

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 covered area/lean-to storage area to east elevation, covered area and cold store with ventilation equipment to north elevation and alterations to fenestration. Erect wall with handrail to ramped access to front (south) of main building.

LOCATION: Roc Salt Restaurant, Mont Cuet Road, Vale.

APPLICANT: Green Giant 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: 21/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tibbatts Abel: 2503 PL002D, PL003E, PL004B, PL005C; Greens Commercial Kitchens: Ventilation System Drawing Rev F; Aura Sound and Air Noise Impact Assessment dated 14th May 2025

Application Ref: FULL/2025/0335

Property Ref: C01742A000

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 plant and mechanical ventilation hereby approved and as shown on drawing Ref: Kitchen Ventilation System Rev F, shall not be first used until the agreed noise mitigation measures as specified in the Noise Impact Assessment (dated 14th May 2025) and in all supporting documentation have been fully installed and are operational. These measures shall be retained and maintained thereafter unless the Authority agrees to any variation in writing.

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

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 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+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.

Expiry Date: This permission will cease to have effect on 20/07/2028 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/2025/0335
Property Ref: C01742A000
Valid date: 10/03/2025
Location: Roc Salt Restaurant Mont Cuet Road Vale Guernsey GY3 5AT
Proposal: Erect covered area/lean-to storage area to east elevation, covered area and cold store with ventilation equipment to north elevation and alterations to fenestration. Erect wall with handrail to ramped access to front (south) of main building.

Applicant: Green Giant 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 plant and mechanical ventilation hereby approved and as shown on drawing Ref: Kitchen Ventilation System Rev F, shall not be first used until the agreed noise mitigation measures as specified in the Noise Impact Assessment (dated 14th May 2025) and in all supporting documentation have been fully installed and are operational. These measures shall be retained and maintained thereafter unless the Authority agrees to any variation in writing.

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

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 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+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.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached 1.5 storey restaurant building with a wrap around balcony to the south and east elevations. The site is situated to the west of Mont Cuet Road and the surrounding area comprises a residential property to the north, a beach kiosk to the south, part of a golf course to the east and the coast to the west.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

The application has been the subject of pre-application discussions.

Existing Use(s):

Restaurant – Retail Use Class 11

Assessment: *(Tick as appropriate)*

no representation
accords with policy

✓
✓

visual amenity acceptable
no material neighbour impact

✓
✓

within curtilage
design acceptable



traffic not affected



Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 20th March 2025 stated the following:

"I have reviewed the proposed plans in relation to Roc Salt, including the installation of new kitchen extraction and ventilation equipment to the north elevation. There is currently insufficient information submitted for me to comment fully on this application.

I have concerns about the proximity of the neighbouring residential property to the proposed plant installation location and the resulting noise impact this may have. Whilst I note an extraction equipment plan is submitted, the manufacturer specifications are not submitted for the proposed plant, and it is unclear whether this will achieve at least 5 dB below the existing background noise level when it is being operated.

I would therefore request the following information is submitted to support the application:

- *Proposed times of operation of all air handling / extraction units*
- *Manufacturers' specifications of units proposed to be installed*
- *Distance to the closest noise sensitive property (this includes domestic gardens)*
- *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 the time of the units being operated*
- *Details of any proposed attenuation measures to reduce the level of the units to reach at least 5 dB(A) below the lowest background noise level at the time of the units being operated*

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.

Any measurements and assessment shall be made in accordance with British Standard 4142:2014+A1:2019. Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

The application was deferred to request the additional information. Additional information was received and OEHPR was reconsulted and by letter dated 03rd June 2025 stated the following:

"I have reviewed the Noise Impact Assessment report produced by Aura (Sound & Air) Limited, dated 14th May 2025, ref. PG048.1 V1, in relation to the installation of new kitchen extraction and ventilation equipment to the north elevation.

The report indicates that it is necessary to reduce the predicted rating level of the equipment by 15 dB(A) in order to achieve a noise level that is at least 5 dB below the existing background noise level.

Although the report includes recommendations on how such a reduction could be achieved the applicant has not confirmed the specific measures they intend to implement. In particular, no details have been provided regarding the type and specification of any silencers or acoustic lagging to be used. I note the applicant's agent states in the covering email "the lower noise levels can be achieved through M&E design of the silencers and cladding", however cladding is not recommended as a mitigation measure in the report and no specific information about this is provided.

