

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 3 refrigeration chiller units to roof.

LOCATION: 9-11 High Street / The Quay, St. Peter Port.

APPLICANT: Creasey's (Franchise) Limited

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: 28/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. N52-10223-S1-149.

Application Ref: FULL/2024/0497

Property Ref: A300080000

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 use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 28/06/2027 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/2024/0497
Property Ref: A300080000
Valid date: 21/03/2024
Location: 9-11 High Street / The Quay St. Peter Port Guernsey
Proposal: Install 3 refrigeration chiller units to roof.

Applicant: Creasey's (Franchise) Limited

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).

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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 - 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

OFFICER'S REPORT

Site Description:

The property known as 9-11 High Street is a five storey pitched roof building which fronts to the east onto The Quay at ground floor level, and fronts to the west onto High Street at first floor level. There are attached buildings to the north and south, with a marina to the east across the road and other shops to the west across the road. The property is located in the St Peter Port Main Centre, Conservation Area and Harbour Action Area as defined in the Island Development Plan.

Relevant History:

FULL/2018/0525 - Install replacement condenser unit to platform on roof – Approved April 2018.

Existing Use(s):

Retail use class 10: general retail.

Brief Description of Development:

This application is to install three small refrigeration chiller units to the roof.

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

MC6: Retail in Main Centres
MC10: Harbour Action Areas
GP8: Design
GP9: Sustainable Development

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation.

First consult response

15/04/2024

'I note that the proposal is to site the three new units nearer than those being removed to residential properties at 1 High Street, which are located to the south of the Marks and Spencer building. The proposed units are to operate 24 hours a day every day, as they will serve the fridges and freezers in the below food hall.

Using the acoustic data provided for the three units, I have carried out an acoustic distance calculation to estimate the approximate noise level of the proposed units at the facade of the nearest noise sensitive property. Whilst this is an approximation and a full BS4142 assessment has not been carried out, I have calculated the noise level to be approximately 36 dB at the nearest noise sensitive property. This does not consider any physical solid barriers that may be sited at roof level or changes in level between the location of the units and the nearest residential property. Data is not held by this office on the background noise level of the immediate area in this location, and although it could be estimated that in this location a town location might be in the region of 40 - 50 dB in the day and evening (7am - 11pm), it is expected this would drop dramatically at night-time (11pm - 7am).

I recognise that the new units are being located directly adjacent to existing plant and that any noise impact may be decreased by existing noise sources, however I am concerned about the close proximity of the new units to residential properties and the potential loss of amenity.

I would therefore ask that the following further information is provided:

- Manufacturers' specifications of the proposed equipment/ plant (I note this is already provided but this should be clarified when addressing the below points).*
- Distance to the closest noise sensitive property.*
- Evidence that the noise level the proposed equipment/ plant would operate at*

would be at least 5 dB(A) below the lowest background noise level at any time (this is generally at night).

- *If deemed necessary, details of any proposed attenuation measures to reduce the noise level of the equipment/ plant.*

I would urge the applicant to contact an acoustic consultant 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.'

Second consult response after an acoustic report was submitted.

19/06/24

'I note the report predicts that noise from the three chiller units in the proposed location would achieve a Rating Level which would not exceed 5 dB(A) below the existing LA90 background noise level and that no mitigation measures are required. The report states that the calculated noise level is less than 'low impact, depending on the context' using the BS 4142 noise descriptor at all receptors for both day and night-time periods.

Based on the findings of the noise impact assessment report, and to protect the amenity of those residents living closest to the proposed located of the chiller units, I would recommend that the following condition is attached to any granted consent for this application:

- *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:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The refrigeration chiller units will be installed on the flat roof of the building and will not be seen from many public vantage points, however, the noise from the units is a possible concern and Environmental Health were consulted.

Initially there was not enough information for Environmental Health to make a thorough assessment, and an acoustic report was requested. On receipt of the report Environmental Health were consulted again, and they have requested that a condition regarding possible noise pollution be added to the approval.

The chiller units are considered to be appropriately sized and the roof is a good place for their location as they will be largely out of sight, thus not affecting the special quality, character and appearance of the surrounding conservation area. As long as the report is correct, there should be no impacts on neighbouring amenity.

The only place the chillers may be seen from is from Arcade Steps, but the roof top on which the chillers will be located is over 100m away and so the chillers will not be overly visible. On balance the chillers are considered to be located in the most reasonable place on the roof top to not impact on the visual amenity of the view from arcade steps. The condensing units are not of a substantial size, and are not a prominent feature within long distance views.

The proposed replacement condensing unit would be the same smaller than the existing, and therefore it is considered that the replacement unit would not result in an adverse effect on the character and appearance of the Conservation Area. On this basis, it is considered that the proposal conforms to the objectives of policy GP4: Conservation Areas.

The proposals will not hinder or inhibit the implementation of any Local Planning Brief for the Harbour Area.

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 proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 28/06/2024