

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: Change of use from Post Office (Use Class 9) to Restaurant (Use Class 11), install ventilation equipment to roof of building, alter fenestration and internal alterations. (Protected Building).

LOCATION: 16-20 Smith Street, St. Peter Port.

APPLICANT: Mr S Jarrold

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: 16/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates: A230101/PD/10 /11A, /15A & Studio:
051/SK02 & 051/SK03A.
C8 Mechanical Electrical: QPR02466-03 Rev 5
Aura Noise Impact Assessment Dated 24/06/2024

Application Ref: FULL/2023/1667

Property Ref: A200840000

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. No use of the premises shall begin until such time as the mechanical fume extraction system has been implemented, and is in working order, in accordance with the detailed scheme approved as part of this permission.

Reason - The premises are close to residential property and a satisfactory extraction system is needed to prevent nuisance or annoyance to nearby residents.

5. No use of the premises shall begin until such time as recommendations made within the Noise Impact Assessment produced by Aura (Sound & Air) Limited, dated 24th June 2024, reference N6.1 V5, have been fully implemented.

Reason - The premises are close to residential property and a satisfactory extraction system is needed to prevent nuisance or annoyance to nearby residents.

6. The air handling plant and mechanical fume extraction system hereby approved shall not be operated on the premises other than between the hours of 07:00hrs and 23:00hrs on any day.

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.

7. 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.

Expiry Date: This permission will cease to have effect on 16/08/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements. A separate permission may be needed for any such display.

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/2023/1667
Property Ref: A200840000
Valid date: 26/09/2023
Location: 16-20 Smith Street St. Peter Port Guernsey
Proposal: Change of use from Post Office (Use Class 9) to Restaurant (Use Class 11), install ventilation equipment to roof of building, alter fenestration and internal alterations. (Protected Building).

Applicant: Mr S Jarrold

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. No use of the premises shall begin until such time as the mechanical fume extraction system has been implemented, and is in working order, in accordance with the detailed scheme approved as part of this permission.

Reason - The premises are close to residential property and a satisfactory extraction system is needed to prevent nuisance or annoyance to nearby residents.

5. No use of the premises shall begin until such time as recommendations made within the Noise Impact Assessment produced by Aura (Sound & Air) Limited, dated 24th June 2024, reference N6.1 V5, have been fully implemented.

Reason - The premises are close to residential property and a satisfactory extraction system is needed to prevent nuisance or annoyance to nearby residents.

6. The air handling plant and mechanical fume extraction system hereby approved shall not be operated on the premises other than between the hours of 07:00hrs and 23:00hrs on any day.

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.

7. 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.

INFORMATIVES

This permission does not relate to the display of any sign or advertisements. A separate permission may be needed for any such display.

OFFICER'S REPORT

Site Description:

The application site features buildings No.16 - No.20 which is a three and a half storey end of terrace building fronting onto Smith Street. The site is recognised as a mix use site comprising of retail space at ground floor level with office and residential accommodation above.

Part of the building that fronts on to Smith Street is protected, whilst the rear section of the building is excluded from the listing. The site has been heavily altered over the years, with the majority of the first and second floors comprising of modern partition walls, whilst a few original details remain untouched as discussed below. A mix of protected monuments lie to the south-east of the site, comprising of walls, steps, railings and a pump. The site is located within St Peter Port Conservation Area and Main Centre Inner Area, as designated in the Island Development Plan.

Relevant History:

FULL/2023/0722	Install replacement door and signage (including double sided sign) to north east elevation, install windows to north-west elevation. Install double sided sign to south west elevation and air conditioning units to flat roof (Protected Building).	Granted
FULL/2021/1811	Internal alterations. (Protected Building).	Granted
FULL/2021/0512	Erect signs to front fascia and projecting (protected building) (Retrospective)	Granted
FULL/2020/2510	Replace double sided sign to north-east (front) elevation (Protected building) (Retrospective).	Granted
FULL/2020/2206	Subdivide existing retail unit to provide 2 retail units (Retail Use Class 9), including internal and external alterations (protected building).	Granted
FULL/2015/1661	Reconstruct facade and works to soffit and downpipe (Protected Building)	Granted
FULL/2009/3363	Replace doors and frame replace steps and install signage.	Granted

Existing Use(s):

Retail – ground floor restaurant and shop.

Office – first floor and second floor

Residential – third floor

Brief Description of Development:

Planning permission is sought to change the use of the ground floor of the premises from a Post Office (Use Class 9) to a Restaurant (Use Class 11), to install ventilation equipment and air handling plant to the roof, to alter the existing fenestration and for internal alterations.