It is essential that the applicant submits detailed information regarding the proposed noise mitigation measures. This should include confirmation that a suitably qualified acoustic consultant has reviewed the proposed design and can verify that it will achieve the required noise reduction. I draw your attention to the Recommendations section of the report which states:

"Please note that the recommended proposed description is for example purposes only and alternatives may be proposed providing they meet or exceed the proposed insertion loss performance for each unit. We recommend a suitably qualified noise control specialist be consulted to assist with the design of mechanical attenuation since the equipment is likely to require appropriate air flow and maintenance access which should be accounted for with the design."

Given this, it is vital that the applicant provides a clear and professionally verified plan showing how compliance will be achieved. Without this information, we are unable to assess the adequacy of the proposed noise mitigation strategy.

I strongly recommend that the applicant seeks further assistance from the author of the report (or another consultant of their choosing) and that they are made aware of the report findings.

To assist with what is required, at a minimum I would expect the following information:

- *Details of the specific proposed noise control hardware to be installed*
- *Acoustic specifications and reduction calculations of the proposed noise control hardware*
- *Confirmation from an acoustic consultant / specialist, evidencing that the proposed noise control hardware will attenuate the installation to at least 5 dB(A) below the existing L_{A90} background noise level*

I recommend that the above points are addressed before the application progresses further. Should further information be submitted, I would be happy to review this and provide further comments. Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.”

The application was subsequently deferred to request the additional information. Additional information was received and OEHPR was reconsulted and by letter dated 11th July 2025 stated the following:

“I have reviewed the additional information submitted in response to my letter dated 3 June 2025, which I sent following my appraisal of the Noise Impact Assessment prepared by Aura (Sound & Air) Limited (dated 14 May 2025).

The most recently supplied information includes an email dated 10 June 2025 from Richard Greenway, Managing Director at Greens Catering Equipment Ltd., to Fay de Gruchy at Aura (Sound & Air) Ltd., and contains details of ‘proposed achievable attenuation performance ratings’, in relation to the proposed new kitchen extraction and ventilation equipment to be installed to the north elevation. Also included is a reply email from Fay de Gruchy to Richard Greenway, dated 12 June 2025, in which Fay writes: ‘the below proposal is expected to meet the overall noise level requirements’.

I can therefore confirm that the proposed mitigation measures are acceptable in principle, subject to the following conditions being attached to any planning approval:

- *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 L_{A90} 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 development shall not be brought into use until the agreed noise mitigation measures, as specified in the supporting documentation and verified by a suitably qualified acoustic consultant, have been fully installed and are operational. These measures shall be retained and maintained thereafter for the lifetime of the development.*

These conditions are considered necessary to ensure that the proposal does not result in an adverse impact on residential amenity by way of noise, and to ensure that the proposed mitigation performs as intended.

I would be grateful if this letter is taken into consideration when determining the application. Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.”

Policies considered most relevant:

Island Development Plan Policies

OC4: Retail Outside of the Centres;

GP8: Design;

GP9: Sustainable Development;

Conclusion/Brief comment:

Planning permission is sought to erect a covered area/lean to storage area to the east elevation, a covered area and cold store with ventilation equipment to the north/east elevations and alterations to the fenestration. The proposal also includes the erection of a wall with a handrail and ramped access to the front (south) elevation of the main building.

The proposal is of limited scale and will provide for minor alterations to facilitate the continued retail use of the building at its current level of operation and will also support the recreational enjoyment of this coastal location and complies with criteria (a) and (b) of Policy OC4.

The proposed cold store, external steps/ramp and the covered areas are of an appropriate scale and form and at single storey level will be in-keeping with the host building and the surrounding area. Although replacement ventilation and air handling equipment is required situated to the rear of the premises the external the external equipment will be largely screened from the surrounding area by the host building, the neighbouring dwelling to the north and the existing hedging/boundary treatment that surrounds the building in this direction. The associated ducting to serve this equipment will be largely contained internally within the roof void. Considering the above the proposal would not harm the character of the

surrounding area and complies with criterion (c) of policy OC4 and policy GP8 in this respect.

The proposed external alterations are at single storey level and together with the alterations to the fenestration would not cause harm to the amenities of the neighbouring property with regards to overshadowing, or loss of privacy. With regards to the external air handling plant and ventilation equipment, the Office of Environmental Health and Pollution Regulation (OEHPR) was consulted on the application and following the submission by the applicants agent of a detailed acoustic assessment report, with noise mitigation measures included (requested by OEHPR), raised no objection subject to recommended conditions (see the consultation section of this report). Provided that the conditions are imposed and in the absence of any objection from OEHPR, any harm to the neighbouring property resulting from the air handling and ventilation equipment would not be so substantial to warrant the refusal of planning permission.

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 proposal would not harm 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.

Recommendation:

Grant with Conditions



Date: 15/07/2025

