

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 roof (Protected Building).

LOCATION: Madier Bar, 4 Contree Mansell, St. Peter Port.

APPLICANT: C8 Mechanical & Electrical

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: 20/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan, Specification Table & C8 Details of Air Conditioning Unit

Application Ref: FULL/2023/1171

Property Ref: A302740000

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 the equipment hereby approved shall be controlled such that the Rating Level, measured or calculated at 1 metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(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.

Expiry Date: This permission will cease to have effect on 19/09/2026 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/2023/1171
Property Ref: A302740000
Valid date: 13/07/2023
Location: Madier Bar 4 Contree Mansell St. Peter Port Guernsey GY1 1HP
Proposal: Install air conditioning unit to roof (Protected Building).
Applicant: C8 Mechanical & Electrical

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To protect the amenities of neighbouring residents.

INFORMATIVES

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Madier Bar' is a pre-1900's two storey Protected Building which faces north directly onto Contree Mansell. There are attached buildings to the east, south and west. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Retail use class 11: food.

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

MC6: Retail in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Consultations:

The Office of Environmental Health and Pollution Regulation.

'I have concerns relating to the noise impact that the outdoor unit may have on nearby residents and its proximity to residential properties. Some details for a Daikin 2MXM-A9 unit are included, which show a sound pressure level which is likely to be above the existing background noise level in that area, especially at night-time. I note that it is confirmed that the unit will only be used during operating hours, but the bar has a licence to operate until 12.45am every day, so this could impact residents living nearby. There is no further acoustic information provided as part of the application and no data relating to any acoustic attenuation or acoustic properties of any proposed enclosure.

At a minimum the department requires the following information:

- *Manufacturers' complete specifications of the exact proposed unit*
- *Distance to the closest noise sensitive property (this includes domestic gardens)*
- *Evidence that the noise level the proposed unit 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 conditioning unit*

I would urge the applicant to contact an acoustic consultant I have attached a list of consultants who are prepared to operate on the island. Please note that inclusion on the list does not infer any kind of recommendation by the department. Any measurements and assessment shall be made in accordance with British Standard 4142:2014.'

Conclusion/Brief comment:

This application is to install an air conditioning unit onto the rear flat roof of the Protected Building. Had the property not been protected than the proposals would have been exempt from permission under the Land Planning and Development (Exemptions) Ordinance, 2023.

Policy MC6 states that proposals to extend, alter or redevelop existing retail premises will also be supported providing they accord with all other relevant policies of the Island Development Plan.

The rear flat roof cannot be seen from any direction, as it is in a rear courtyard area at the back of buildings which face outward. For this reason the proposal is not considered to have any detrimental impacts on the character and appearance of the surrounding conservation area.

Environmental Health were consulted and they requested an acoustic report was carried out. However, due to the fact the unit would have been exempt had the building not been protected, it would be unreasonable and overly onerous to request additional information which is unrelated to the protected status of the building, but would not otherwise be required if the building was not protected. In this case it is therefore reasonable to replicate the requirement of the Exemptions Ordinance in respect of noise levels through a condition to ensure that noise emissions from the unit would be within reasonable limits.

The proposals are considered to comply with Policy GP5 and are not considered to have any adverse impacts on the special interest of the building or its setting.

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: 19/09/2023

