

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 replacement antenna to existing mast to north elevation of building.

LOCATION: R W Randall Limited, St. Georges Place, St. George's Esplanade, St. Peter Port.

APPLICANT: J T (Guernsey) 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: 28/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Waddington:5629-A-041-XX-DR-A-003D.

Application Ref: FULL/2024/1055

Property Ref: A108030000

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. Within one year of the commissioning of the equipment hereby approved, a post-commissioning International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification in respect of the proposed installation to demonstrate that they comply with the ICNIRP Public Exposure Guidelines shall be provided in writing to the Authority.

Reason - To ensure that the estimated level set out in the submitted commissioning certificate is achieved.

5. The equipment hereby permitted shall be removed from the site when no longer required for telecommunications purposes or should future developments allow for a reduction in the impact of the equipment or should alternative provision be made on a more satisfactory site elsewhere, whichever is the sooner. The land shall be reinstated to its former condition, in accordance with a scheme previously agreed in writing by the Authority.

Reason - To secure the removal of the equipment when no longer needed, thereby safeguarding the character and appearance of the locality.

Expiry Date: This permission will cease to have effect on 28/08/2027 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/2024/1055
Property Ref: A108030000
Valid date: 13/06/2024
Location: R W Randall Limited St. Georges Place St. George's Esplanade
St. Peter Port Guernsey GY1 2BH
Proposal: Install replacement antenna to existing mast to north
elevation of building.
Applicant: J T (Guernsey) 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. Within one year of the commissioning of the equipment hereby approved, a post-commissioning International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification in respect of the proposed installation to demonstrate that they comply with the ICNIRP Public Exposure Guidelines shall be provided in writing to the Authority.

Reason - To ensure that the estimated level set out in the submitted commissioning certificate is achieved.

5. The equipment hereby permitted shall be removed from the site when no longer required for telecommunications purposes or should future developments allow for a reduction in the impact of the equipment or should alternative provision be made on a more satisfactory site elsewhere, whichever is the sooner. The land shall be reinstated to its former condition, in accordance with a scheme previously agreed in writing by the Authority.

Reason - To secure the removal of the equipment when no longer needed, thereby safeguarding the character and appearance of the locality.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises an existing industrial building situated to the south of St Georges Esplanade. The area surrounding comprises a mixture of uses including residential, industrial and offices.

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

An existing telecommunications facility comprising a single antenna mounted on a steel column is situated towards the front gable of the building. Planning permission is sought for the removal of the antenna and its replacement with a new larger antenna to ensure uninterrupted signal clearance. In addition, two new telecom equipment cabinets will be installed within the warehouse, this work is however internal to the building and would not require planning consent.

During the course of consideration, the application was deferred to seek additional information to address concerns raised by the Office of Environmental Health and Pollution Regulation.

Relevant History:

FULL/2021/1245	Install air condenser unit to north-east boundary.	Granted 12/01/2022
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Existing Use(s):

Industrial

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:

GP4 Conservation Areas
GP8 Design
IP11 Small-scale infrastructure provision
GP9 Sustainable development

Consultations:Office of Environmental Health and Pollution Regulation (OEHPR)

By letter dated 8th July 2024 OEHPR stated the following:

"I have reviewed the proposed plans for the installation of an antenna to an existing mast at the above site. There is currently insufficient information for me to comment fully on the application.

The submitted planning statement dated 4th June 2024 contains reference to two new Ericsson telecom equipment cabinets proposed to replace the existing cabinets within the warehouse. Although the new equipment cabinets are to be located inside of the warehouse, it is my concern that the noise generated from these cabinets could cause a detriment to the amenity of nearby residents. As such, I would welcome the details and acoustic specifications of the cabinets in order to assess the potential noise levels at the nearest noise sensitive receptor.

I would be grateful if these issues are considered during the determination of this application.”

The application was subsequently deferred to address these issues and OEHPR was reconsulted on the revised information submitted. By letter dated 15th August 2024 OEHPR provided the following comments on the additional information received:

“I have reviewed the additional information supplied by email on 5th August 2024 for the installation of an antenna to an existing mast at the above site and there are a number of issues of concern that I must raise.

This department is concerned about the risk of public exposure from non-ionizing radiation from such installations. I would therefore recommend that the following condition is attached to any consent granted for this application:

The applicant must provide post-commissioning International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification in respect of the proposed installations to demonstrate that they comply with the ICNIRP Public Exposure Guidelines.

I have also reviewed the acoustic specifications supplied in relation to the mechanically ventilated telecom equipment cabinets proposed for inside the warehouse. I have concerns that the noise associated with the cabinets could cause a detriment to the amenity of nearby neighbours and would therefore recommend that the following condition is also attached to any consent granted 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.

I would be grateful if these issues are considered during the determination of this application.

Conclusion/Brief comment:

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey’s built and natural environment and the need to use land wisely.

Consistent with the SLUP, the policies of the IDP make provision for new infrastructure (basic facilities, services and installations needed for society including communications systems, water, power lines) while seeking to support and make better use of existing infrastructure to prevent unnecessary provision to the detriment of other objectives of the Island Development Plan. Infrastructure is taken as physical structures and large physical networks needed for the functioning of a modern society including communications infrastructure (fixed and mobile telephone networks, transmission stations, Internet, etc.).

Plan Objective 6 seeks to achieve the provision of infrastructure where required for the most effective and efficient functioning of the Island, in order to meet the strategic objectives of the States of Guernsey, as set out within the Strategic Land Use Plan. The proposal accords with the Principal Aim of the Plan and Plan Objective 6.

Policy IP11 (Small-scale infrastructure provision) states that proposals for small-scale infrastructure will be supported where this would contribute to the maintenance and support of efficient and sustainable infrastructure and accords with the other relevant policies of the Plan. In all cases the applicant will first be required to demonstrate that the sharing or co-location of facilities, buildings, apparatus and support structures is not practically possible.

The applicant has provided information regarding the requirement for the proposal and that it will replace existing telecommunications equipment on an existing mast. The information submitted is sufficient to demonstrate that the equipment would contribute to the maintenance and support of infrastructure, in accordance with Policy IP11.

The existing mast and antenna are situated circa 7.2m from ground level. Under this proposal the replacement antenna will be larger and will increase the total height of the mast and equipment to 8.5m above ground level. However, the proposal will be seen in context with the existing industrial building immediately to the rear, and the surrounding industrial and office buildings in other directions. The size, materials and appearance of the proposed development is considered satisfactory given its intended purpose and the visual impact will not significantly change from the existing situation and would not result in undue harm to the character and appearance of the locality or the surrounding Conservation Area. The scheme complies with policies GP4 and GP8 in this respect.

A declaration of conformity has been provided in respect of Public RF Exposure Guidelines and the Office of Environmental Health & Pollution Regulation have been consulted and have recommended that post-commissioning certification is requested by condition, to address any risk of public exposure to non-ionizing radiation from such installations. Subject to this condition and in the absence of any objection from OEHPR there are no grounds on which to recommend that the application is refused permission in relation to public exposure/safety.

OEHPR have requested that a condition be included relating to noise emissions from the equipment within the warehouse. As this equipment does not require planning permission, it would not however be within the scope of this application to place controls over it. Any noise nuisance which may arise could however be managed under separate legislation monitored by the OEHPR.

The proposal would not harm residential amenity or 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.

It is recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 28/08/2024

