

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, extensions to and alterations to covered play area to form gymnastic centre.

LOCATION: Oatlands Centre, Oatlands Lane, St. Sampson.

APPLICANT: Guernsey Gymnastics Centre 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: 26/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Langlois Architects: 2125/01B & 2125/10B

Application Ref: FULL/2021/1753

Property Ref: B010080000

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. No use of the premises shall be carried out other than between the hours of 0900 hours and 1800 hours on Mondays to Sundays.

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 premises shall be used only for a Gymnastics Centre and for no other purpose including any other purpose in Public amenity Use Class 21 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 25/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please find enclosed a copy of comments made by the States' Traffic and Highways Service. Please ensure that these comments are properly considered in carrying out development and in any future development proposals at this site.

For the avoidance of doubt, this decision authorises the offices hereby permitted to be used only as ancillary or ordinarily incidental to the authorised use of the premises, and does not authorise any separate office use.

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/2021/1753
Property Ref: B010080000
Valid date: 25/08/2021
Location: Oatlands Centre Oatlands Lane St. Sampson Guernsey GY2 4YT
Proposal: Change of use, extensions to and alterations to covered play area to form gymnastic centre.
Applicant: Guernsey Gymnastics Centre 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. No use of the premises shall be carried out other than between the hours of 0900 hours and 1800 hours on Mondays to Sundays.

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 premises shall be used only for a Gymnastics Centre and for no other purpose including any other purpose in Public amenity Use Class 21 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

INFORMATIVES

Please find enclosed a copy of comments made by the States' Traffic and Highways Service. Please ensure that these comments are properly considered in carrying out development and in any future development proposals at this site.

For the avoidance of doubt, this decision authorises the offices hereby permitted to be used only as ancillary or ordinarily incidental to the authorised use of the premises, and does not authorise any separate office use.

OFFICER'S REPORT

Site Description:

The premises comprise a long-established visitor/leisure and recreation attraction located to the south of the Braye du Valle. The premises' offer ranges from mini golf to small scale specialised retail, play areas and a restaurant. The premises also include a self-contained flat within the main building.

The two brick kilns are protected monuments (PM82).

The site falls Outside of the Centres, but is otherwise undesignated within the Island Development Plan. The field to the east of the site comprises agricultural land (Use Class 28).

Relevant History:

FULL/2018/0243	Variations to works previously approved to extend curtilage and erect play barns: Remove roadside earth bank, enlarge vehicular accesses and erect granite wall along south boundary.	Granted 27/04/2018
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FULL/2017/2626	Change of use of flat in main building, including first floor of east extension, from residential to office.	Refused 11/10/2017
FULL/2016/2344	Extend curtilage to east and erect new two storey playbarn, covered play area and single storey building around central courtyard; vary previous condition to facilitate alternative use of existing playbarn; erect WC block; extend curtilage to west to provide additional car parking; and associated works.	Granted 27/09/2016

Existing Use(s):

Leisure and recreation (sui generis)
Residential Use Class 2
Agricultural Use Class 28

Brief Description of Development:

Planning permission is sought to change the use, extend and alter the existing covered play area to form a gymnastic centre.

During the course of consideration, revised plans were submitted at the request of the applicant.

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

OC9	Leisure and Recreation Outside of the Centres
GP6	Protected Monuments
GP8	Design
GP9	Sustainable Development
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

In total three letters/emails of representation were received objecting to the application. The grounds for objection are summarised as follows;

Over intensification of use

- If the application is approved the site will become more like Beau Sejour.
- If approved no further permissions should be allowed to extend the premises as a good area that hosts activities has been lost

Loss of existing facility

- Oatlands Centre is a visitor centre that is used by tourists and locals alike;
- The building is occupied by trampolines and electric cars, that are frequently used and could be a facility lost to visiting and local children;

Failure to comply with the IDP;

- The proposal does not comply with Policy GP16(A): Conversion of Redundant Buildings;
- The building is not redundant and cannot be considered a minor departure from the Development Plan, Subject Plan or Local Planning Brief;
- The letter from the Guernsey Sports Commission and the Gymnastics Academy stating that they will lose their home at the Indoor Sports Centre is not a material consideration for this application;
- The proposal fails to comply with Policies IP9 and IP7

