

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 air conditioning units and acoustic screening to flat roof and alter roof window on east elevation (Protected Building).

LOCATION: Harbour House, South Esplanade, St. Peter Port.

APPLICANT: Lisia Holdings 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: 31/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: BHP - G4684 01-04(O), 02 20B, 02 21, 02 22 & 02 23

Application Ref: FULL/2023/0761

Property Ref: A401740000

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.Notwithstanding the details shown on the approved plans and prior to the commencement of any development hereby approved, full details/specification (including all dimensions and details of materials and any finish to be applied) of the acoustic louvred screening shall be submitted to and agreed in writing by the Authority. The acoustic screening shall be installed in strict accordance with the agreed details prior to the first use of the replacement air conditioning units hereby approved.

Reason - The premises are close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents and in the interests of visual amenity.

6.Notwithstanding the details shown on the approved plans, prior to the replacement of the roof window hereby approved full details of its appearance, style and material shall have been submitted to and approved in writing by the Authority. This window shall only be replaced in accordance with the approved details.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 30/01/2027 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/2023/0761
Property Ref: A401740000
Valid date: 23/05/2023
Location: Harbour House South Esplanade St. Peter Port Guernsey GY1 1AP
Proposal: Install replacement air conditioning units and acoustic screening to flat roof and alter roof window on east elevation (Protected Building).
Applicant: Lisia Holdings 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. 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. Notwithstanding the details shown on the approved plans and prior to the commencement of any development hereby approved, full details/specification (including all dimensions and details of materials and any finish to be applied) of the acoustic louvred screening shall be submitted to and agreed in writing by the Authority. The acoustic screening shall be installed in strict accordance with the agreed details prior to the first use of the replacement air conditioning units hereby approved.

Reason - The premises are close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents and in the interests of visual amenity.

6. Notwithstanding the details shown on the approved plans, prior to the replacement of the roof window hereby approved full details of its appearance, style and material shall have been submitted to and approved in writing by the Authority. This window shall only be replaced in accordance with the approved details.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Harbour House' is a five and a half storey building which faces east directly onto the South Esplanade. The four and a half storey Yacht Inn is attached to the north and a two storey flat roof building is attached to the south. To the west is a set of granite steps which go up to Cliff Street. Harbour House is situated within the St Peter Port Main Centre, Conservation Area and Harbour Action Area as defined in the Island Development Plan. The property is also a Protected Building.

Relevant History:

FULL/2023/0757 - Install replacement windows and doors to east and west elevations, install roller shutter doors to east elevation and internal alterations (Protected Building) – Pending.

Existing Use(s):

Administrative, financial and professional services use class 16: administrative office.

Assessment: *(Tick as appropriate)*

no representation

X

accords with policy

X

within curtilage

X

design acceptable

X

visual amenity acceptable

X

no material neighbour impact

X

traffic not affected

X

Policies considered most relevant:

MC4(A): Office Development in Main Centres

MC10: Harbour Action Areas

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Consultations:

The office of Environmental Health and Pollution Regulation.

(Letter dated 14th June 2023)

'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 (insufficient information).'*

(Email dated 8th September 2023)

'I can confirm should the additional noise control measures recommended in section 6 of the report be implemented we would be satisfied that the installation will achieve 5 dB below the existing background noise level.'

Please can the following conditions be 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 recommendations detailed in section 6 of the noise impact assessment dated 15th July 2023 in relation to Harbour House shall be implemented.'*

Conclusion/Brief comment:

Policy MC4(A) states that proposals for the refurbishment or redevelopment of existing office stock within the Main Centres and the development of office accommodation above ground floor will be supported.

The proposals are not going to prejudice the outcomes of the Local Planning Brief process or inhibit the implementation of a Local Planning Brief once it is approved because they are minor and inconsequential in nature therefore the scheme addresses Policy MC10.

The minor nature of the proposals also ensure that the special character and appearance of the surrounding conservation area will be conserved, as the proposals will not be seen from many public vantage points and do not greatly alter the appearance of the building.

In principle, the installation of replacement (larger) air conditioning units in the position proposed would meet policies GP4 and GP5, but would be subject to agreement of a specification for the louvred screen so that an appropriate appearance can be assured, this can be conditioned.

The replacement of the first floor roof window is also dealt with as part of planning application reference FULL/2023/0757 which has been granted planning permission. However under this application, an alteration to the means of opening may be required to allow access to the air conditioning for maintenance purpose. The removal of the existing is not of a concern provided that the replacement is of an acceptable design and a suitable material is to be used. For the avoidance of any doubt it is recommended that a condition is included on this permission for full details of the replacement window to be provided for written approval of the Authority.

Environmental Health were consulted regarding the size and location of the air conditioning units. Initially the application was deferred to allow the applicant to compile an acoustic report, once submitted Environmental Health assessed the additional information and have suggested that conditions are added to an approval.

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.

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: 31/01/2024

