

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: Change of use of section of ground floor from Retail (Use Class 9) to take away (Use Class 12) and associated works. Install external extract/ventilation system to south elevation.

LOCATION: Longstore, Le Bouet, St. Peter Port.

APPLICANT: The CI Co-Operative Society 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: 23/09/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2504 02.04, 05, 06 & 07
7080-DW001 Rev P01
Product Data Sheet - Site-safe Discarb cells, Standard Sizes & Capacities (24x24x4)
AMS Type R2 Attenuator Static Insertion Loss (1200)
Systemair - MUB 062 560EC Multibox and technical parameters
Aura Sound and Air Noise Impact Assessment (Ref PG049.2 V1)
AVE Ltd Risk Assessment for Odour (16/06/2025) and
Proposed Ventilation System (16/07/2025)

Application Ref: FULL/2025/0695

Property Ref: A106960000

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. Prior to the first operation of the kitchen extraction system the attenuator equipment specified in section 4.2 of report reference PG049.2 V1 dated 8th September 2025 produced by Aura Sound and Air shall be installed and must be maintained within the system at all times thereafter.

Reason - To prevent 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 - To prevent a nuisance or annoyance to nearby residents.

6. a) Prior to the first operation of the kitchen extraction system the odour mitigation measures specified in Risk Assessment for Odour dated 16th June 2025 shall be implemented in strict accordance with the approved details and shall thereafter be retained as such at all times.

b) No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in a) set out above has been submitted to and approved in writing by the Authority. The measures shall be implemented in strict accordance with the approved details prior to the approved use and associated equipment being first brought into use and shall thereafter be retained as such at all times.

Reason - To prevent a nuisance or annoyance to nearby residents.

7. No public access to the takeaway use hereby approved shall be allowed other than between the hours 11.30am and 11pm on any day.

Reason - To prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 22/09/2028 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/2025/0695
Property Ref: A106960000
Valid date: 13/05/2025
Location: Longstore Le Bouet St. Peter Port Guernsey GY1 2BA
Proposal: Change of use of section of ground floor from Retail (Use Class 9) to take away (Use Class 12) and associated works. Install external extract/ventilation system to south elevation.
Applicant: The CI Co-Operative Society 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. Prior to the first operation of the kitchen extraction system the attenuator equipment specified in section 4.2 of report reference PG049.2 V1 dated 8th September 2025 produced by Aura Sound and Air shall be installed and must be

maintained within the system at all times thereafter.

Reason - To prevent 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 - To prevent a nuisance or annoyance to nearby residents.

6. a) Prior to the first operation of the kitchen extraction system the odour mitigation measures specified in Risk Assessment for Odour dated 16th June 2025 shall be implemented in strict accordance with the approved details and shall thereafter be retained as such at all times.

b) No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in a) set out above has been submitted to and approved in writing by the Authority. The measures shall be implemented in strict accordance with the approved details prior to the approved use and associated equipment being first brought into use and shall thereafter be retained as such at all times.

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Reason - To prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Site Description:

The Longstore House building is situated on the corner of Le Bouet and St George's Esplanade. There is on-street parking to the front/east and parking across the road to the north in Le Bouet. The building is three storeys in height and has been broken down into several different elements with a mixture of elevational treatments (render and stonework). Shop display windows exist in the St George's Esplanade façade at ground floor level whilst the shop entrance is from Le Bouet. There are a variety of uses in the vicinity of the application site including retail and residential uses.

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

Relevant History:

FULL/2025/0809 - Subdivide existing 2nd floor flat to create 2 flats (Use Class 2) and associated works - granted

FULL/2025/0658 – Change of Use of part of 1st floor offices (ancillary to ground floor retail use) to 2 flats (Use Class 2) and associated works. Relocate plant equipment (first floor, south elevation) – under consideration

FULL/2025/0789 – Demolish 2nd floor bay window to east elevation. Install rooflight to west elevation, external insulation render system and alterations to fenestration – granted

Existing Use(s):

Retail (with ancillary office space)

Flats

Brief Description of Development:

The application relates to the change of use of part of the existing retail unit on the ground floor to a takeaway (Use Class 12) and for the installation of an extraction system to the side of the building. Limited alterations are proposed to ground floor fenestration including an emergency access door and air intake grille/vent, and the drawings make reference to alteration to an existing metal staircase although these changes are not clearly shown. It is also noted that no second-floor plans have been provided to show the internal layout in relation to the proposed external extract system. An existing flat, with window immediately adjacent to the proposed extract system is indicated on the drawings associated with a previous application for other works at second floor level (see planning history).

