

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 of 1st floor from office (Use Class 15) to lounge bar (Use Class 11).

LOCATION: 1 Lefebvre Street, St. Peter Port.

APPLICANT: Mr S Hopkins

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: 24/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - 10697-S1-01 and -03 and letter dated 22/03/2024.

Application Ref: FULL/2023/2237

Property Ref: A200630000

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 development, excluding site works, shall begin until:

a) a scheme for protecting the residential unit adjacent to the application site premises has been submitted and approved by the Authority. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines / achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings.

b) All works which form part of the scheme approved under condition 4 a) above shall be completed in full accordance with the approved details.

c) Following approval and completion of the scheme and prior to the use hereby approved being first operated, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the internal ambient noise standard within BS8233:2014 to protect the residential unit from noise, and the results of the test submitted to and approved by the Authority.

Reason - To preserve the amenities of adjoining residential neighbours.

5. No public access to the premises shall be allowed other than between the hours of 17:30 hours and 23:30 hours, Tuesday to Saturdays, and the premises shall not open on Sundays, Mondays or Public Holidays.

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.

6. All external doors and windows serving the development hereby approved shall remain closed between the hours of 21:00 to 23:30 on all days when amplified music is playing or commentary taking place.

Reason - In the interests of residential amenity.

Expiry Date: This permission will cease to have effect on 24/04/2027 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/2023/2237
Property Ref: A200630000
Valid date: 04/12/2023
Location: 1 Lefebvre Street St. Peter Port Guernsey GY1 2JP
Proposal: Change of use of 1st floor from office (Use Class 15) to lounge bar (Use Class 11).

Applicant: Mr S Hopkins

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 development, excluding site works, shall begin until:
a) a scheme for protecting the residential unit adjacent to the application site premises

has been submitted and approved by the Authority. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines / achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings.

b) All works which form part of the scheme approved under condition 4 a) above shall be completed in full accordance with the approved details.

c) Following approval and completion of the scheme and prior to the use hereby approved being first operated, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the internal ambient noise standard within BS8233:2014 to protect the residential unit from noise, and the results of the test submitted to and approved by the Authority.

Reason - To preserve the amenities of adjoining residential neighbours.

5. No public access to the premises shall be allowed other than between the hours of 17:30 hours and 23:30 hours, Tuesday to Saturdays, and the premises shall not open on Sundays, Mondays or Public Holidays.

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.

6. All external doors and windows serving the development hereby approved shall remain closed between the hours of 21:00 to 23:30 on all days when amplified music is playing or commentary taking place.

Reason - In the interests of residential amenity.

OFFICER'S REPORT

Site Description:

The site is located to the south of Lefebvre Street, St. Peter Port a short distance from the High Street. Lefebvre Street appears as an enclosed square with a variety of uses in the buildings lining the square.

The site is located in the Main Centre, Conservation Area and Archaeological Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

15 offices

Brief Description of Development:

The application relates to the change of use of the first floor of 1 Lefebvre Street from an office (Use Class 15) to lounge bar (Use Class 11). The submission sets out that the floor area of the office to which the application relates is 197 sqm. A supporting letter has also been provided by a local, commercial property agent.

The submission shows the existing internal layout of the accommodation but does not include a proposed floor plan relating to the proposed bar.

The application was deferred following concerns raised by Environmental Health regarding the impact of the development on surrounding occupiers and some additional information was provided.

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

MC4(A): Office Development in the Main Centres

MC6: Retail in Main Centres

GP4: Conservation Area

GP8: Design

GP9: Sustainable Development

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation - have reviewed the proposed plans for 1 Lefebvre Street and there is an issue of concern that I must raise. Due to an adjoining domestic flat to 1 Lefebvre Street OEHPR have concerns regarding noise transference and disturbance that could arise from the lounge bar. At this stage there is insufficient information for OEHPR to comment and an acoustic report should be submitted that demonstrates noise levels would not exceed the World Health Organisation community noise guidelines or the internal ambient standard within BS8233:2014 within the domestic dwelling. An acoustic report should also consider other noise sensitive properties in the vicinity and have regard

to both structure and airborne sound. Clarification would be welcomed in relation to the opening hours of the premises as well as whether there are any proposed air handling units included kitchen extraction etc.

Commented on additional information:

Further to my letter dated 27th December 2024 with recommendations for the commissioning of an acoustic report and clarification in regard to opening hours. I note that the Planning Authority have formally deferred the application for the acoustic report to arrive, but one has not been provided. I also write in response to the letter provided to the Planning Authority from Lovell and Ozanne dated the 22nd March 2024. The letter reiterates the development is a lounge bar, and that the client is an experienced restaurateur. It further details windows will be secondary glazed. The letter also references BS8233:2014 in regard to utilizing porous sound absorbing materials to control noise. With this in mind I believe an acoustic report should still be furnished however despite one not being furnished I have been asked whether site specific conditions could be explored for this proposal. As such, please see my recommendation below, however, we are not confident that the applicant will be able to achieve an internal ambient standard within BS8233:2014 to minimise noise in residential dwellings as the acoustic report has not been provided. A number of conditions are recommended, relating to days and hours of operation, keeping doors and windows closed when amplified music or amplified commentary is taking place and acoustic attenuation measures.

Summary of Issues:

The key issue in this case relates to the impact of the proposed development on the amenities of surrounding occupiers.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy MC4(A): Office Development in the Main Centres sets out that the change of use of office accommodation to another use may be supported under specific circumstances. As the floorspace of the accommodation does not exceed 250 sqm the proposal meets the aims of Policy MC4(A). MC6: Retail in Main Centres supports new retail provision within the Main Centre and this proposal is considered to be compatible with other surrounding uses and would contribute to the vitality and viability of the locality including the adjoining Core Retail Area.

The proposals do not incorporate any external alterations and the scheme is considered to result in no harm to the Conservation Area.

Given the mix of uses found in the vicinity of the site there would be scope to explore the introduction of such a use however, the matters raised by OEHPR must first be addressed to ensure no unacceptable harm is caused to residential amenity, which is located in close proximity to the site. Following the receipt of additional information and comments from OEHPR it is considered reasonable to impose conditions relating to attenuation measures and opening hours, which have been confirmed as being 5.30pm – 11.30pm, Tuesday to Saturday.

Subject to appropriate conditions therefore, it is recommended permission is granted for the proposed change of use.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 23/04/2024

