

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 flat roof, install external vents and lighting to north and east elevations.

LOCATION: Pharmacy, L'Aumone Medical Centre, Route De Cobo, Le Villocq, Castel.

APPLICANT: Stephen Smith 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: 17/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lloyds Pharmacy: LP6662D2-100, -141 & -161.

Application Ref: FULL/2023/0096

Property Ref: D01347B001

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 two air conditioning condenser units should be limited to between 07:00 hours and 21:00 hours Monday to Friday. The air conditioning condenser units shall not be operated at any time on Saturday or 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.

6.The hours of operation for the external lighting shall be limited to 07:00 to 21:00 each day.

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.

7.The external lighting shall be operated by a timer which is set to allow illumination and extinguish lighting at the permitted times. The timer will be changed to reflect when British Summer Time begins and ends.

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 16/05/2026 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/2023/0096
Property Ref: D01347B001
Valid date: 30/12/2022
Location: Pharmacy L'Aumone Medical Centre Route De Cobo Le Villocq
Le Villocq Castel Guernsey
Proposal: Install air conditioning units to flat roof, install external vents
and lighting to north and east elevations.

Applicant: Stephen Smith 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 two air conditioning condenser units should be limited to between 07:00 hours and 21:00 hours Monday to Friday. The air conditioning condenser units shall not be operated at any time on Saturday or 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.

6. The hours of operation for the external lighting shall be limited to 07:00 to 21:00 each day.

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.

7. The external lighting shall be operated by a timer which is set to allow illumination and extinguish lighting at the permitted times. The timer will be changed to reflect when British Summer Time begins and ends.

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

Site Description:

The site known as 'L'Aumone Medical Centre' is located to the north of Route de Cobo, east of Ruelle du Courtil Simon and west of Clos Courtil Simon. The existing building is sited to the east part of the site with the nearest neighbouring property directly north. There are other residential properties across the roads in each direction.

Relevant History:

FULL/2020/1560 - Install signage including illuminated signage around site - Approved November 2022.

FULL/2018/1552 - Erect two-storey extension with rooftop garden to side extension with glazed link to existing building with associated parking, bin and cycle stores and landscaping. Alterations to existing building (fenestration, external insulated render system, install replacement rain canopy). Install air handling units to existing flat roof. Alter existing vehicular access to a pedestrian access and create new vehicular accesses from Route de Cobo - Approved August 2019.

Existing Use(s):

Public amenity use class 18: non-residential health/welfare services.

Brief Description of Development:

This application is to install two air conditioning units to flat roof, install external vents (three roof vents and four wall vents) and PIR controlled lighting to north (x2) and east elevations (x3).

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

LC3(A): Social and Community Facilities in Local Centres – New, Extension, Alteration or Redevelopment of Existing Uses

GP8: Design

GP9: Sustainable Development

Representations:

There has been one letter of representation and the issues are:

- These units will be very close to the neighbours property and having experienced the noise that such units produce they are concerned that the noise will be extremely intrusive both inside the house as well as in the garden. It is appreciated that there is apparently going to be some 'sound deadening' built into the development but would query the effectiveness of this given the proximity to the property. The neighbours will monitor the development and refer to Environmental Health should the noise pollution be excessive.

Consultations:

The Office of Environmental Health and Pollution Regulation.

8th February 2023.

"I have reviewed the proposed plans for the installation of air conditioning units to the flat roof, plus installation of external vents and lighting to the north and east

elevations at the above site. There is currently insufficient information provided for me to comment fully on this application and I would welcome the following information:

- 1) Regarding the two air conditioning units, I have been unable to carry out an acoustic distance calculation as the manufacturer's specification is not provided for the outdoor unit 'SUZ-KA60VA', as specified on Drawing Number LP6662D2-141. A distance calculation is required to assess the rating level of the units at the nearest sensitive receptor. Without the correct specifications being provided I am not able to determine any noise impact that the units might have on nearby residents.*

I would welcome the manufacturer's specification for the proposed outdoor unit (I note that the manufacturer's specification for the other unit has been provided) and would also welcome evidence to demonstrate that the rating level of the two proposed units will achieve 5dB below the existing background sound level.

It would also be useful to know the proposed times of operation for the units.

- 2) Regarding the external lighting, I am concerned about the impact these may have on nearby residential properties. I would therefore welcome details on the proposed times of operation of the lighting, how they will be operated (sensor, timer, etc.) and the positioning of the lights to minimise any impact on the nearest residential properties.*

Should further information be submitted I would be happy to look at this and provide further comments.

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

27 April 2023

'I have reviewed the additional information submitted regarding the above application, and note the contents of both the email dated 22 March 2023 from Tony Lyon on behalf of Streamlined Developments and the acoustic report dated 16 March 2023 prepared by Aura (Sound & Air) Limited.

I continue to have concerns about the potential for noise disturbance to occur which may impact nearby residents, arising from the proposed air conditioning units. Due to these concerns, I would recommend that the following conditions be attached to any granted 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 hours of operation of the two air conditioning condenser units should be limited to between 07:00 hours and 21:00 hours Monday to Friday. The air conditioning condenser units shall not be operated at any time on Saturday or Sunday.*

I also continue to have concerns about the potential for light disturbance to occur which may impact nearby residents, arising from the proposed external lighting. I note from Tony Lyon's email that 'The lighting is primarily for safety to light the external ramp around the north side of the pharmacy and the steps to the rear doors of the pharmacy, and as such will be adjusted to only light this area'. I welcome this adjustment and would recommend that the following conditions be attached to any granted consent:

- *The hours of operation for the external lighting shall be limited to 07:00 to 21:00 each day.*
- *The external lighting shall be operated by a timer which is set to allow illumination and extinguish lighting at the permitted times. The timer will be changed to reflect when British Summer Time begins and ends.*

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

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The application is for the installation of two air conditioning units, some vents and controlled external lighting. The air conditioning units will be located on the existing flat roof behind the existing two storey part of the Centre to the north. The nearest neighbouring property is north of the pitched roof single storey element of the Centre, so the units will not be seen from the road and the pitched roof single storey

part of the centre will help to shield the noise emitted by the units from the nearest neighbour. However, to ensure the noise does not become a nuisance Environmental Health has recommended some conditions be added to the decision.

The vents and lighting are to go on the north and side elevations of the existing pitched roof single storey part of the Centre, and are not considered to be an issue with the conditions in place.

The proposals achieve a good standard of design, the scale and massing of the proposals are not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will they have any impact on either of the immediate neighbours.

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.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 15/05/2023