During the course of consideration the application has been revised on numerous occasions to seek revised information and plans to address concerns raised from the States Office of Environmental Health and Pollution Regulation (OEHPR).

Amendments were sought to the proposed air handling plant to ensure that this does not harm residential amenity. The scheme now proposes the installation of a mechanical vent ducting system that will be situated on a section of flat roof of the building.

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

Island Development Plan Policies:

- MC4(A) Office Development in Main Centres
- MC6 Retail in Main Centres
- GP4 Conservation Areas
- GP5 Protected Buildings
- GP8 Design
- GP9 Sustainable Development

Representations:

One letter of representation was received from St Peter Port Douzaine, the grounds for objection are summarised below:

- The proposal does not give any indication of where their waste will be stored.
- Complaints have been received previously on this issue from the general public, waste collectors and other businesses about the manner in which the use of the public highway has been used to store waste.

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 02nd November 2023 stated the following:

"I have reviewed the proposed plans regarding the change of use from a Post Office (Use Class 9) to Restaurant (Use class 11), to include the installation of a ventilation outlet to the roof. Having regards to the information provided, I have concerns about noise and odour impacting residents living near the proposed location of the outlet and I believe the proposal is not suitable in the location identified."

Regarding my concerns about the potential noise impact the outlet may have on residents, details of the extract equipment and ventilation are not included. Further, no acoustic information has been provided as part of the application and no data relating to any acoustic properties of any required attenuation.

At a minimum the department requires the following information:

- Manufacturers' specifications of the proposed plant/equipment*
- Distance to the closest noise sensitive property (this includes domestic outdoor spaces)*
- Evidence that the noise level the proposed plant/equipment 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 noise level of the plant/equipment*

I would urge the applicant to contact an acoustic consultant and 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. When contacting acoustic consultants, the applicant must make them aware of recently granted Planning application reference FULL/2023/0722, in regard to the installation of air conditioning units to the flat roof of the same premises, and the expectation that cumulative impact should be considered. A copy of the Planning Decision Notice for the application can be found on the Planning Register at www.gov.gg.

Any measurements and assessment shall be made in accordance with British Standard 4142:2014. Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.

Regarding my concerns about the potential odour impact that the outlet may have on residents, again, details of the extract equipment and ventilation are not included. Further, there is no submitted information regarding odour and / or smoke filtration, kitchen cooking equipment fuel types and no information relating to any required attenuation. At a minimum the department requires the following information:

- Manufacturers' specifications of the proposed plant/equipment*
- Distance to the closest noise sensitive property (this includes domestic outdoor spaces)*
- Details of the type of cooking fuel to be used in the kitchen*
- Details of the type and number/level of any filtration*

- Details of any proposed attenuation measures to reduce the odour level of the plant/equipment

I refer the applicant to the [Withdrawn] Guidance on the control of odour and noise from commercial kitchen exhaust systems, produced by DEFRA. The full web address for the guidance document is: www.gov.uk/government/publications/guidance-on-the-control-of-odour-and-noise-from-commercial-kitchen-exhaust. Whilst I recognise that this guidance has been withdrawn, it is a useful reference and assessment tool. Within the guidance is an example odour risk assessment (Annex c, page 95-96). Completion and submission of this is requested."

Should further information be forthcoming regarding these issues, I would be happy to review this and reconsider my current recommendation."

The application was subsequently deferred to seek revised information to address the issues raised. OEHPR was reconsulted on the revised information received and by letter dated 13th February 2024 stated the following:

"I have reviewed the additional information submitted in relation to the above planning application, which includes a proposal for the installation of kitchen extract equipment on the flat roof of the above building. The additional information comprises a Noise Impact Assessment produced by Aura (Sound & Air) Limited, dated 26th January 2024, reference N7.1 V1. There continues to be insufficient information submitted for me to assess this application fully in terms of noise impact on neighbouring properties.

I note that the Noise Impact Assessment predicts that the proposed extract equipment would operate at 11 dB(A) above the existing background level in the daytime (07:00 – 18:00 hours) and at 19 dB(A) above the existing background level in the evening (18:00 – 23:00 hours). The report states that this is likely to cause significant adverse impact on the nearest noise sensitive residential property. Additional noise control measures are recommended in the report, and it is advised that a closed top acoustic enclosure that provides a minimum of 24 dB(A) is necessary.

It is a positive step that the potential for noise impact on residents has been identified by the noise assessment, however I would ask that the applicant now confirms how they will mitigate this and attenuate the extraction equipment to at least 5 dB below the existing L_{A90} background sound level.