The application was deferred multiple times due to a lack of clear information regarding the proposed extraction system and the potential noise and odour nuisance resulting from the proposed use along with the long opening hours (reduced to 7am – 11.30pm daily) and the effect of customers visiting the premises throughout the day on the amenities of surrounding occupiers.

Further information has been provided, including a Noise Impact Assessment, in response to comments and concerns raised by Environmental Health.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Island Development Plan policies:

MC7: Retail in Main Centre Outer Areas
GP4: Conservation Areas
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation have commented on the application on a number of occasions:

21/05/2025

There is no information included within the application with regard to the proposed new stainless steel extract system or vent. Due to extraction system external vents proposed location being in very close proximity to residential properties concerns are raised regarding potential noise and odour nuisance occurring. Concerns also exist regarding the proposed opening hours if the extraction system be operating at 01:30am. Additional information was requested:

- Make and model number of the proposed extraction system
- Acoustic information (including decibels) of the proposed extraction system
- Any proposed noise and odour attenuation measures
- Proposed operating hours of the extraction system
- Information on the proposed type of food that will be served from the takeaway.

20/08/2025

There remains insufficient information to enable further comments to be provided. An acoustic report should be provided demonstrating that the proposed extract system (including odour attention measures) will achieve the appropriate rating level below background noise levels. A list of consultants that are prepared to operate on island is published online.

The original application letter (17/04/2025) states: "The client has commissioned a background noise assessment to establish the existing noise on site. The acoustic report will be issued to the Planning Department once received to support the application and to enable limits to be set on any new noise-generating equipment associated with the new retail unit". An acoustic report has been submitted in relation to another application for the site but this does not cover noise from the extraction system. An extraction system should achieve a rating level of at least 5dB below the existing LA90 background noise level 1m from the façade of the nearest noise sensitive property. Concerns remain that there is insufficient information to currently demonstrate this. Also, the additional information from the manufacturer

incorporates odour mitigation measures which can have a negative impact on noise levels which would need to be considered in an acoustic report.

The report on the proposed ventilation system from AVE Ltd (16/07/2025) also notes the following in 5.7:

“Data on the noise produced by the system as a whole should be provided including:

- Sound power levels or sound pressure levels at given distances (the assumptions to this calculation must be clearly stated);
- An octave band analysis of the noise produced by the system should be provided (where possible); and
- Hours of operation of the ventilation system (where it differs from the hours of opening)

This information is site dependent and can only be achieved once the system is designed and installed. Please refer to Appendix 1 for data sheets regarding the fans for more information.

This information has not been provided and Environmental Health advise that whilst the AVE Ltd report states that this can only be achieved once the system is designed/installed this is not necessarily the case. An acoustic consultant would be able to use the information available to predict the noise levels at the nearest receptor location and demonstrate what attenuation measures (if any) would be necessary to achieve the required rating level.

Concerns exist regarding the proposed operating hours and understand that the extraction system will operate until 1.30am on Saturday and Sunday mornings. The background noise level in the area at the time is likely to be very low and it is critical that this is considered within the acoustic report.

The additional information also highlights that there is a high impact risk of odour and several attenuation measures are recommended. If the application is to proceed conditions are likely to be recommended around the implementation of these mitigation measures. But concerns exist regarding the potential for noise nuisance and note that odour mitigation can impact noise levels produced from kitchen extract systems.

16/09/2025

Although the Planning Service may wish to determine the application concerns remain regarding the lack of information provided, specifically in relation to noise and odour mitigation measures. The Noise Impact Assessment has been provisionally reviewed and concerns exist that odour mitigation measures have not been considered within this. The addition of odour mitigation to extraction systems often impact on the noise levels that are produced and as such needs to be considered alongside noise where considering kitchen extraction systems. Concern therefore remain about noise and odour arising as a result of the development.

17/09/2025

In relation to the additional information received on 17/09/2025 concerns remain that a lack of information has been provided by the applicant and about the potential for noise and odour nuisance, especially considering the very long operating hours that have been proposed.

