

**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 roof.

**LOCATION:** La Chambre De La Douzaine, Les Beaucamps, Castel.

**APPLICANT:** Castel Constables

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:** 10/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Block plan (dated 07/06/2024) and Castel Constables letter dated 30/09/2024.

**Application Ref:** FULL/2024/1019

**Property Ref:** D008710000

**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 properties and a limit on noise is needed to prevent a nuisance or annoyance to nearby residents.

5.The hours of operation of the air conditioning unit shall be limited to between 09:00 and 17:00 hours each day.

Reason - The premises are close to residential properties 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 10/10/2027 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](http://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](mailto: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/2024/1019  
**Property Ref:** D008710000  
**Valid date:** 01/07/2024  
**Location:** La Chambre De La Douzaine Les Beaucamps Castel Guernsey  
GY5 7PE  
**Proposal:** Install air conditioning unit to roof.  
**Applicant:** Castel Constables

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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 properties and a limit on noise is needed to prevent a nuisance or annoyance to nearby residents.

5. The hours of operation of the air conditioning unit shall be limited to between 09:00 and 17:00 hours each day.

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

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## OFFICER'S REPORT

### Brief Description of the site:

The property known as 'Le Chambre de la Douzaine' is a single storey 1970's building which was extended between 2016-9. The building is set back from and faces east onto Les Beaucamps. There are residential neighbours to the north and south, land belonging to a Protected Building to the west and across the road to the east. The property is located Outside of the Centres as defined in the Island Development Plan.

### Relevant History:

There is no relevant history pertaining to this application.

### Existing Use(s):

Public amenity use class 19: non-residential establishments.

### Assessment: *(Tick as appropriate)*

|                     |                                     |
|---------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |

|                              |                                     |
|------------------------------|-------------------------------------|
| visual amenity acceptable    | <input checked="" type="checkbox"/> |
| no material neighbour impact | <input checked="" type="checkbox"/> |
| traffic not affected         | <input checked="" type="checkbox"/> |

### Policies considered most relevant:

OC2: Social and Community Facilities Outside of the Centres  
GP8: Design

## **Consultations:**

The Office of Environmental Health and Pollution Regulation.

18/07/2024

*'Having regard to the information provided, I have concerns that the proposed unit will*

*operate above the background noise level. As such, I would request the following information is provided:*

- Proposed hours of operation*
- Distance to the closest noise sensitive property (this includes domestic gardens)*
- Consideration of any proposed attenuation measures to reduce the level of the air conditioning unit.*

*Once this information has been received, we would be able to assist in providing a calculation to assess that the noise level of the proposed unit would operate at least SdB(A) below the lowest background noise level.'*

07/10/2024

*'I note that the original planning application was for the installation of a Daikin RZAG140NV1. I understand that following consultation with the ASHP suppliers regarding noise levels of the unit, the model has been changed to a Daikin RZAG100 and that the unit is proposed to be located centrally on the roof of the premises.*

*As a result, I have carried out an approximate acoustic calculation based on the revised model and location. In order to protect the amenity of nearby residents, I would recommend that the following conditions are attached to any consent granted for this application:*

- The hours of operation of the air source heat pump should be limited to between 09:00 and 17:00 hours each day.*
- 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 these issues are considered during the determination of this application.'*

## **Conclusion/Brief comment:**

This application is to install an air conditioning unit to the flat roof of the building.

OC2 states that proposals will be supported where they would be of a scale appropriate to its setting and where there are no unacceptable impacts on the visual appearance and amenity of the location concerned. The air conditioning unit on the roof is considered to comply with this policy.

To protect the amenity of nearby residents, it is recommended to limit the noise level from the air conditioning unit and to limit the hours of operation.

With the conditions put in place the installation of the conditioning unit is not considered to have any impacts on the character and appearance of the surrounding area, nor will it have any adverse effects on neighbouring properties.

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

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:** 10/10/2024