

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 replacement door and signage (including double sided sign) to north east elevation, install windows to north-west elevation. Install double sided sign to south west elevation and air conditioning units to flat roof (Protected Building).

LOCATION: 16-20 Smith Street, St. Peter Port.

APPLICANT: Green Room Properties Ltd

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: 08/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Axis Mason: 4526 005 P2, 051 P3, 100 P2, 101 P3, 105 P1 & 201 P1

Application Ref: FULL/2023/0722

Property Ref: A200840000

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.Prior to the installation of replacement doors, large scale drawings (1:20 elevation; 1:5 sections) of the replacement doors shall be submitted to and agreed in writing by the Authority. The agreed details shall thereafter be implemented.

Reason - The level of information provided is not clear to demonstrate that the special interest of the protected building will be preserved. This condition is required to ensure that the detail of the development is acceptable.

5.Prior to installation, the materials, detailing, external appearance and means of fixing of the hereby approved fascia sign and projecting signs shall be submitted to at an appropriate scale (i.e. 1:20) and agreed in writing by the Authority. The agreed details shall thereafter be implemented.

Reason - The level of information provided is not clear to demonstrate that the special interest of the protected building would be preserved, nor would the character and appearance of the Conservation Area be conserved. This condition is required to ensure that the design and detail of the signage is acceptable.

6.For the avoidance of doubt, the existing (four) air conditioning units shall be removed in their entirety prior to the installation of the replacement air conditioning units.

Reason - To protect the amenities of neighbouring residents.

7.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.

8.The hours of operation of plant and machinery incorporated within the development shall be limited to between 08:00 hours and 18:00 hours on weekdays (Monday - Friday). There shall be no operation on Saturdays, Sundays or public holidays.

Reason - To protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 07/09/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that should it be proposed to alter or remove ceilings and/or floors at ground floor level, it is advised that you contact the Authority to discuss the extent of the works involved in order to determine whether planning permission is required.

It is recommended that any fascia signage should be comprised of individual lettering or is painted, and any wall mounted projecting signs should be comprised of a 2 sided hanging sign in a style that respects and reflect other traditional signage in the immediate vicinity.

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/2023/0722
Property Ref: A200840000
Valid date: 01/06/2023
Location: 16-20 Smith Street St. Peter Port Guernsey GY1 2JD
Proposal: Install replacement door and signage (including double sided sign) to north east elevation, install windows to north-west elevation. Install double sided sign to south west elevation and air conditioning units to flat roof (Protected Building).

Applicant: Green Room Properties Ltd

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. Prior to the installation of replacement doors, large scale drawings (1:20 elevation; 1:5 sections) of the replacement doors shall be submitted to and agreed in writing by the Authority. The agreed details shall thereafter be implemented.

Reason - The level of information provided is not clear to demonstrate that the special interest of the protected building will be preserved. This condition is required to ensure that the detail of the development is acceptable.

5. Prior to installation, the materials, detailing, external appearance and means of fixing of the hereby approved fascia sign and projecting signs shall be submitted to at an appropriate scale (i.e. 1:20) and agreed in writing by the Authority. The agreed details shall thereafter be implemented.

Reason - The level of information provided is not clear to demonstrate that the special interest of the protected building would be preserved, nor would the character and appearance of the Conservation Area be conserved. This condition is required to ensure that the design and detail of the signage is acceptable.

6. For the avoidance of doubt, the existing (four) air conditioning units shall be removed in their entirety prior to the installation of the replacement air conditioning units.

Reason - To protect the amenities of neighbouring residents.

7. 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.

8. The hours of operation of plant and machinery incorporated within the development shall be limited to between 08:00 hours and 18:00 hours on weekdays (Monday - Friday). There shall be no operation on Saturdays, Sundays or public holidays.

Reason - To protect the amenities of neighbouring residents.

INFORMATIVES

Please note that should it be proposed to alter or remove ceilings and/or floors at ground floor level, it is advised that you contact the Authority to discuss the extent of the works involved in order to determine whether planning permission is required.

It is recommended that any fascia signage should be comprised of individual lettering or is painted, and any wall mounted projecting signs should be comprised of a 2 sided hanging sign in a style that respects and reflect other traditional signage in the immediate vicinity.

OFFICER'S REPORT

Site Description:

The application site features buildings No.16 - No.20 which front onto Smith Street. The site is recognised as a mix use site with the ground floors comprising of retail (shop and restaurant), with office accommodation at first and second floor level. It is noted that the restaurant known as 'Gusto' operates from No.20.

Part of the building that fronts on to Smith Street is protected, whilst the rear section of the building is excluded from the listing. The site has been heavily altered over the years, with the majority of the first and second floors comprising of modern partition walls, whilst a few original details remain untouched as discussed below. A mix of protected monuments lie to the south-east of the site, comprising of walls, steps, railings and pump. The site is located within St Peter Port Conservation Area and Main Centre Inner Area, as designated in the Island Development Plan.

Relevant History:

PREA/2023/0535	Change of use of post office to restaurant	Pre-app advice
FULL/2021/1811	Internal alterations. (Protected Building).	Granted
FULL/2021/0512	Erect signs to front fascia and projecting (protected building) (Retrospective)	Granted
FULL/2020/2510	Replace double sided sign to north-east (front) elevation (Protected building) (Retrospective).	Granted
FULL/2020/2206	Subdivide existing retail unit to provide 2 retail units (Retail Use Class 9), including internal and external alterations (protected building).	Granted
FULL/2015/1661	Reconstruct facade and works to soffit and downpipe (Protected Building)	Granted
FULL/2009/3363	Replace doors and frame replace steps and install signage.	Granted

Existing Use(s):

Retail – ground floor restaurant and shop.
Office – first floor and second floor.

