

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 unit to east of site (Protected Building).

LOCATION: Murata, Castle Vaudin, Cliff Street, St. Peter Port.

APPLICANT: Mr D Matheson

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: 10/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio Architects: 011 / WD01 Rev D and annotated photograph labelled Air Conditioning Condenser Unit.

Application Ref: FULL/2022/2240

Property Ref: A402310000

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 reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 09/02/2026 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/2022/2240
Property Ref: A402310000
Valid date: 07/12/2022
Location: Murata Castle Vaudin Cliff Street Cliff Street St. Peter Port
Guernsey GY1 1LJ
Proposal: Install air conditioning unit to east of site (Protected Building).
Applicant: Mr D Matheson

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).

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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 reasonable amenities of neighbouring residents.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Murata' is a semi-detached late 19th century three and a half storey dwelling, which is located behind Coco's café at a higher level, west of the South Esplanade. The property faces south onto a terraced patio, with the gable facing the road below – the property is reached by steps down to the South Esplanade and there is vehicular access from the end of Cliff Street to the east.

The property is located in the St Peter Port Main Centre, a Conservation Area, a Harbour Action Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/0707 - Install solar panels to south roof slope and ground mounted panels to south of property. (Protected Building) – Approve June 2022.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP13: Householder Development
MC10: Harbour Action Area

Consultations:

The Office of Environmental Health and Pollution Regulation.

(5th January 2023)

'I have concerns relating to the close proximity of residential properties and the proposal for the use of an air source heat pump. The acoustic information submitted as part of this application is not sufficient.

Should further information be forthcoming I will reconsider my recommendation.

At a minimum the department requires the following information:

- ***Manufacturers' specifications of the proposed unit (insufficient information)***
- *You have provided the sound pressure of the outside unit operating at night/quiet mode. Please contact the manufacturer to obtain full specifications including sound power and/or sound pressure when the unit is operating at high/max mode.*
- *Distance to the closest noise sensitive property (this includes domestic gardens) (provided)*
- ***Evidence that the noise level the proposed pump 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 (partially provided and further measures may not be applicable).'*

(31st January 2023)

'I have reviewed the proposed plans for the installation of an air conditioning condenser unit that were received by email on 7th December 2022 and additional information provided by email on 31st December 2023. I have carried out a distance calculation and recommend that the following condition is 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.'*

Conclusion/Brief comment:

This application is to install an air conditioning unit to the east of the site, which is at a lower level than the dwellings main terrace, it will be tucked out of the way and will not be seen from any public vantage points.

Because of the discreet location of the unit there will be no adverse impact on the character and appearance of the surrounding Conservation Area. For the same reason there will be no detrimental impacts on the setting of the Protected Building.

As noted above Environmental Health would like a condition added to ensure the noise levels emitting from the unit are kept to an acceptable level thereby ensuring no undue harm to neighbour amenity.

The proposals will not impact on any future plans for the harbour area. Therefore 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: 10/02/2023

