

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 from offices (Use Class 15: Administrative, Financial and Professional Services) to 7 flats (Residential Use Class 2) and Medical Centre and ancillary pharmacy (Public Amenity Use Class 18) (Protected Building).

LOCATION: Former Education Offices, The Grange, St. Peter Port.

APPLICANT: Queens Road Medical Practice

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: 09/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2068 01.02, 03, 04 & 05.

Application Ref: FULL/2021/1841

Property Ref: A306970000+A30697A000

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. This decision relates only to the change of use outlined in the description of the proposal set out above. It does not permit the demolition of nor any internal or external alteration or extension of any building at the site and does not permit any other form of development, including in respect of any change in ground levels or for the provision of car parking or alterations to access, to take place within the site. Any such proposed work will be subject of separate consideration by the Authority on submission of further application/s for planning permission and must not take place until and unless specifically approved in writing by the Authority.

Reason - To make clear that the current permission relates to the proposed change of use only and to no other development whatsoever.

5. Prior to the change of use hereby approved being first implemented, the existing first floor window on the western boundary of the site as indicated on drawing no. 2068 01.04 shall be obscure glazed, the precise method and details of which shall beforehand be submitted to and approved in writing by the Authority.

Reason - To protect the reasonable privacy of neighbouring residents.

6. The change of use hereby approved shall not be first implemented until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;

- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the site is agreed.

Expiry Date: This permission will cease to have effect on 08/11/2024 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/2021/1841
Property Ref: A306970000+A30697A000
Valid date: 10/09/2021
Location: Former Education Offices The Grange St. Peter Port Guernsey
GY1 1RQ
Proposal: Change of Use from offices (Use Class 15: Administrative,
Financial and Professional Services) to 7 flats (Residential Use
Class 2) and Medical Centre and ancillary pharmacy (Public
Amenity Use Class 18) (Protected Building).
Applicant: Queens Road Medical Practice

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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).

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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. This decision relates only to the change of use outlined in the description of the

proposal set out above. It does not permit the demolition of nor any internal or external alteration or extension of any building at the site and does not permit any other form of development, including in respect of any change in ground levels or for the provision of car parking or alterations to access, to take place within the site. Any such proposed work will be subject of separate consideration by the Authority on submission of further application/s for planning permission and must not take place until and unless specifically approved in writing by the Authority.

Reason - To make clear that the current permission relates to the proposed change of use only and to no other development whatsoever.

5. Prior to the change of use hereby approved being first implemented, the existing first floor window on the western boundary of the site as indicated on drawing no. 2068 01.04 shall be obscure glazed, the precise method and details of which shall beforehand be submitted to and approved in writing by the Authority.

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- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
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- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the site is agreed.

OFFICER'S REPORT

Site Description:

The Former Education Offices site is within the Main Centre Inner Area of St Peter Port, is within the St Peter Port Conservation Area and is an allocated housing site in the Island Development Plan.

The site area is approximately 0.296 hectares (1.77 vergées). There are three buildings on the site, the largest of which forms the southern boundary of the site with La Couperderie (Grange Road House, also known as La Couperderie). Towards the north of the site is a single storey, timber framed and clad militia hut, most

recently used on a temporary basis as a childrens' nursery, but now vacant. A further single storey annex lies adjacent to the east boundary.

The main building is an L-plan 2 1/2 storey building and was originally a house set within the southern part of an area of land between Grange Road and La Couperderie, the former subsequently lined with housing development. The house was converted for use as a school during the late 19th Century. At that time an assembly hall and multi-storey classroom block were constructed to the west. Other alterations and extensions include numerous dormers to the roof, a two-storey flat roofed classroom block to the north west and a single-storey reception area. The school relocated in 1965 and the building was, until recently, used as offices.

The whole of La Couperderie is a Protected Building (PB1619). Built for John Savery Brock by his father-in-law this unusual bow fronted Regency house of grand scale with many architectural details and which maintains significant elements of the original plan form, was added to in 1880 by architect Francis Chambers to provide a classroom block and assembly hall for Ladies College (1878-1965). The combination, quality and survival of the buildings is unique, the historic and architectural interest of the house and classroom block is high; all Grade B. The historic and architectural interest of the assembly hall is outstanding and its archaeological interest high; this building is of overall outstanding special interest: Grade A. The prefabricated building and former bicycle shed and garage are excluded from Protection.

