

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: Demolish building and erect two storey building for gymnasium to west boundary.

LOCATION: Former Le Gallez Yard, Badminton Halls, Rohais, St. Peter Port.

APPLICANT: TEMK Investments Limited

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: 04/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP drawing no's: 3057 SK-E-01B, 02C, 03C, 04B & VS-E-01B

Application Ref: FULL/2021/1897

Property Ref: A31067A001

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development

(Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The use hereby permitted shall not be open to customers except between the hours of 06:00 and 21:00 Monday to Friday, 08:00 and 18:00 on Saturday and Sunday and between 08:00 and 13:00 on Bank or Public Holidays.

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. All doors and windows shall remain closed during exercise classes where amplified speech and / or music is used.

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

6. No external areas of the property shall be used for exercise activities.

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.

7. The premises shall not be brought into use until details of the acoustic flooring have been submitted to and agreed in writing by the Authority.

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.

8. No development, including site works, shall begin on site until a scheme showing details of the provision to be made for the storage/parking of bicycles has been submitted to and agreed in writing by the Authority, and no part of the development, hereby permitted, shall be occupied or used until that provision has

been made in accordance with the agreed details. Those areas shall not thereafter be used for any purpose other than the storage/parking of bicycles.

Reason - To make sure that convenient provision is made for cyclists.

9. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Authority:(A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(i) (a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority a verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of The Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

Expiry Date: This permission will cease to have effect on 03/10/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing building may be used by roosting bats. Measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

With regard to condition 9 of this permission, the phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document from http://www.claire.co.uk/index.php?option=com_content&view=article&id=187&catid=45&Itemid=256 with further information available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

For the avoidance of doubt, the advertisement(s) to which this permission relates is non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

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/2021/1897
Property Ref: A31067A001
Valid date: 23/08/2021
Location: Former Le Gallez Yard Badminton Halls Rohais St. Peter Port
Guernsey
Proposal: Demolish building and erect two storey building for gymnasium
to west boundary.
Applicant: TEMK Investments Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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and, unless otherwise agreed in writing by the Authority

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

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Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

INFORMATIVES

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OFFICER'S REPORT

Brief Description:

Demolish building and erect two storey building for gymnasium to west boundary.

Existing Use(s):

22 General Storage or Distribution (with ancillary offices) circa 330m².

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

Island Development Plan policies:

MC5(C): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – Change of Use

MC9(A): Leisure and Recreation in Main Centres and Main Centre Outer Areas – New, and Extension, Alteration or Redevelopment of Existing Uses

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Parking

IP9: Highway Safety, Accessibility and Capacity

Relevant History:

FULL/2020/0497 - Demolish extension and erect three light industrial units (Use Class 24) (south elevation). Alterations to fenestration and install access ramp (east elevation). Granted 22/07/2020

FULL/2021/1153 - Change of use of building from Use Class 22 (Storage & Distribution) to Use Class 21 (Public Amenity). Demolish section and erect two storey extension to south of site and alteration to fenestration. Granted 20/07/2021

Conclusion/Brief comment:

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.

The application site comprises an industrial site, situated to the south of the Rohais. Surrounding the site the area comprises a nursery building to the north, a car sales building to the northeast, a large badminton hall building to the east, open fields to the south and an industrial building immediately to the west. The site is located in the Main Centre Outer Area as designated in the Island Development Plan.

Permission was granted on 20/07/2021 for Change of use of the existing building from Use Class 22 (Storage & Distribution) to Use Class 21 (Public Amenity) for use as a gymnasium. The current application seeks permission to demolish the existing building and erect a new two storey building, also for use as a gymnasium. The proposed use has therefore been established on this site by the previous consent, which was granted subject to conditions designed to protect the amenity of nearby residents.

The scale of the proposed development is broadly consistent with that previously approved and the proposed building is acceptable in design terms in this location in accordance with Policy GP8. Proposed parking provision and likely impacts on traffic safety and management remain acceptable having regard to Policies IP7 and IP9. Provision of suitable secure cycle parking facilities can be ensured by planning condition.

Previous conditions applied relating to contaminated land should be repeated to ensure safe development of the site.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

The application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions



Date: 04/10/2021

