise sensitive residential premises, the Rating Level of noise from the proposed plant would be 6dB more than the existing background level. Aura state "the noise level at the receivers from the proposed equipment is expected to be an indication of the specific sound source having an adverse impact depending on the context at the receiver location. This is not expected to satisfy the local authority target noise levels and further noise mitigation is recommended."

Aura recommends that to mitigate this and achieve a level of 5dB below the existing background level, the applicant should attenuate noise by fitting in-line splitter silencers in the boiler flues protruding from the roof of the proposed enclosure. We accept the findings and recommendations of the acoustic assessment, and I would 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 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.*
- The recommendations contained in section 6.0 of the noise impact assessment report produced by Aura (Sound & Air) Limited on 2nd May 2023, reference M35.1 V1, must be followed when plant and machinery incorporated within the development are fitted.*
- A suitably qualified noise control specialist must be consulted prior to the fitting of mechanical items to the proposed plant and machinery incorporated within the development.*

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

Summary of Issues:

- The design of the proposed development and its impact on the character and appearance of the Conservation Area.
- The impact of the development on neighbour amenity.

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).**

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 proposal is supported under the provisions of Policy MC8.

Due to the location of the proposed structure, the development will not be highly visible from public vantage points as it will be set behind a boundary wall which will screen the development. Consequently, the development will not harm the Conservation Area, or visual amenity.

In light of Environmental Health and Pollution Regulation's comments, it is advised that a condition be imposed to reflect their recommendations in the interests of protecting neighbour amenity. Although it is advised through an informative that noise control specialist be consulted prior to the installation of the equipment to ensure that the proposal operates at no greater than 5 dB(A) below the existing LA90 background noise level, otherwise this could result in Enforcement action being taken against the applicant by the Authority, or Environmental Health and Pollution Regulation under separate legislation.

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, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions

Date: 01/08/23

