

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 4 external condenser units to north (rear) elevation.

LOCATION: BBC Radio Guernsey, Television House, Bulwer Avenue, St. Sampson.

APPLICANT: BBC National

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: 29/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: BBCW National Drawing Office: SWT-TVH-TVH-SI-1066/ISS1;
3D118381A specification sheet

Application Ref: FULL/2022/1875

Property Ref: B001440000

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.The air conditioning units hereby approved shall only be operational between 07:00 and 23:00, and shall not be operational at all outside of those hours.

Reason - To protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 28/03/2026 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/2022/1875
Property Ref: B001440000
Valid date: 24/10/2022
Location: BBC Radio Guernsey Television House Bulwer Avenue St.
Sampson Guernsey GY2 4JX
Proposal: Install 4 external condenser units to north (rear) elevation.

Applicant: BBC National

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. The air conditioning units hereby approved shall only be operational between 07:00 and 23:00, and shall not be operational at all outside of those hours.

Reason - To protect the amenities of neighbouring residents.

OFFICER'S REPORT

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Site Description:

The application relates to the north elevation of a larger warehouse type building that makes up Television House, located between Bulwer Avenue and Les Grandes Maisons Road.

The site is with the Bridge Main Centre Outer Area in the Island Development Plan, but is otherwise undesignated.

Relevant History:

FULL/2019/2489	Install 4 external condenser units with acoustic enclosures on south east elevation.	Granted
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Existing Use(s):

Light Industrial Use Class 24

Brief Description of Development:

This application is to install 4 air conditioning condensing units on the north elevation of the larger industrial type building which backs onto a doctor's surgery/pharmacy car park, and is adjacent to the entrance of a residential property. It is understood that the units will serve an existing broadcasting facility. The units will be located within the application site, positioned on a concrete plinth.

Following deferral, the applicant supplied an acoustic report, and has noted that no attenuation is needed along this elevation of the building.

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

MC5(B): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas - outside of the Key Industrial Areas and Key Industrial Expansion Areas

GP8: Design

Representations:

None

Consultations:

Environmental Health – initial comments – 8th November 2022

I have reviewed the proposed plans for FULL/2022/1875, BBC Television House, Bulwer Avenue, St Sampson which were received by post on 27th October 2022. Having regards to the information provided the current proposal may not be suitable in this location.

I have concerns regarding 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.

Environmental Health – revised comments – 21st March 2023

I have reviewed the proposed plans for FULL/2022/1875, BBC Television House, Bulwer Avenue, St Sampson which were received by post on 27th October 2022 and the acoustic report received by email on 16th March 2023. Having regards to the information provided I have no objection to the current proposal granted that the following conditions are attached to the 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 equipment is to run during daytime hours only (07:00-23:00).

I would be grateful if these recommendations are considered during the determination of this application. Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.

Summary of Issues:

Any impact on the residential amenity of nearby residential properties.
Design and appearance.

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).**

Proposals to redevelop, alter or extend existing industrial or storage and distribution uses will be supported where they would not have an unacceptable adverse impact on the amenities of the surrounding uses.

The proposed air conditioning units are to be installed on the north elevation of the larger building, and would be at a reasonable distance away from residential development to the east and west of the units.

As initially submitted, there was insufficient information to enable the potential impact on the residential amenity of nearby properties to be assessed.

Following submission of additional information, the Office of Environmental Health and Pollution Regulation is satisfied that the proposed units will not operate above background noise level, although have recommended that a condition be attached to the decision to ensure that any potential nuisance is mitigated, and has recommended to control the hours of operation to avoid potential issues at night.

Due to the proximity between the development and neighbouring properties, it is considered reasonable in this instance to attach the recommended condition by the Office of Environmental Health and Pollution Regulation to protect the amenities of nearby residents by limiting the noise associated with the air conditioning condensing units.

Consequently, the resultant effect on the amenities on neighbouring residents is not considered to be so significant to refuse the application.

Despite no incorporation of a screen between the building and land to the north of the property to 'soften' any visual impact, the proposal does not give rise to any visual amenity concerns when taking into account the design and appearance of the

existing building, the design and appearance of the proposed units, and that the development backs onto a car park associated with the adjoining doctors surgery/pharmacy. The proposal is considered to be acceptable in this case.

Date: 23/03/23