Brief Description of Development:

Planning permission is sought to install a replacement door and signage to the north-east (front) elevation, install windows to north-west (rear) elevation. It is also proposed to install a double-sided sign to the south-west elevation, and 5 air conditioning units to the flat roof.

No meaningful statement has been provided to demonstrate understanding of the special interest of the protected building. It is however noted that the purpose is to provide offices suitable for modern purposes and to improve accessibility.

It is observed from the street scene that the application site 'read' as two separate buildings. Number 16 retains more of its Georgian appearance over the upper floors, whilst numbers 18-20 are a pair and have undergone more alterations at first floor level. Early 20th century shopfronts continue across numbers 16-18. Internally, modern office fit-outs predominate over the upper floors, with substantial walls indicating the extent of the early buildings. Some features survive, including cornices in some areas and parquet flooring at ground level.

The application was deferred over the potential for noise nuisance due to the air conditioning units to the rear, together with the extent of internal fabric of the protected building being removed in order to facilitate modern office requirements.

The application was amended to retain the original thick dividing wall which separates No.16 and No.18/20 in attempt to reduce the degree of harm on the protected building.

Further information has been provided by the agent and applicant in order to address Environmental Health's request.

Clarification of the proposed signage has been sought in attempt to ensure that the new fascia signage is comprised of individual lettering or is painted, and that the surface mounted sign, is comprised of a hanging sign to better reflect signage in the immediate vicinity. The agent has agreed to further clarification by condition.

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

MC4(A)	Office Development in Main Centres
MC6	Retail in Main Centres
GP4	Conservation Areas
GP5	Protected Buildings
GP8	Design
GP9	Sustainable Development

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation (14th June 2023) – initial drawings:

“I have reviewed the proposed plans for 16-20 Smith Street, St. Peter Port, Guernsey, GY1 2JQ which includes the installation of air conditioning units to flat roof which were received by email on 6th June 2023. Having regards to the information provided and having carried out a distance calculation, the current proposal is not suitable in this location.

I have concerns relating to the close proximity of residential properties and the proposal for the use of the air source heat pumps. There is limited acoustic information provided as part of the application and no data relating to any acoustic properties of any proposed enclosure.

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 (received)*
- *Distance to the closest noise sensitive property (this includes domestic gardens)*
- *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*

I would urge the applicant to contact an acoustic consultant.

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.”

The Office of Environmental Health and Pollution Regulation (31 August 2023) – revised drawings:

“I have reviewed the additional information submitted by James Le Gallez on 8th August 2023, the applicant on 29th August 2023 and on 30th August 2023, in relation to the installation of five air conditioning condenser units to the flat roof at the above property.

Using the specification sheets for both the existing four units (2 x Daikin RZQS140C7V1B and 2 x Daikin RXS60F2V1B) and the specification sheet for the proposed five units (5 x Daikin 2MXM68N), I have been able to calculate the existing

and proposed sound pressure levels. I am satisfied that if, as proposed, the existing four units are removed – and there are no other existing units – and replaced with the proposed five units, the noise level emitted will be lower. However, as a level calculated at 68 dB will be emitted 1m from the five units, to protect local residential amenity, I would recommend that the following conditions are attached to any granted planning consent:

- The hours of operation of plant and machinery incorporated within the development shall be limited to between 08:00 hours and 18:00 hours on weekdays (Monday - Friday). There shall be no operation on Saturdays, Sundays or public holidays.*
- 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.*

I would be grateful if this information is 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:

- The impact of the development on the character and appearance of the Conservation Area.
- The impact of the development on the special interest of the protected building.
- Whether the design of the proposed development is acceptable.
- 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).**

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. Moreover, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

Whilst there will be some harm to the special interest of the protected building by virtue of removing sections of solid walls at first and second floor level and potentially the decorative cornices, the degree of harm is considered to be limited when taking into account the extent of solid walls to be removed when balanced against the benefit to the overall office quality provision. The alterations proposed will aim to modernise standards, in a prime town centre location.

To balance against the degree of harm caused to the protected building, the agent has agreed to the retention of the larger and thicker dividing wall. Retaining this feature will help to internally demarcate between both buildings therefore retaining the building's evolution, which in turn positively contributes to its special interest. Consequently, the degree of harm to the interior plan form and features is outweighed by the reasonable aspiration of the property owner when taking into account the amendments secured (Policy GP5).

Other aspects such as the replacement of timber doors to aluminium would have a neutral effect on the special interest of the protected building given that the existing timber doors are a modern replacement.

The principle of new and replacement signage, installation of a/c units, removal of flag poles and installation of windows in the non-protected part of the building, are acceptable, subject to appropriate conditions.

The agent has agreed that the new fascia signage and the hanging signage will be controlled by condition to ensure that the detailing of the signs is acceptable to respect the sensitive surroundings. An appropriate condition to this effect is attached to the decision.

Attention is drawn to the air conditioning units. Environmental Health have advised that:

"I am satisfied that if, as proposed, the existing four units are removed – and there are no other existing units – and replaced with the proposed five units, the noise level emitted will be lower. However, as a level calculated at 68 dB will be emitted 1m from the five units, to protect local residential amenity, I would recommend that the following conditions are attached to any granted planning consent".

Based on the comments from the Environmental Health officer and their recommendations, it is necessary and reasonable to attach appropriate planning conditions to limit the potential noise nuisance on neighbouring residents and by restricting the hours of the plant equipment being operated.

It is also reasonable and necessary to attach a planning condition to ensure that the existing air conditioning units are removed prior to their replacement.

It is reasonable to attach an informative to the decision following discussions with the agent and the Conservation and Design Officer to advise that a separate planning application may be needed should further works to the building be proposed, such as the removal of the parquet floor and ceilings.

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: 05/09/23