

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 existing office building and erect 3 residential flats with associated amenity space and alter existing vehicle access to create gated pedestrian access to north (roadside) elevation.

LOCATION: Arndale House, St. George's Esplanade, St. Peter Port.

APPLICANT: J Bragg & Sons 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: 01/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A 7514-01 B1A, B2A, B3A & B4A.

Application Ref: FULL/2022/0538

Property Ref: A107290000

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 commencement of any work in connection therewith, details of the proposed flood resilient gate and hardstanding for the access courtyard/ramp shall be submitted to and approved in writing by the Authority. The development hereby permitted shall be constructed in accordance with the details shown on the approved plans and set out in PF+A Ltd letter dated 17 May 2022, and there shall be no occupation of any of the units of residential accommodation hereby approved until all the flood resilience measures outlined have been implemented and the flood resistant gate made operational.

Reason - In the interests of sustainable development and to manage flood risk.

5.There shall be no occupation of any of units of residential accommodation hereby permitted until the solar thermal panels and bicycle store have been installed in accordance with the approved plans and made operational.

Reason - In the interests of sustainable development, and to encourage alternative modes of transport to the private car.

Expiry Date: This permission will cease to have effect on 31/07/2025 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/2022/0538
Property Ref: A107290000
Valid date: 02/03/2022
Location: Arndale House St. George's Esplanade St. Peter Port
Guernsey GY1 2BG
Proposal: Demolish existing office building and erect 3 residential flats
with associated amenity space and alter existing vehicle
access to create gated pedestrian access to north (roadside)
elevation.
Applicant: J Bragg & Sons 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 commencement of any work in connection therewith, details of the proposed flood resilient gate and hardstanding for the access courtyard/ramp shall be submitted to and approved in writing by the Authority. The development hereby permitted shall be constructed in accordance with the details shown on the approved plans and set out in PF+A Ltd letter dated 17 May 2022, and there shall be no occupation of any of the units of residential accommodation hereby approved until all the flood resilience measures outlined have been implemented and the flood resistant gate made operational.

Reason - In the interests of sustainable development and to manage flood risk.

5. There shall be no occupation of any of units of residential accommodation hereby permitted until the solar thermal panels and bicycle store have been installed in accordance with the approved plans and made operational.

Reason - In the interests of sustainable development, and to encourage alternative modes of transport to the private car.

OFFICER'S REPORT

Site Description:

Arndale House is a three and a half storey building with a granite and painted exterior. PVCU sashes exist throughout and an external fire escape staircase is situated to the rear of the building. Windows exist in the west elevation facing the access to adjoining commercial development and the residential dwelling, Mill House, beyond. To the east is The Little Big Brew Co. which also incorporates residential accommodation above and a roof terrace to the rear/south. First floor obscure glazed windows exist in this adjoining building facing the fire escape at Arndale House.

The site is located in the Main Centre Outer Area, Conservation Area and area at risk of flooding as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

Offices

Brief Description of Development:

The application relates to the demolition of the existing building and the erection of a four storey pitched roof building with three storey stairwell/service core to the west elevation served by a courtyard access arrangement that also provides as a refuse storage/collection point and amenity area. The building proposed contains two one bedroom flats and one, two bedroom maisonette. Inverted balconies are proposed to the first, second and third floor levels in the north elevation, with a small balcony proposed at third floor level to the south elevation. Bedroom and living/dining room windows are proposed in the west elevation at ground, first and second floor level. A rooflight is proposed in the eastern roofslope and solar panels indicated to the western roofslope.

The application form makes no reference to the provision of off-road parking or cycle parking to serve the development although because the adjoining commercial site falls within the same ownership as Arndale House, the drawings show that there is a car park to the west of the proposed building (serving the adjoining commercial development) with cycle storage for 6 cycles to the south of the building, adjacent to the east site boundary.

The application has been accompanied by a Waste Management Plan, GP8 Design Statement and GP9 Sustainability Statement.

The application was deferred in order to seek clarification/amendments in relation to access for people of all ages and abilities and to address the potential flood risk issues associated with the site. Revised plans were submitted along with information produced by the planning agent in relation to flood risk setting out that the site is within a 1:50 year return period for flooding, that there has been no flooding on the site since it was purchased in 2012 and no apparent history of flooding prior to this. Furthermore, the proposed development would be bounded by an enclosure that will match the level of the sea wall adjacent to the site with a flood gate. For continuity the outer leaf of the building will be upgraded with 200mm thick reinforced concrete up to 10.750 level and the finished floor level for the ground floor and entrance lobby has been increased from 10.000 to 10.180, 0.6mm above pavement level.

