

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: Erect low parapet wall to flat roof and install heat pump units to north (rear) elevation and install ventilation units (part retrospective).

LOCATION: Websters Opticians, Barras House, Barras Lane, Vale.

APPLICANT: SpecialEyes Guernsey Ltd

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: 19/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Architects - 2437, 01.01, 03.01B, 03.02B & Plant Noise Impact, Accoustic Report, Environlite T12-865 specification, MXZ-F R32 Inverter Heat Pump product information, and Ambientika product overview.

Application Ref: FULL/2024/1714

Property Ref: C02097A003

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.The air handling equipment hereby approved shall not be operated on the premises before 9:00am between Monday to Saturday, nor after 17:30 on weekdays, or after 12:00 noon on Saturdays, and not at any time on Sundays or Bank Holidays.

Reason - To ensure a satisfactory form of development, in the interests of neighbour amenity, in accordance with GP8 and GP9.

5.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 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+A1:2019.

Reason - To ensure a satisfactory form of development and in the interests of neighbour amenity, in accordance with Policies GP8 and GP9.

Expiry Date: This permission will cease to have effect on 19/12/2027 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/2024/1714
Property Ref: C02097A003
Valid date: 24/10/2024
Location: Websters Opticians Barras House Barras Lane Barras Lane
Vale Guernsey GY6 8EE
Proposal: Erect low parapet wall to flat roof and install heat pump units
to north (rear) elevation and install ventilation units (part
retrospective).
Applicant: SpecialEyes Guernsey Ltd

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. The air handling equipment hereby approved shall not be operated on the premises before 9:00am between Monday to Saturday, nor after 17:30 on weekdays, or after 12:00 noon on Saturdays, and not at any time on Sundays or Bank Holidays.

Reason - To ensure a satisfactory form of development, in the interests of neighbour amenity, in accordance with GP8 and GP9.

5. 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 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+A1:2019.

Reason - To ensure a satisfactory form of development and in the interests of neighbour amenity, in accordance with Policies GP8 and GP9.

OFFICER'S REPORT

Brief Description of the site:

The application site is located adjacent to Barras Lane Industrial Estate and close to the junction with Les Barras Lane and Pleinheume Road.

The site is located Outside the Centre as designated in the Island Development Plan (IDP).

Relevant History:

None relevant

Existing Use(s):

10 General Retail

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Consultations:

The Office of Environmental Health and Pollution Regulation were consulted on the application and requested a revised acoustic report which was submitted on 3rd Dec 2024.

I can confirm that I have assessed the revised acoustic report, and it is apparent that whilst the assessment concludes that there will be a low noise impact at both the assessment locations, in only one of these locations would the installation be able to achieve the requirement of the noise rating level being 5 dB below the existing LA90 background noise level. Having regard to the operating hours of the premises and the inclusion of attenuation measures within the scheme, I would recommend the following conditions are attached to the consent:

- The hours of operation of the air handling equipment should be limited to between 09:00 hours and 17:30 Monday – Friday and between 09:00 and 12:00 on Saturday. The equipment shall not operate on Sundays or Bank Holidays.*
- 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 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+A1:2019.*

Policies considered most relevant:

GP8 – Design

GP9 – Sustainable development

OC2- Social and Community Facilities Outside the Centre

OC4 - Retail Outside the Centre

GP16A- Conversion of Redundant Buildings.

Conclusion/Brief comment:

The premises has an existing general retail use and the proposed use for Websters Opticians is suis generis (mix of health care- use class 18 and retail- use class 10).

Policy OC4 supports the extension, alteration and redevelopment of existing retail premises Outside the Centre where the development is of limited scale to provide for minor alterations to facilitate the continuation of the existing retail use at its current level of operation and there would not be an unacceptable adverse impact on the visual character and amenity of the locality.

The proposed low parapet walls to part of the flat roof are located to the rear of the building and so are acceptable visually and will also assist in attenuating noise. This is considered a small scale alteration and is also acceptable in relation to Policy GP8.

The installation of the heat pump and ventilation units has been considered by Environmental Health who have advised that they will be acceptable, subject to relevant conditions to control their hours of operation and the general level of noise.

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: 19/12/2024