If the applicant is intending to follow the recommendation within the Noise Impact Assessment, I advise that they seek further assistance from the author of the report (or another consultant of their choosing) who can help in the design of an acoustic enclosure for the equipment. The applicant should make their consultant aware of the Noise Impact Assessment findings.

At a minimum I would expect the following information:

- *The proposed operating times of the kitchen extraction equipment*
- *Manufacturers' specifications of the proposed acoustic enclosure*
- *Evidence that the proposed acoustic enclosure will attenuate the kitchen extraction equipment to at least 5 dB(A) below the existing background noise level*

If the applicant is choosing another option to mitigate the noise impact, details of this would be welcome. I would be grateful if these issues are considered during the determination of this application."

The application was deferred again to seek the additional information required to address the concerns raised. OEHPR was reconsulted on the revised plans/information sought and by letter dated 12th April 2024 stated the following:

"I have reviewed the Noise Impact Assessment produced by Aura (Sound & Air) Limited, dated 20th March 2024, reference N6.1 V4. I note that the proposed plant equipment has changed from the plant previously assessed by Aura, as detailed in their Noise Impact Assessment dated 26th January 2024, reference N7.1 V1.

I note the most recent Noise Impact Assessment predicts that, without mitigation measures being introduced, the proposed extract equipment would operate at 15 dB(A) above the existing background level in the daytime (07:00 – 18:00 hours) and at 23 dB(A) above the existing background level in the evening (18:00 – 23:00 hours). The report states that when comparing these results against BS4142, "the noise level at the nearest receiver from the proposed equipment is expected to be an indication of the specific sound source having a significant adverse impact."

The report goes on to provide recommendations for mitigating a significant adverse impact, including the fitting of splitter silencers and installing a 2m high solid barrier. The author of the report states:

"with the above attenuation, the calculated rating level is expected to be 5 dB less than background sound level in the worst case of the evening period and therefore the Local Authority target level is expected to be achieved, and a low impact is expected. "

Based on the findings of the Noise Impact Assessment and the recommendations made within the report, I would recommend that the following conditions are attached to any granted consent for this application:

- The recommendations made within the Noise Impact Assessment produced by Aura (Sound & Air) Limited dated 20th March 2024, reference N6.1 V4, must be implemented.*
- The hours of operation of the plant and machinery incorporated within the development shall be limited each day to between 07:00 and 23:00 hours only.*
- 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 the existing L_{A90} 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.*

I would be grateful if my above comments and recommendations are considered during the determination of this application.”

Following these comments the application was deferred again to seek additional information to address these issues and OEHPR was reconsulted on the information received. By letter dated 09th July 2024 they stated the following:

“I have reviewed the Noise Impact Assessment produced by Aura (Sound & Air) Limited, dated 24th June 2024, reference N6.1 V5, received in this office on 1st July, and three revised plans received in this office on 8th July. I note from the Noise Impact Assessment that the proposed kitchen extract equipment has changed from the plant previously assessed by Aura, as detailed in their Noise Impact Assessment dated 20th March 2024, reference N6.1 V4.

I confirm that no further information or documentation has been received by this office to accompany the submission of the Noise Impact Assessment, and there is currently insufficient information submitted for me to fully assess this application, in terms of noise impact on neighbouring properties.

I note that the Noise Impact Assessment predicts that the proposed extract equipment would operate at 13 dB(A) above the existing background level in the daytime (07:00 – 18:00 hours) and at 21 dB(A) above the existing background level in the evening (18:00 – 23:00 hours). The report states that this is likely to cause significant adverse impact on the nearest noise sensitive residential property. This

office would expect noise associated with the extract equipment to be controlled so that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, will not exceed a level 5 dB(A) below the existing L_{A90} background noise level, including low frequency tones.

Additional noise control measures are recommended in the report, and it is advised by Aura that inline splitter silencers are installed to reduce the Rating level to at least 5 dB below the recorded evening background level. However, there is no accompanying confirmation from the applicant that they acknowledge the report findings and / or how they intent to attenuate the extraction equipment to operate at least 5 dB below the existing L_{A90} background sound level.

If the applicant is intending to follow the recommendation within the Noise Impact Assessment, I advise that they seek further assistance from the author of the report (or another consultant of their choosing) who can help in the design of noise control hardware. The applicant should make their consultant aware of the Noise Impact Assessment findings.

At a minimum I would expect the following information:

- Details of the proposed noise control hardware to be installed*
- Acoustic specifications and reduction calculations of the proposed noise control hardware*
- Evidence that the proposed noise control hardware will attenuate the kitchen extraction equipment to at least 5 dB(A) below the existing background noise level*

If the applicant is choosing another option to mitigate the noise impact, details of this would be welcome. I would be grateful if these issues are considered during the determination of this application.”