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

Island Development Plan policies:

MC4(B): Office Development in Main Centre Outer Areas

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the loss of office accommodation, the provision of additional units of residential accommodation in this location, the loss of the existing building, the height, design and appearance of the proposed development and matters relating to the amenity of future occupiers and those of buildings surrounding the site.

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.

As the existing office accommodation at Arndale House is less than 250 sqm in floor space there is scope for the loss of this accommodation in line with Policy MC4(B). Policy MC2 also makes provision for additional residential development in this location and provides a gateway for the proposed development.

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, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question.

The existing building is a 19th century traditional building that contributes to the character and appearance of the Conservation Area. Policy GP4 allows for the demolition of such buildings, subject to the replacement making an equal or enhanced contribution to the Conservation Area. The proposed replacement building is a similar scale and form as the existing albeit with an extension for the access stairs. The appearance of the proposed building is more domestic in appearance with enlarged windows and new balconies but reflects the appearance of other development in the vicinity. The development, given its design and appearance, would make an equal contribution to the Conservation Area in line with Policy GP4.

As outlined above, the building draws from the vertical nature of the existing building and the appearance of other buildings in the vicinity of the application site. The palette of materials is considered appropriate for this location and overall the scheme represents a good standard of architectural design, represents efficient and effective use of land and which respects the local built environment in line with Policies GP8 and GP9 of the IDP.

Given the siting and height of the existing building, the proposed replacement building will not result in unacceptable harm to the amenities of occupiers of surrounding buildings with regard to sunlight and daylight. There is adequate distance separation between the living and bedroom windows of the proposed development and the east elevation of Mill House to ensure that the potential for overlooking and loss of privacy is kept within acceptable limits in line with the aims of Policies GP8 and GP9.

The scheme would partially block an obscure glazed window in the west elevation of the adjoining building which, based on recently approved plans for the site, appears to serve a small kitchenette and a WC associated with a store and office connected with the primary use for a microbrewery. The development will not therefore, have an unacceptable detrimental impact on light and outlook from these windows and accords with the aims of Policy GP8 and GP9 in this respect.

A small balcony is proposed at third floor level which is modest in size. Given the relationship between the development and existing building to the east the balcony would not provide direct views down to the roof terrace to the south of the adjoining building and the scheme in this respect meets the aims of Policies GP8 and GP9 with regard to residential amenity.

The application submission sets out that the development has been designed with wide doors and appropriate paved surfaces to enable access to the building for people of all ages and abilities. With regard to flexible and adaptable accommodation, the submission sets out that the layout of the building has been designed to incorporate the principles of the 16 design criteria of Lifetime Homes. It is noted that as a building with stair access only it would not allow access for all although would enable access to the upper floors by ambulant disabled. As amended however, the ground floor has been made more accessible demonstrating accessible access arrangements to this part of the building in line with Policy GP8.

The scheme has been developed to consider the health and well-being of future occupiers with principle living accommodation facing north and benefiting from sea views. Bedroom accommodation is proposed to the south of the building where outlook would be more limited, facing the warehouse/commercial development that exists however, it is acknowledged that this does not represent primary living accommodation. Although a small balcony is also proposed facing the warehouse building its extremely limited size would not offer a great deal in the way of usable amenity space but rather greater light and ventilation to the space. Q3 (office cleaning company) and Meadowcroft Ltd (electrical engineers) occupy the warehouse building to the immediate rear of the site and would not represent an unacceptable conflict between these existing and the proposed residential development at Arndale House. The ground floor flat would face directly onto the street and would suffer from a loss of privacy from people passing by due to the lack of defensible space. This is not however, an uncommon situation in the locality and is not considered sufficient to warrant the refusal of planning permission in this case.

The balcony/terraces proposed to the first, second and third floor levels offer external amenity space associated with the first floor flat and maisonette. The ground floor apartment would not however, benefit from any external amenity space. It is acknowledged, in the case of all apartments proposed at Arndale House, that there would be ready access to beaches and public parks therefore the scheme is considered satisfactory in this respect.

The location of the site and its proximity to shops and services and its location within the Main Centre Outer Area means that the provision of on-site car parking is not necessary. Bicycle storage in accordance with the Parking Standards SPG is shown to be provided and can be controlled by planning condition.

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. Solar panels are shown to the western roofslope and can be controlled by planning condition.

The majority of the site is within a 1:10 year flood risk and the Planning Service recommended that a proportionate site-specific flood risk assessment be undertaken by a suitably qualified engineer in accordance with best practice. Amendments have been made to the scheme however, to offer a more flood resilient design in line with Policy GP9 a. and can be controlled by planning condition to provide a reasonable and proportionate response to achieving the aims of Policy GP9.

The application has been accompanied by a brief Waste Management Plan and any further details regarding this matter can be controlled by planning condition.

In view of the above, it is recommended planning 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: 22 July 2022

