

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: Alter entrance, install canopy and signage, alter fenestration at 1st and 2nd floor level to north (front) elevation and install replacement plant equipment to roof.

LOCATION: Arnold House, St Julians Avenue, St. Peter Port.

APPLICANT: Mr M Lucey

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: 19/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Axis Mason - 4538 002 P1, 030 P3, Daikin air conditioning specification sheets and dimensional drawings.

Application Ref: FULL/2024/0131

Property Ref: A111310000

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.Notwithstanding the details shown on the second floor layout plan, the replacement windows at second floor level shall only be installed with vertical mullions in full accordance with the elevation details and in positions to match those on the first floor layout plan as shown on the approved drawing (Ref: 030 P3).

Reason - To ensure the development is carried out only as hereby approved in the interest of visual amenity and to conserve the character of the surrounding Conservation Area in accordance with policies GP8 and GP4 respectively.

5.No use of the air conditioning shall be carried out other than between 07:00 hours and 23:00 hours on each day Monday to Sunday.

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

6.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 of the air conditioning units is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 19/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the advertisement to which this permission relates is non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

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/2024/0131
Property Ref: A111310000
Valid date: 27/02/2024
Location: Arnold House St Julians Avenue St. Peter Port Guernsey GY1 3RD
Proposal: Alter entrance, install canopy and signage, alter fenestration at 1st and 2nd floor level to north (front) elevation and install replacement plant equipment to roof.
Applicant: Mr M Lucey

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. Notwithstanding the details shown on the second floor layout plan, the replacement windows at second floor level shall only be installed with vertical mullions in full accordance with the elevation details and in positions to match those on the first floor layout plan as shown on the approved drawing (Ref: 030 P3).

Reason - To ensure the development is carried out only as hereby approved in the interest of visual amenity and to conserve the character of the surrounding Conservation Area in accordance with policies GP8 and GP4 respectively.

5. No use of the air conditioning shall be carried out other than between 07:00 hours and 23:00 hours on each day Monday to Sunday.

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

6. 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 of the air conditioning units is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

For the avoidance of doubt, the advertisement to which this permission relates is non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a three and a half storey office building fronting onto St Julians Avenue to the north and Le Truchot to the south. Surrounding the site, the area comprises a mixture of office and retail uses with some residential uses on the upper floors.

The site is situated within a Main Centre Inner Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

None relevant

Existing Use(s):

Office Use

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:

MC4(A): Office Development in Main Centres
GP4: Conservation Areas
GP8: Design
GP9: Sustainable development

Consultations:

The States Office of Environmental Health and Pollution Regulation:

By letter dated 4th March 2024 stated the following:

"I have reviewed the proposals in relation to the replacement of existing plant at roof level at the above site, including the Noise Impact Assessment (NIA) report, produced by Aura (Sound & Air) Limited, dated 8th December 2023, reference M126.1.V1.

The NIA is based on all existing roof plant being removed and replaced with eight Daikin REYQ12U air conditioner condenser units. The NIA calculation is based on all proposed equipment operating at full duty, during daytime hours only (07:00 – 23:00 hours). The assessment conclusion is that the proposed units are not likely to cause adverse impact to nearby noise sensitive receivers.

To ensure that resident amenity is protected, I would recommend that the following conditions are attached to any granted consent for this application:

- *The hours of operation of the roof level air conditioning units should be limited to between 07:00 hours and 23:00 hours each day (Monday to Sunday).*
- *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.*

I would be grateful if this information is considered during the determination of this application."

Conclusion/Brief comment:

Planning permission is sought to alter the existing entrance point into the building, to install a canopy and signage and to alter the fenestration at first and second floor level in the front (north) facing elevation of the property. The proposal also includes the removal of existing and the replacement of air handling plant on the roof of the building.

Policy MC4 supports proposals for new office development or the refurbishment, redevelopment or extension of existing office stock within Main Centres and the principle of the development is therefore supported.

Within Conservation Areas, Policy GP4 together with Section 38 of the law, set a statutory duty to *"[pay] special attention... to the desirability of preserving [i.e. not harming] and enhancing the character and appearance of that area."*

As initially proposed the scheme included two large replacement windows at first and second floor level, separated only by a horizontal panel. The large rectangular glazing was considered to erode the vertical emphasis of the existing façade undermining the architectural composition of the building and street scene. In its original form the proposal failed to conserve the character, historic and architectural interest and appearance of the Conservation Area.

The application was subsequently deferred and revised plans submitted which introduced vertical mullions (spaced to match the existing window frames) to break up the proposed replacement glazing. Details and a cross section of the replacement advertisements including confirmation that they will not be illuminated was also provided.

The revised design of the windows and the additional details of the advertisements are considered to be acceptable and would conserve and enhance the character and appearance of the surrounding Conservation Area and the immediate street scene.

However, the floor plan at second floor level as shown on the application drawing fails to show the vertical mullions in their proposed position. Details are shown on the elevation drawings. For the avoidance of any doubt, it is recommended that a condition is included on any permission to rectify this discrepancy and to ensure that the vertical mullions are installed at both first and second floor as per the elevation details.

The proposed replacement air handling plant is to be installed on the roof of the premises in a similar position as the existing. However, the proposal will reduce the number of units required and any associated visual harm on the character and appearance of the surrounding area. Also given the height of the surrounding buildings and the parapet roof design the air handling plant would not be seen in public vantage points in the surrounding area.

As part of the application material an acoustic assessment has been submitted to demonstrate that the air handling plant will operate appropriately. The States Office of Environmental Health and Pollution Regulation (OEHPR) was consulted on the application and subject to conditions being imposed on any permission relating to the hours of operation of the air handling plant and controlling noise output, raised no objection. Subject to the conditions and in the absence of any objection from OEHPR any harm on the amenities of surrounding uses would not be so substantial to warrant the refusal of planning permission.

The proposal would not harm highway safety.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 19/07/2024