

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: Raise height of rooftop plant enclosure.

LOCATION: Phase 2 Office, Admiral Park, Elizabeth Avenue, St. Peter Port.

APPLICANT: J W Rihoy And Son 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: 03/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne: 10501-SK-18-5-23. R25-10501-S1-107D, -108D, -109D & -110D.
C8 Mechanical & Electrical: 34699-M-Roof Info C3 and
Environoise Noise Impact Assessment ref: 21572R03SWMW

Application Ref: FULL/2023/1036

Property Ref: A10469E000

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.The rooftop enclosure hereby approved shall be completed in its entirety prior to the rooftop external plant and equipment it encloses is first brought into use. The rooftop enclosure shall thereafter be retained unless the rooftop equipment is no longer required or should future developments allow for a reduction in the impact of the equipment at which time the enclosure shall be removed from the site.

Reason - In the interests of residential and visual amenity.

Expiry Date: This permission will cease to have effect on 02/11/2026 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/2023/1036
Property Ref: A10469E000
Valid date: 02/06/2023
Location: Phase 2 Office Admiral Park Elizabeth Avenue St. Peter Port
Guernsey GY1 2HU
Proposal: Raise height of rooftop plant enclosure.

Applicant: J W Rihoy And Son Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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rooftop enclosure shall thereafter be retained unless the rooftop equipment is no longer required or should future developments allow for a reduction in the impact of the equipment at which time the enclosure shall be removed from the site.

Reason - In the interests of residential and visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises part of a larger mixed-use redevelopment site that is currently under construction. The site is located within the Town Main Centre Outer Area and is designated as an Office Expansion Area under the Island Development Plan (IDP).

The site faces towards existing large floorplate retail and office buildings to the south and east, with residential properties to the north and west.

The office building the subject of this application is under construction.

Relevant History:

FULL/2021/0667 - Erect office building and associated external works.
Approved 10-05-2021

FULL/2021/2140 - Variation to previously approved plans to erect office building and associated works - Increase floor area, alterations to fenestration, enlarge rooftop plant enclosure and install solar panels
Approved 21-02-2022

Existing Use(s):

Mixed-use redevelopment site

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

MC4(B) – Office Development in Main Centre Outer Areas

GP8 – Design

GP9 – Sustainable Development

Consultation:

Office of Environmental Health and Pollution Regulation – note that in the Noise Impact Assessment produced by Environoise on 15th December 2022, in respect of Office (Phase 2) at the above site, at paragraph 3.2.2 it is stated that “a 2.8-metre-high plant screen is proposed around rooftop plant which has been considered in calculations. This considers plant not being elevated on mesh flooring or supports”. OEHPR further understand from the additional information submitted that to attenuate the noise generated from the plant, to achieve the plant noise limit at the residential noise receptors on First Tower Lane, the plant needs to be raised off the roof flooring level to allow the installation of acoustic attenuating kit. OEHPR therefore recognise that there is a need to also raise the enclosure height to ensure it is still 2.8m when measured from the base of the raised plant. This will protect the amenity of those living in the nearest noise sensitive residential properties, in line with the acoustic report calculations and findings.

OEHPR therefore confirm that I do not wish to raise any objections or make any comment on this application.

Conclusion/Brief comment:

This application proposes to increase the height of the rooftop plant enclosure and indicates that this is necessary follow consultation with acoustic consultant analysis and Services Engineer design for the scheme. The proposed 1m increase in height is proposed to maximise acoustic attenuation.

The application as originally submitted did not include details of the acoustic consultant analysis and was deferred in order for this information to be provided to enable the Planning Service to balance the need for the increased height enclosure vs. the visual impact this would have on visual amenity particularly longer distance views of the site.

None of the proposed changes are considered detrimental to the overall quality of the approved scheme, and should not result in any materially greater impact on the character of the surrounding area.

It is apparent now that the development of this building has reached an advanced stage that the proposed increase in height of this small part of the overall building, beyond the maximum building height set out on the parameter plans, would not appear significant and would have no materially greater impact on the character of the development as a whole or the surrounding area, or on the amenity of

neighbouring properties, in comparison with the development as originally approved. Furthermore, Environmental Health raise no objections as noted above.

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.

In view of the above it is recommended permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 25/10/2023