Traffic and Highway Issues:

- Since Oaty and Joey's drive through opened there has been a marked increase in traffic in the evenings starting at 5pm;
- The pedestrian and cycle paths are used a lot by those living in this area at these times and extra traffic generated by the Gymnastics Centre will further add to traffic in the area;
- The nursery (recently granted permission) will add to traffic in the area by up to 104 journeys each day;
- The pick-up times for the nursery will clash with the comings and goings from those at the Gymnastics Centre;
- Traffic is busy until 6pm in the evenings and no hours of use of the site have been provided;
- If used from 3.30pm until later in the evening this will cause mayhem;
- Traffic will make the area unsafe for walkers and for horse riders that use the lane to access the nearby stables;
- Saturday traffic would cause a negative impact on the surrounding network
- Traffic and Highways had concerns regarding the nursery application and should be consulted on this application;
- 313 homes could be built at Belgrave Vinery plus housing on Pointues Rocques;
- Planning should consider this application in conjunction with the cumulative effect of further development in the area;
- Parking area has already been extended

Other issues:

- No hours of use have been provided;
- Previous conditions on other applications should be complied with and should be enforced.

Consultations:

Traffic and Highway Services

By email dated 03rd February 2022 stated the following:

“Further to our meeting today in respect of the change of use application relating to the Oatlands complex, I can comment as follows;

Given the previous use of the building as a children’s soft play facility with a frequent flow of customers, with the bulk of these patrons arriving in the mid-afternoon period, it is reasonable to state that the change of use under this application cannot be determined by THS as either resulting in more or less patrons / vehicle movements to and from the site. Pragmatically, THS would accept that the number of patrons is likely to be similar throughout any week, with maybe some fluctuations when events take place.

As discussed, the site has been subject to a number of planning applications, which have in the main resulted in changes of use to different parts of the site in isolation. THS officers have discussed the applications in terms of the traffic impact of the applications, and as stated during our meeting today, whilst the separate applications individually have not stood out as resulting in a significant intensification of use, the cumulative effect of the various applications as a whole has been to increase overall footfall at the site based on the utilisation of the overflow car parking area on frequent occasions. Although THS has not previously requested formal Traffic Impact Assessments (TIA) when assessing the previous applications, the lack of data relating to vehicle movements to the site results in THS officers commenting based on their own knowledge and observations of vehicle movements relating to the site, and data that is held by THS from other TIA’s that have covered traffic flows, junction capacity and signal junction capacities in the local area.

With the above comment borne in mind, whilst THS would raise no objection to the current application, I would ask that the comments relating to the cumulative effect of the applications is conveyed to the applicant. I would respectfully suggest that the applicant considers the utilisation of some form of traffic count technology to determine the vehicle count, and specifically time / day, etc. that vehicle movements take place at Oatlands. I am happy to discuss this subject area with the applicant or their agent / representatives directly. I believe that the data that such data collections would yield, would be of benefit in THS assessing any future applications relating to the site, but would also prove to be of commercial use to the applicant in understanding the visitor dynamics to the site.

If you require any further information or clarification, as always, please let me know.”

The Constables of St Sampson

By letter dated 20th September 2021 stated the following:

"We write in respect of the above application and ask that the Development & Planning Authority ("D&PA") take into account the following:

Is Oatlands Village/Centre a visitor attraction or not?

1. The past descriptions which are outlined in recent approved applications for development of Oatlands Village/Centre, and in the Decision Notices, include:

"The premises comprise a long established visitor attraction located to the south of the Braye du Valle. The premises' offer ranges from mini golf to small scale specialised retail, play areas and a restaurant. Any retail uses are however of a specific nature which complements, enhances and remains ancillary to the overall use of the premises as a visitor attraction"; and

"All uses hereby permitted shall only be carried on in conjunction with and ancillary to the use of Oatlands as an accredited visitor attraction, and shall not be used separately for any purpose at any time"; and such like.

