

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 5 air conditioning units to west of roof.

LOCATION: 4 South Esplanade, St. Peter Port.

APPLICANT: Mr B Torode

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: 24/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: C8 Mechanical Electrical: 416 23-P-01/P1.

Application Ref: FULL/2023/1260

Property Ref: A401750000

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 - In the interests of residential amenity.

Expiry Date: This permission will cease to have effect on 23/08/2026 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/2023/1260
Property Ref: A401750000
Valid date: 10/07/2023
Location: 4 South Esplanade St. Peter Port Guernsey
Proposal: Install 5 air conditioning units to west of roof.
Applicant: Mr B Torode

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.

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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 - In the interests of residential amenity.

OFFICER'S REPORT

Site Description:

The site is occupied by a two-storey flat roof building which is located in the Main Centre. This site is also within the Harbour Action Area and is within the Conservation Area, as designated in the Island Development Plan.

Relevant History:

FULL/2012/0630- Change of use from former ticket office (use 14) to offices for professional/financial services (use 21).

Existing Use(s):

15 Office - visiting members

Brief Description of Development:

The application proposes the removal of the existing 8x air conditioning units located on the flat roof, and replacement with 5x new air conditioning units positioned on the roof.

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

GP4- Conservation Area

GP8 – Design

GP9 – Sustainable Development

MC10 – Harbour Action Area

Representations:

One letter of representation was received from a local neighbour and has been summarised:

- Air source heat pumps (ASHP) are noisy and the location proposed is adjacent to the boundary wall, and close to the neighbour's private amenity space.
- The location of the pumps to the south gable would be more suitable.

Consultations:

Environmental Health were consulted on the application and made the following observations and comments:

Despite the current 8 ASHPs being replaced with a more modern and quieter specification models, 3x DAIKIN RXM25R9 and 2 x DAIKIN 2MXM68A9, calculations have been made to assess the cumulative noise level from the 5 proposed ASHP units and it is believed that the noise level experienced by a local property could be up to 44.8 dB.

As such, I would recommend the following condition:

- 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.*

Summary of Issues:

- Principle of development
- Impact on neighbours

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).**

The site is located within the Harbour Action Area, where minor development is supported where it would not prejudice or inhibit a local planning brief and accord with all other IDP policies.

The proposal is considered to comply with Policies GP4 and GP8 as the proposal has no significant impact on the appearance of the Conservation Area or the character of the surrounding built environment.

The impact on the residential neighbours has been assessed and the proposal replaces 8 units with 5 quieter units, although there is potential for some considerable noise as a result of the use of the units. For this reason, Environmental Health have requested a condition to control the noise levels and this should prevent any significant harm arising from the use of the units.

On this basis, the impact on residential amenity is considered acceptable and approval is therefore recommended, subject to relevant conditions.

Date: 18/08/2023