Additional information was received to address the issues raised and OEHPR was reconsulted and by email dated 26th July 2024 stated the following:

“I have reviewed the additional information submitted by the applicant, including a letter from Aura (Sound & Air) Limited, dated 22nd July 2024, reference N6.1 V6 and an attenuator acoustics data sheet produced by Allaway Acoustics.

I note that in their letter, Aura confirms that the attenuators from Allaway Acoustics proposed to be installed on the kitchen extract equipment (Systemair MUB/T 062 560EC) meet the target recommendations outlined in the Noise Impact Assessment produced by Aura (Sound & Air) Limited, dated 24th June 2024, reference N6.1 V5

As it has been confirmed that attenuation of the proposed kitchen extract equipment is possible, and suitable noise control hardware has been identified which will help achieve this, I would recommend that the following conditions are attached to any granted consent for this application:

- *The recommendations made within the Noise Impact Assessment produced by Aura (Sound & Air) Limited, dated 24th June 2024, reference N6.1 V5, must be implemented.*
- *The hours of operation of the plant and machinery incorporated within the development should be limited each day to between 07:00 and 23:00 hours only.*
- *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 L_{A90} 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.*

I would be grateful if my comments are considered during the determination of this application.”

Summary of Issues:

- Whether the principle of development is acceptable;
- Impact of the development on the protected building and the character of the surrounding Conservation Area;
- Impact of the development on neighbour amenity;
- Impact of the development on highway safety.

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).**

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. Moreover, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

The property has been redundant since the closure of the post office circa 3 years ago. The proposal will retain the property within a retail use class, albeit it will be changing from general retail (as a post office Use Class 9) to a restaurant (food Use Class 11). The proposal also includes internal and external alterations. Policy MC6 supports proposals to extend alter or redevelop existing retail premises provided that they accord with all other relevant policies of the IDP. The principle of the change of use is therefore supported.

With regard to the internal changes these relate to the removal and alterations to existing partitions. No original walls or structures will be removed as part of this proposal. In order to achieve the required level of sound insulation between the ground and first floors the applicant proposes to install a new ceiling which will be installed over the existing lath and plaster ceiling. Any impact on the special interest of the ceiling is therefore reversible as the new ceiling can be removed to re-expose the original ceiling. The ducting required for the air handling and air extraction system has been routed through an existing lift shaft within the building that is current unused. This avoids the need to break through and disturb original fabric of the building which is welcomed.

Externally an existing access in the southeast elevation will be replaced with opaque glazed panels to allow this area to be used as a cloak room. The window to be altered is on Le Merchant Street and does not form the principal elevation or one of the main windows onto Smith Street. Therefore any harm on the character of the Conservation Area would be minimal.

On the roof of the building external ducting is proposed to serve the air handling plant. This has been the subject of various alterations to achieve the required noise levels and to ensure that any odours from cooking are controlled to an acceptable level in accordance with Environmental Health legislation. Although the ducting will be located on the roof of the premises, given the topography of the site and the high pitched roofs on the neighbouring properties, it will not be seen from public vantage points within the surrounding area. Furthermore additional air handling plant is situated on the roofs of adjacent properties in more prominent positions.

A proportionate Statement of Significance has been submitted as part of the application which demonstrates that the special interest of the protected building has been considered and understood resulting in a high quality scheme that has been designed to respect the special interest of the protected building.

Consequently, the degree of harm to the interior plan form and any features is outweighed by the reasonable aspiration of the property owner when taking into account the amendments secured and the fact that the proposal will bring this vacant and underutilised building back into an active use. The external alterations would not harm the character of the surrounding conservation area and the proposal therefore complies with policies GP4, GP5 and GP8 of the Island Development Plan.

The external alterations proposed would not harm the amenities of any neighbouring properties. The property is situated in a vibrant part of Town with pubs and late night uses surrounding the site. In the absence of any objection from the States Office of Environmental Health, the refusal of permission based on impact on amenity would be both unreasonable and unjustifiable. It is recommended that should permission be granted conditions are included to ensure that the noise mitigation contained within noise impact assessment are implemented, to control the hours of use of plant and machinery, and to ensure that noise levels are appropriate against background noise levels.

The comments from the representor have been noted however the applicant has confirmed by letter that the waste will be stored on site and dealt with appropriately. Should any issues arise these would be dealt with under separate legislation controlled by OEHPR.

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 proposal would not harm highway safety.

Considering the above, the application is acceptable in relation to the above policies and other material planning considerations.

Date: 14/08/2024