The Douzaine has concerns that this application to create a gymnastic centre does not enhance and is not ancillary to the overall use of the premises as a visitor attraction because it will no longer be open to visitors and locals who wish to use the trampolines and e-cars which currently occupy the space to be converted. It will also preclude other activities, in that footprint, which could be created for tourists and locals alike to enjoy in the future.

Whilst permission for the Oaty & Joey's play barn and covered play area, etc. was being sought and then subsequently granted in January 2017, the D&PA consulted with Marketing and Tourism where it speaks of "the Visit England Quality Assurance Scheme for visitor attractions which has been adopted for use by VisitGuernsey as a means of benchmarking sites that deliver current industry best practice and meet visitor expectations of an attraction". Marketing and Tourism goes on to say: "The further significant developments proposed in this application should re-establish Oatlands as an important high-quality visitor attraction, with a mix of elements comparable to those found at other well-established accredited attraction sites assessed by VAQAS in England. The present owner is keen to re-establish the site as one of the leading accredited visitor attractions on the island, with a unique mix of Leisure, Activity, Cultural, Educational and Heritage elements that will appeal to the whole family. The site will also offer the potential for a considerable dwell time, even in poor weather, which is something that many other attractions on the island are unable to do".

With the above in mind, we would expect Marketing and Tourism to be consulted on this change of use which is neither ancillary nor enhances the accreditation of Oatlands Village/Centre and indeed may well have the opposite effect.

Traffic Implications

2. The application to change the former Jungle House to a nursery was approved (FULL/2020/1813) on 22 February 2021 despite the Committee for Education, Sports and Culture stating that it was questionable that the nursery would be utilised by tourists and whether there was a need for a nursery in this area in any case. We note that Marketing and Tourism were not consulted in respect of this application.

We further note that Traffic & Highways ("T&HS") did have concerns in respect of traffic in the area and the D&PA acknowledge that:

"at least 52 additional trips to the site, at drop off, and a further 52 trips at collection time, each day" (a total of 104 vehicular journeys) could be made for that venture alone; and that Oaty & Joey's new play barn "are likely to generate at least as much traffic as the former Jungle House".

It was also noted that the proposed use of the nursery be limited to weekdays only. The D&PA also state: "It is however advised that if further development is to be pursued at this site, that a survey of trips to and parking at the site be undertaken in advance of any such proposal coming forward to provide a baseline to assess further impacts on traffic generation and parking."

In light of the above, the Douzaine requests the D&PA to ask for further information from the Applicant to ascertain what the gymnastic centre's opening hours will be, how many days a week the centre will be open, how many children will attend in a week and how the children will get to and from Oatlands Village/Centre and whether there will be any impact on current parking arrangements which it must be noted are already heavily utilised. An online search found a PDF of opening times of the gymnastic centre situate at the Indoor Sports Centre at the Hougue du Pommier and is attached to this letter; it is to be assumed that opening hours here would be similar if not the same. It should also be assumed that holiday clubs for the gymnastic centre will also take place during every school holiday. This will have an adverse effect on Oatlands Village/Centre which is heavily used by tourists and locals at these times. We further request that the D&PA consult with T&HS particularly noting that there will be an adverse impact on the surrounding roads and lanes due to the frequent comings and goings and most particularly the cumulative effect of traffic between 3.30 pm and 6 p.m. weekdays when schools finish and Islanders make their commute home from work in St Peter Port and the Bridge area and indeed those returning from the south of the Island.

Another point to note is the recent opening of the Oaty & Joey's drive thru which is open Wednesdays, Thursdays & Sundays from 5 pm to 8pm and Fridays and Saturdays from 5 pm to 9pm. This facility has increased traffic in the area and the opening hours of this venture will clash with the comings and goings of traffic should a gymnastic centre be approved. The Douzaine also foresee an issue with the gymnastic centre being open on Saturdays. Vale Rec and North Football Clubs have successful and heavily attended mini football sessions, all taking place on Saturday mornings. The traffic movements for these already put immense pressure on the road

infrastructure from Capelles, Route Carré, Braye Road and Oatlands. The D&PA must also take into account that many Islanders use these routes to access food and essential shopping in the area (M&S at L'Islet, Alliance in the Braye Road and The Bridge). We do not believe that further traffic movements should be encouraged, bearing in mind that Oatlands Village/Centre is already heavily utilised on Saturdays and that there would be an issue with parking and vehicles entering and leaving the premises.

