

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: Alterations and repairs to flat roof, parapet and rooflights, repair and refurbish windows, doors and dormer windows. Install replacement air conditioning units to roof (Protected Building).

LOCATION: Esplanade House, 29 Gategny Esplanade, St. Peter Port.

APPLICANT: La Fraternelle Holdings 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: 18/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chescoe Ltd: 3617-00, 06, 07A, 08A, 09, 10 & 11, Air conditioning technical data RXM-A.

Application Ref: FULL/2024/1840

Property Ref: A109940000

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

5.The hours of operation of the air conditioning unit should be limited to between 08:00 hours and 18:00 hours on week days (Monday - Friday).

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.

6.Prior to insertion of the lead trays, their external appearance and the means of attaching these the stone façade shall be provided to and agreed in writing by the Authority.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

7.All leadwork shall be fitted in accordance with Lead Sheet Association instructions.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey)

Law, 2005.

Expiry Date: This permission will cease to have effect on 18/02/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For clarification, no consent is conferred for replacement of the concealed gutter and cornice to the east of the chimney stacks.

Should additional works be necessary regarding the concealed gutter and cornice, the Authority must be contacted in advance.

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/2024/1840
Property Ref: A109940000
Valid date: 19/11/2024
Location: Esplanade House 29 Gategny Esplanade St. Peter Port
Guernsey GY1 1WR
Proposal: Alterations and repairs to flat roof, parapet and rooflights,
repair and refurbish windows, doors and dormer windows.
Install replacement air conditioning units to roof (Protected
Building).
Applicant: La Fraternelle Holdings 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. 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 - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

5. The hours of operation of the air conditioning unit should be limited to between 08:00 hours and 18:00 hours on week days (Monday - Friday).

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6. Prior to insertion of the lead trays, their external appearance and the means of attaching these to the stone façade shall be provided to and agreed in writing by the Authority.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

7. All leadwork shall be fitted in accordance with Lead Sheet Association instructions.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

INFORMATIVES

For clarification, no consent is conferred for replacement of the concealed gutter and cornice to the east of the chimney stacks.

Should additional works be necessary regarding the concealed gutter and cornice, the Authority must be contacted in advance.

OFFICER'S REPORT

Brief Description of the site:

The property known as '29 Gategny Esplanade' is a three and a half storey attached granite faced property which is located facing southeast directly onto Gategny

Esplanade. IT has a large single storey rear extension and a car park to the rear accessible from Well Road to the north. The property has a mix of uses and is a Protected Building. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Administrative, financial and professional services use class 16: administrative office.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

MC4(A): Office Development in Main Centres
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development.

Consultations:

The Office of Environmental Health and Pollution Regulation.
12/12/2024

"I have reviewed the proposed plans for the above site which include the installation of four air conditioning units. There is currently insufficient information for me to comment fully on the application.

Having regard to the information provided, I have concerns that the proposed units would operate above background noise level. As such, I would request the following information is provided:

- *Distance to the closest noise sensitive property (this includes domestic gardens)*

- *Proposed hours of operation*
- *Evidence that the noise level the proposed units would operate at would be at least 5 dB(A) below the lowest background noise level at any time (this is generally at night)*
- *Details of any proposed attenuation measures to reduce the level of the air source heat pump.*

I would urge the applicant to contact an acoustic consultant and 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."

13/02/2025

"I have reviewed the additional information provided in relation to the proposed plans for the installation of four air conditioning units at the above site. Having regard to the operating noise level of the existing units and the proposed operating hours, I would recommend the following conditions are 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 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.*
- *The hours of operation of the air conditioning unit should be limited to between 08:00 hours and 18:00 hours on week days (Monday – Friday).*

I would also like to advise the applicant that whilst we recognise the proposed units will not operate above the level of the existing units at the site, the noise level of the units is such that should this department receive complaints that the units are impacting nearby residents, this office can investigate whether a statutory nuisance is occurring, using powers conferred under the Public Health Ordinance, 1936."

Conclusion/Brief comment:

This application is for some alterations and repairs to the rear flat roof, parapet and rooflights of the rear extension and then repair and refurbish the windows, doors and dormer windows, and finally install replacement air conditioning units to the roof of this Protected Building.

Initially the application was deferred to request further information regarding the air conditioning unit as there were three existing and four proposed. The agent engaged

an acoustic engineers and provided enough information for Environmental Health to make a comprehensive assessment.

The repairs and refurbishment of the other elements are all considered to be acceptable and appropriate for the up keep of this building. The proposals will not have any detrimental impacts on the special interest of the protected building or effect the special character and appearance of the surrounding conservation area, nor will the proposals impact any neighbour amenity.

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.

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: 18/02/2025