The 6 stem Sycamore Tree and Copper Beech tree to the north of the site, adjacent to Grange Road, from which vehicular and pedestrian access to the site is taken, are protected trees (Group Tree Protection Order PT89).

Relevant History:

None relevant to this application.

Existing Use(s):

Offices (use class 15)

Brief Description of Development:

The application proposal is for Change of Use from offices (Use Class 15: Administrative, Financial and Professional Services) to 7 flats (Residential Use Class 2) and Medical Centre and ancillary pharmacy (Public Amenity Use Class 18) (Protected Building).

The application relates to change of use of the premises only and to no other development or physical works, which would be subject of a separate application if the principle of change of use is found to be acceptable under this application. The application is nevertheless supported by concept layout plans and other information which provide an indication of the nature of physical work envisaged.

The application is also supported with statements relating to the constraints of the site for residential development, including an analysis of the feasibility of refurbishing the premises for such use, and an alternative locations analysis relating to the proposed use as a medical centre. It is also accompanied by a policy statement prepared by a planning adviser.

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

Island Development Plan Policies

S5: Development of Strategic Importance

MC2: Housing in Main Centres and Main Centre Outer Areas

MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP10: Comprehensive Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

The Development & Planning Authority adopted a Development Framework for the residential development of the site as Supplementary Planning Guidance in September 2019.

Representations:

Three letters or emails of representation have been received, the principal points of which are summarised below:

- No issue with the change of use of the buildings themselves, but concern to do with traffic exiting and entering the site from the Grange. Cars attempting to exit the site and turn right into stationary traffic traveling down the Grange cause blockages which can extend to the traffic lights at the junction with Doyle Road, adding to congestion. The proposals will only make this problem worse. It is suggested that at a minimum there should be a prohibition on right turns exiting the site, with consideration also given to preventing right turns from the Grange into the site.
- While largely supportive of the application have a few concerns –
 - Potential for overlooking from an existing second floor window serving a proposed staff room. It is requested that the window be fitted with obscure glazing to maintain privacy
 - Use of the existing balcony located adjacent to the proposed staff room for smoking would impact on neighbouring amenity
 - Access for work on the property boundary and potential noise and disruption during building work.

- The National Trust of Guernsey comments that whilst the proposals are generally agreeable, there are two areas of concern –
 - The extent to which the new entrance roof projection extends across the octagonal face of the original house, which might be considered one of the most significant forms of the original structure
 - As owners of the adjacent property 'Brockhurst' wish to ensure that any works ultimately approved are designed, carried out and completed in a manner that has no adverse effect on either the structures or gardens of that property.

Consultations:

The Committee for Health & Social Care:

Thank you for your letter of 10th September 2021 requesting comments from the Committee for Health & Social Care in respect of an application from Queens Road Medical Practice (QRMP) for a change of use to the former Education Offices so to allow the establishment of a new Medical Centre and the co-location of seven residential apartments.

The Committee considered the application at its meeting of 21st September 2021, restricting its views solely to the potential development of a Medical Centre, considering that the residential aspects of the application fall outside of its mandate.

The Committee would wish to provide its support for the application on the following grounds:

- The alignment to the Partnership of Purpose approved by the Assembly in 2017

The Partnership of Purpose set out in detail why the current delivery of health and care is unsustainable with the ageing demographic and the increasing prevalence of co-morbidities placing greater and greater demands on finite resources. The changing demographic will affect all parts of the health and care system and will require all providers to place increased emphasis on the role of prevention and early intervention. The Committee welcomes QRMP's wish to develop premises which will enable the "creation of new, preventative and diagnostic services bringing work into the community."

- The Government Work Plan

The Government Work Plan has prioritised a review of the model and funding of primary care as a recovery action. This is being actively progressed as a cross-Committee initiative, noting the strategic importance of primary care provision not simply in supporting better health outcomes for islanders but the wider social and economic benefits. This work is at an early stage, but the Committee welcomes the steps being taken by QRMP to establish greater flexibility to respond to evolving community needs.

- The accessibility of primary care services

The Committee welcomes the location which falls within the Main [Centre Inner] Area considering that it will improve accessibility of services. The site is particularly well-served by established bus routes which the Committee considers to be a particular advantage given the concerns which have previously been raised in respect of islanders' access to transportation through the Joint Strategic Needs Assessment for Over 50 and the Health and Wellbeing Survey.