We also ask that the D&PA take into consideration the future impact of housing (up to 313) at Belgrave Vinery; 99 new homes planned for Pointues Rocques; development at Quantock Cottage, L'Islet; 30 new homes at Les Bas Courtils, Richmond; the Data Park which we have reason to believe will be coming 'online' in due course plus the possible 30 new homes at Le Four Banal and the future development of Saltpans not forgetting the future development for housing at Cleveley's Vinery and the imminent use of Avondale/Domarie Vineries for storage in Oatlands Lane itself.

For the reasons as set out above, we cannot see how traffic can be mitigated any further in this area.

Incomplete Conditions of Planning Decisions (FULL/2018/0244 - Vary Condition 13 of FULL/2016/2344)

3. Again, we wish to refer the D&PA to our letter dated 6 August 2020 (copy enclosed) regarding landscaping conditions that are yet to be fulfilled. We are disappointed and can think of no good reason for the delays in enforcement of such conditions.

We are considering asking the political board whether they believe Oatlands Village/Centre should still ultimately be a visitor attraction and as outlined at the beginning of this letter. Recent changes, and now the application for a gymnastic centre, are moving Oatlands Village/Centre away from this. As such we believe further consultation with other States bodies and stakeholders should be pursued. It appears as though, very slowly, the ethos and purpose of Oatlands is being changed and changes are not being sanctioned in accordance with any plan but by what the owners believe will yield the most profit."

By letter dated 02nd November 2021 the Constables stated the following with regards to the revised plans

"The Douzaine feel that our first letter of representation also applies to the amended plans and thus do not comment further other than to ask again whether the D&PA have consulted with Economic Development (Tourism)? The online web search showing consultees does not show they have been and we would therefore be grateful to hear directly from you that they have indeed been consulted."

Summary of Issues:

- Whether the principle of development is acceptable
- Impact on the character of the area and neighbouring properties;
- Impact on Highway Safety.

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.

Whether the principle of development is acceptable

The premises comprise a long-established visitor/leisure and recreation attraction, encompassing a range of activities from mini golf to small scale specialised retail, play areas, a nursery and a restaurant.

Visitor Economy Outside of the Centres (Section 17.6 of the Plan) identifies that places and facilities that are attractive to visitors are also enjoyed by local residents, and are often reliant on local support to maintain their viability. The text therefore states that, although these services and facilities contribute to the visitor economy, the Island Development Plan does not consider them to be exclusively or predominantly part of the visitor economy and therefore development will be assessed against the relevant Island Development Plan policies according to the principal use of the proposal, site or premises.

The building is currently used as a covered play area. When planning permission was granted to allow this use, condition 5 of the permission reserved the use of the building to be used for recreation and leisure purposes in conjunction with and ancillary to the use of Oatlands as an accredited visitor attraction.

Planning Policy contained within the Island Development Plan places a level of protection against the loss of any recreational/leisure uses, i.e. changes of use away from leisure and recreational use, to uses such as residential or industrial. Planning Policy however does support proposals to alter, redevelop and extend existing leisure and recreational facilities. Under this proposal the building will remain in leisure and recreational use, albeit converted into a gymnastics centre rather than an ancillary covered play area. The current proposal would therefore fall to be considered as Indoor Formal Recreation against Policy OC9 (Leisure and Recreation Outside of the Centres), which states:

Proposals to extend, alter or redevelop an existing formal leisure or indoor formal recreation use will be supported where it does not unacceptably increase the scale of the facility so that there are unacceptable adverse impacts on the character of the area or there would be an unacceptable impact on the vitality of a Centre.

The proposed use of the buildings to be used as a gymnastics centre will operate as part of the existing Oatlands Complex. The proposal will share existing parking, access and facilities and is likely to generate multi-linked trips to the site; i.e. parents will drop off children at the Gymnastics Centre whilst they use other facilities offered at the site such as the café, shops and other leisure and recreational facilities. The gymnastics centre will serve the Island Community by providing a much-needed facility.

