

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 west elevation (Revised Scheme).

LOCATION: Rock House, Victoria Avenue, St. Sampson.

APPLICANT: Bellflower Asset 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: 14/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: C8 Mechanical & Electrical: QPR02008-01P & 02P

Application Ref: FULL/2023/1402

Property Ref: B012730000

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 noise generated is needed to prevent a nuisance or annoyance to nearby residents.

5.The air conditioning unit shall only be used between the hours of 06:00 and 20:00 Monday to Friday, 08:00 and 16:00 Saturday, and 10:00 and 16:00 Sundays and Bank Holidays.

Reason - The premises are close to residential property and a limit on the use of the equipment is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 13/09/2026 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/2023/1402
Property Ref: B012730000
Valid date: 08/08/2023
Location: Rock House Victoria Avenue St. Sampson Guernsey GY2 4BB
Proposal: Install air conditioning unit to west elevation (Revised Scheme).

Applicant: Bellflower Asset 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 noise generated is needed to prevent a nuisance or annoyance to nearby residents.

5. The air conditioning unit shall only be used between the hours of 06:00 and 20:00 Monday to Friday, 08:00 and 16:00 Saturday, and 10:00 and 16:00 Sundays and Bank Holidays.

Reason - The premises are close to residential property and a limit on the use of the equipment is needed to prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a large building, the majority of which is used as a gym. The site also comprises several flats. The site is located to the west of Victoria Avenue, adjacent to The Track. The property is sited Outside of the Centres as designated on the Island Development Plan Proposals Map.

Planning permission is sought to install air conditioning units to the north-west elevation of the building in connection with part of the building being used by Rock Health.

The proposed operating hours for the air conditioning unit are:

0600 to 2000 Monday to Friday.
0800 - 1600 Saturday
1000 - 1600 Sunday

Relevant History:

PAPP/2006/4354	Extend existing and create additional units of staff accommodation and install new and replacement pedestrian bridges and steps.	Granted
FULL/2020/0556	Change of use of former bowling alley to health and fitness centre (Public Amenity Use Class 21) and omit Condition 5 of PAPP/2006/4354 to enable unrestricted occupation of former staff flats	Granted

FULL/2021/2382	Install replacement air conditioning units to south-west elevation.	Refused
FULL/2022/0665	Install air conditioning units and vents to north-east (front) elevation and vents to south-west elevation. Incorporated a recommended condition from OEHP: 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.	Granted
FULL/2023/0799	Install air conditioning unit to south-west elevation. Based on the information provided the proposed development if permitted, without any form of acoustic attenuation, would be detrimental to the amenities enjoyed by the occupiers of the existing flats at Rock House contrary to Policy GP8 a) design, of the Island Development Plan.	Refused

Existing Use(s):

Sui Generis – mixed use (application proposal relates to Rock Health – Multipurpose fitness centre, Use Class 21))
 Residential Use Class 2 – Flats

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:

Island Development Plan policies:

OC9: Leisure and Recreation Outside of the Centres
 GP8: Design
 GP9: Sustainable Development

Consultation:

Office of Environmental Health and Pollution Regulation – no objection subject to conditions relating to noise generated and operating hours (to reflect the operating hours set out in the application submission) and Bank Holidays to reflect the times for Sundays.

Conclusion/Brief comment:

The application site relates to the use for Indoor Formal Recreation as referred to in Policy OC9 of the IDP. The IDP makes provision for alterations to an existing facility such as this and as the scheme would not increase the scale of the facility which could undermine the vitality of a Local or Main Centre there is scope to support the proposal in principle subject to other considerations.

The siting of the air conditioning unit will not have a detrimental impact on the character and appearance of the locality.

Subject to the conditions recommended by OEHPR the unit will not result in harm to the amenities of residential neighbours.

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: 12/09/2023