Summary of Issues:

- The principle of the proposed change of use
- Impact on the protected building
- Impact on the protected trees and conservation area
- Effect on adjoining properties
- Effect on traffic

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The principle of the proposed change of use

The site is an allocated housing site in the Island Development Plan (IDP). Policy MC2: Housing in Main Centres and Main Centre Outer Areas states, inter alia, that allocated housing sites identified on the Proposals Map can only be developed for housing and, where appropriate, complementary development appropriate to the site and location, as part of a comprehensive scheme taking into account any Development Framework for the site which has been approved by the Authority. Where there is an approved Development Framework it will be taken into account when considering proposals for the site or area to which it relates.

The Development & Planning Authority adopted a Development Framework for the residential development of the site as Supplementary Planning Guidance in September 2019. Having regard to IDP Policy MC2, the change of use of this site for a purpose other than housing would not normally be supported.

However, in light of the nature and purpose of the proposed development in this particular case, the application can potentially be considered under IDP Policy S5: Development of Strategic Importance.

Policy S5: Development of Strategic Importance states that:

"Proposals for development that is of Strategic Importance and which may conflict with the Spatial Policy or other specific policies of the Island Development Plan but

which is clearly demonstrated to be in the interest of the health, or well-being, or safety, or security of the community, or otherwise in the public interest may, exceptionally, be allowed where:

- a. there is no alternative site available that, based on evidence available to the Authority, is more suitable for the proposed development; and,*
- b. the proposals accord with the Principal Aim and relevant Plan Objectives.”*

Paragraph 3.6.1. of the IDP states that “*where a development would address issues concerning the health or safety or well-being or security of the community, or is otherwise clearly in the public interest, the Authority may support proposals that could conflict with the spatial policies or other specific policies of the IDP.*” The policy intention is that this policy is applied exceptionally only where certain criteria are met.

There is a two-stage sequential test to Policy S5 which requires evidence to demonstrate how the criteria are met. The bar is set intentionally high given that it is an exception policy and proposals may conflict with the spatial policies or other specific policies of the IDP.

The first stage of Policy S5 requires the Authority to be satisfied that the proposal is strategically important and, in this case, clearly in the interest of the health or well-being of the community or otherwise in the public interest. If the first stage is satisfied, the second stage assessment involves ensuring that the particular choice of location for the proposed development can be clearly justified and that the proposals represent the best practicable option, which takes into account all relevant economic, social and environmental considerations. Policy S5 sets out that, in order to demonstrate this, a detailed and comprehensive site selection study, together with technical assessments, will be expected to be submitted with a planning application. Additionally, the proposal must accord with the Principal Aim and relevant Plan Objectives of the IDP.

In this case, there are considered to be a number of relevant factors which when taken together lead to the conclusion that, notwithstanding Policy MC2, the proposal can be accepted on the proposed site on an exceptional basis within the provisions of Policy S5.

The application demonstrates why the proposed medical centre use is clearly in the interest of the health and well-being of the community. The proposal is supported by the Committee for Health & Social Care on this basis, as set out above. The proposal accords with the Principal Aim and relevant Plan Objectives of the IDP and is considered to be justified as being strategically important. It therefore satisfies the first stage of Policy S5.

Regarding the choice of location, information has been provided with the application which sets out an alternative locations analysis, as well as providing a policy statement prepared by a planning adviser. The information provided demonstrates

in detail why the proposed site has been chosen and a range of potential alternatives were dismissed following structured evaluation.

It is relevant to note that the allocated housing sites that were included in the IDP as approved by the States in November 2016 were intended to provide for the majority of the Island's five year housing land supply and were considered to be available and deliverable to achieve this purpose with the first five years of the Plan period.

As demonstrated within the submitted application, in this particular case the constraints of the site, including the Protected status of the main building, are such as to make housing development extremely challenging. There has been no interest shown in development of this site for housing since its allocation in 2016 for that purpose, despite a Development Framework being produced and approved by the D&PA in 2019. On this basis it is difficult to reasonably preclude the possibility of consideration of alternative uses.

The current proposal does include a significant residential element comprising seven flats in addition to a medical centre. Consideration to the impact of this proposal on the Protected Building is given below.

It is also relevant that the site is located within the Main Centre Inner Area and therefore is in a particularly sustainable location well served by a variety of transport modes.

The information and evidence before the Authority is considered sufficient to establish that there is no alternative site available that is more suitable for the proposed development.