Only limited extension to the building is required to accommodate the proposed use amounting to a total additional floorspace of 58m². For the purpose of policy OC9 the scale and nature of the extensions are acceptable and would not increase the scale or operation of the facility to such a degree to cause harm or unacceptable adverse impacts on the character of the area or on the vitality of a Centre. The proposal is therefore acceptable in this respect and the principle of development is acceptable in this location.

The comments raised by the Constables have been noted. However, as outlined above planning policy supports proposals to alter, redevelop and extend existing leisure and recreational uses. There is no requirement for consultation with other States' Committees or service areas in relation to the principle of the proposed change of use.

The comments from one of the representors relating to failure to comply with Policy GP16(A) Conversion of Redundant Buildings are noted, however this policy is not relevant in the assessment of this planning application.

Impact on the character of the area and on neighbouring properties

Policy GP8 seeks to ensure that new development achieves a particularly high standard of design and makes an effective use of land whilst respecting the character of the local built environment. Development should also consider the amenities of occupiers and surrounding neighbours, provide accessibility for all and offer flexible and adaptable accommodation.

The building the subject of this application is situated towards the southern aspect of the site and faces towards Oatlands Lane. The proposal includes the addition of two small extensions, one attached to the north and one to the west facing elevations. The north facing extension will comprise a total of 45m² floorspace and will accommodate an entrance porch into the building, an ancillary office and toilet facilities. The extension to the west facing elevation will comprise a total of 13m² and is required to ensure that sufficient space exists internally within the building to

accommodate an internal tumble track required for the proposed use of the building.

The external alterations proposed are in-keeping with the design and general appearance of the existing building and the character of the area. At its closest point, the nearest neighbouring residential property will be situated circa 21m distance on the opposite side of Les Gigands Road. At this distance and given the scale of the alterations the proposal would not harm residential amenity.

Information has been submitted to confirm that the hours of opening for the facility will be Monday to Sunday 9am to 6pm. The existing play barn and the majority of the facilities on this site are open Monday to Sunday 9am to 5:30pm. It is considered that any harm to residential amenity due to any potential increase in activity on the site or the additional half an hour in terms of the opening time would not be so substantial to warrant the refusal of planning permission.

The proposed extensions are situated sufficient distance from and when seen in context with the existing buildings on the site would not harm the special interest of the nearby protected monuments or their setting.

Sustainable development

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and the current Building Regulations in accordance with Policy GP9 (Sustainable Development).

Impact on Highway Safety.

In respect of traffic generation and parking, Traffic and Highway Services (THS) was consulted on the application and considered that *“given the previous use of the building as a children’s soft play facility with frequent flow of customers with the bulk of these patrons arriving mid to late afternoon, it is reasonable to state that the proposal cannot be determined by THS as either resulting in more or less patrons/vehicle movements to and from the site and pragmatically the number of patrons is likely to be similar throughout any week with maybe some fluctuations when events take place.”*

Based on this, THS confirm that it is unlikely that the proposal would result in significant road congestion or impacts on parking provision. To ensure this is the case, and in accordance with the information submitted as part of the application, it is however recommended that the proposed use is limited to Monday-Sunday from 9am to 6pm and that the use of the site is restricted to the Gymnastics Centre as applied for and any other change of use (including within a leisure and recreation Use Class) would require a further grant of planning permission.

Subject to the above and in the absence of any objection from Traffic and Highway Services who have considered other existing committed developments within the

area, any harm to Highway Safety resulting from the proposal would not be so substantial to warrant the refusal of planning permission.

In their consultation response, THS have asked that their comments are conveyed to the applicant. A copy of their comments will be included with the decision notice and will be sent to the applicant. It is also recommended that in the event that planning permission is granted an informative is included on any permission to make the application fully aware to refer to the comments from THS in respect of all future redevelopment proposals at this site.

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; the effect of the proposed which the site could be put without further planning permission; 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 not impact on any Protected Buildings, trees, monuments or on any SSS's.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 25/04/2022