It is not clear if the carbon filtration proposed has been considered in the Noise Impact Assessment. When such filters are required they can have potential negative impacts on noise, specifically in relation to fan loading. Adding carbon filters increases system resistance and therefore fans have to work harder increasing speed or power, this can increase the overall noise level. To ensure these concerns are mitigated various conditions are recommended.

Summary of Issues:

The key issues in this case relate to the health, well-being and amenities of surrounding occupiers and the impact of external changes on the character and appearance of the Conservation Area.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which 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. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, also sets out general material considerations.

The site is in a Main Centre Outer Area where the IDP makes provision for new convenience retail, and alterations/redevelopment of existing convenience retail premises. The scheme therefore accords with Policy MC7 regarding convenience retail.

In addition to Policy MC7 the scheme must satisfy all other relevant policies. The main issue in this case relates to the effect of the proposed extract system on the amenities of surrounding occupiers, particularly those in the flats within the existing building (further residential units are also approved/proposed as referred to in the planning history section above). During this application significant concerns have been raised regarding the potential for noise/odours generated and potential nuisance and harm to residential amenity.

The proposed change of use will contribute to the vitality and viability of the local area and, in principle, is compatible with surrounding uses where there is a mixture of residential and commercial properties. External alterations, in terms of fenestration changes, are limited and represent a good standard of design that respects the character and appearance of the built environment, within a Conservation Area. The existing building is functional in its appearance and the installation of an external extract system, set back from the front façade and below the ridge height of the building will not have an unacceptable impact on the character and appearance of the Conservation Area. The scheme accords with the aims of Policies GP4, GP8 and GP9 of the Island Development Plan.

Bicycle parking provision is linked to the number of car parking spaces proposed. In this case there is no on-site parking provision proposed and whilst cycle parking for new development would be welcomed the lack of such provision would not, in this case, justify the refusal of permission.

As the plans indicate, the extract system would be situated in very close proximity to the upper floor windows of existing flats within the Longstore building. The occupiers of these units, and those using the external roof terrace to the south of the building, could be severely affected by the proposed extract system if it is not properly designed, installed and maintained. It is essential therefore, that the scheme incorporates adequate mitigation measures in relation to noise and odour to ensure the amenities of the occupiers of these units is not unacceptably affected by the proposed development when considering the aims of Policies GP8 and GP9 of the IDP.

Although information has been requested on several occasions details regarding the odour element of the proposed extract system has not been clearly set out in the submission. This is important because carbon filters used to deal with odours impact on fan loading in an extract system which can increase the overall noise level. In this case and following the submission of the information provided during the assessment of this application Environmental Health have recommended a number of conditions to mitigate the concerns raised in relation to residential amenity and potential harm that could be caused as a result of the proposed use:

- Implementation of the noise impact assessment
- Control of noise level of plant/machinery
- Odour control equipment
- Odour control equipment (sound insulation)

Through the consultation process Environmental Health have expressed concerns relating to the proposed hours of operation and it is noted that the agent has invited the Authority to suggest suitable operating hours in this case. The operating hours are dependent on the nature of the proposed business, which in this case has been identified as selling pizza but the full details of the proposed business have not been forthcoming.

Following review, and based on the current information available, it is considered reasonable, to protect the amenities of surrounding residents, that the operating hours during which public access is allowed are limited to 11.30am to 11pm. However, this would not preclude the final, or future, operator, from approaching the Authority (in consultation with Environmental Health) to alter or extend these operating hours to suit their needs but with suitable supporting information to demonstrate that the change in hours will not have an unacceptable impact on the amenities of surrounding residents.

Consideration has also been given to the need to impose a planning condition relating to the operating hours for the extract system itself. However, to tie this to the opening hours of the premises would not allow any preparation cooking to be carried out and without a more detailed breakdown of the proposed user and planned operation it is difficult for this to be predicted. The condition relating to the background noise level is considered sufficient safeguarding to protect against noise nuisance and no specific condition relating to the operating hours for the extract system is deemed necessary given that this is likely to be similar to the recommended public opening hours for the premises.

Subject to the conditions recommended it is recommended permission is granted for the proposed development.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include the appropriateness

of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 23/09/2025