In these circumstances, it is accepted that the proposals are of strategic importance in relation to the health and well-being of the community and also that there is no alternative site available that, based on evidence available to the Authority, is more suitable for the proposed development. Both stages of Policy S5 are therefore considered to be satisfied. It is therefore concluded that the proposal can be accepted in principle on the proposed site on an exceptional basis within the provisions of Policy S5.

Information has been provided to demonstrate compliance with Policy GP9: Sustainable development.

Impact on the protected building

Having regard to the concept layout plans and other information which provide an indication of the nature of physical work envisaged should the proposed use be agreed, it is considered that in principle the scheme is generally appropriate as regards the effect on the special interest of the protected building.

As set out above, the hall (interior and exterior) are of very high interest. This is principally due to the stained glass and stonework but also the space within the building and the roof structure which is visible within the vaulted ceiling. Setting the proposed mezzanine away from the walls, as shown on the concept sketch plans, would be a good solution to creating additional accommodation within the space. The main concern, as also identified by the National Trust of Guernsey, relates to the relationship of the new entrance ways with the windows and stonework (quoins, lintels and sills) of the exterior of the hall and also with the high value bay to the north. The proposed flat roofed structure would wrap around the corner of the bay. Care must be taken to ensure that these elements of the building are respected in developing a final scheme.

Utilising the suggested layout, the residential units would respect the plan form of the building. The only question would relate to impact on features within those rooms, some of which are quite highly decorative. That and the detail of internal alterations to the rest of the building would need to be resolved at further planning application stage when details of the proposed works would be considered, bearing in mind that the current application relates only to the proposed change of use.

Similarly, fire separation is touched on in the concept drawings. It is advised that this, and acoustic separation, are carefully considered at the early stages of the design process in order to ensure that these can be inserted in a way which has minimal effect on the special interest of fabric and features.

An opportunity exists to improve the setting of the protected building, in particular when viewed from the north. As a specific detail, the location of the proposed cycle shelter should be reconsidered from that shown on the concept layout plan. The Design and Layout part of Section 8 of the approved Development Framework (albeit relating to residential development of the site) explains further the care to be taken and information required as regards the protected building and this will provide a useful guide to an applicant in the development of detailed proposals.

Impact on the protected trees and conservation area

As indicated in the concept proposals submitted with the current application, the proposed car parking and alterations to the access would be likely to have a significant adverse effect on the protected trees at the north end of the site, and would require the removal of the protected Copper Beech tree. Bearing in mind that the current application relates only to the proposed change of use, this is a matter which would need to be considered in detail and resolved as part of any subsequent detailed application for development at the site.

With the exception of this issue, the proposals would not have an adverse effect on the character or appearance of the Conservation Area within which the site is located.

Effect on adjoining properties

The site is well contained relative to its neighbours and there is generally little potential arising from the proposed change of use for adverse impact on adjoining properties. The comments of the National Trust of Guernsey in this respect are noted and the issues raised would be considered in relation to any subsequent application for physical works.

Regarding overlooking from an existing first floor window, although views would be oblique and therefore relatively limited, given the indicated proposed use of the accommodation as a staff room in the concept proposals and consequent likely intensification of use of this area it is considered reasonable to require this window to be fitted with obscure glazing as requested by the representor.

Use of an existing balcony for smoking cannot be prevented under planning legislation and would be a matter for users of the building. However, it is noted that a high wall separates the balcony from the adjoining property meaning that any impact from use of the balcony would be limited.

Access and boundary issues insofar as they might affect adjoining properties are private civil matters which cannot influence determination of this application under planning legislation. Similarly, potential for noise and disturbance arising from construction works is not a material planning consideration in this context.

Effect on traffic

Notwithstanding a representor's concerns regarding traffic exiting and entering the site from the Grange, no traffic safety or management issues have been identified during the consideration of this application that would justify the refusal of planning permission on such grounds. The site has been used intensively for public amenity and office uses until recently and is an allocated housing site in the IDP. There is considered to be no justification to impose conditions on any permission for the proposed change of use relating to access arrangements to or from the site.

Given the location of the site maximum parking standards will apply in accordance with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance. The sustainable location of the site and any impacts in relation to protected trees and buildings would also be considered in the determination of any subsequent detailed planning application for such works.

Conclusion

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Having regard to the above it is recommended that planning permission for the proposed

change of use be granted, on an exceptional basis within the provisions of IDP Policy S5, and subject to conditions.

Date: 9 November 2021

