

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 General Storage and Distribution (Use Class 22) to Gymnasium (Public Amenity Use Class 21).

LOCATION: B2, St. Georges Place, St. George's Esplanade, St. Peter Port.

APPLICANT: Procuritas Capital Investors VGP Ltd

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 23/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6262/A/1;
Ground Floor Plan (not to scale) showing rented area and car parking to front and rear;
Report on Potential Acoustic Impact and Noise Breakout, stamped as received on 28/04/2022.

Application Ref: FULL/2022/1007

Property Ref: A108030000

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 20:00 Monday to Friday, 07:30 and 13:30 on Saturdays, 10:00 and 13:30 on Sundays and between 07:30 and 11:00 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. In accordance with the report on potential acoustic impact and noise breakout submitted as part of the planning application and prior to occupation of the premises Rubber Gym Flooring High Impact Tile ballistic floor covering must be installed and maintained in the area of the premises where weights are 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. When the premises is open to customers doors and windows shall be kept closed before 08:00 and after 20:00.

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. There shall be no amplified speech throughout the premises.

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. The use hereby approved shall not be commenced until precise 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.

Expiry Date: This permission will cease to have effect on 22/06/2025 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/2022/1007
Property Ref: A108030000
Valid date: 28/04/2022
Location: B2 St. Georges Place St. George's Esplanade St. Peter Port
Guernsey GY1 2BH
Proposal: Change of use from General Storage and Distribution (Use
Class 22) to Gymnasium (Public Amenity Use Class 21).
Applicant: Procuritas Capital Investors VGP 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. The use hereby permitted shall not be open to customers except between the hours of 06:00 and 20:00 Monday to Friday, 07:30 and 13:30 on Saturdays, 10:00 and 13:30 on Sundays and between 07:30 and 11:00 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. In accordance with the report on potential acoustic impact and noise breakout submitted as part of the planning application and prior to occupation of the premises Rubber Gym Flooring High Impact Tile ballistic floor covering must be installed and maintained in the area of the premises where weights are 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. When the premises is open to customers doors and windows shall be kept closed before 08:00 and after 20:00.

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. There shall be no amplified speech throughout the premises.

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. The use hereby approved shall not be commenced until precise 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.

OFFICER'S REPORT

Site Description:

Unit B2, St George's Place is located in the Main Centre Outer Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2021/1882 - Install windows and signage to south (front) elevation, Unit B1, St. Georges Place – Granted 20/09/2021

Existing Use(s):

Storage and distribution

Brief Description of Development:

Change of use from General Storage and Distribution (Use Class 22) to Gymnasium (Public Amenity Use Class 21).

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

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation

I have reviewed the proposed plans for the change of use to a gymnasium which were received by email on 27th May 2022 and there are a number of issues of concern that I must raise. I am concerned about the potential for noise nuisance to arise and to ensure that these concerns are mitigated I would recommend that the following conditions are attached to the consent:

- The use hereby permitted shall not be open to customers except between the hours of 06:00 and 20:00 Monday to Friday, 07:30 and 13:30 on Saturdays, 10:00 and 13:30 on Sundays and between 07:30 and 11:00 on Bank or Public Holidays.
- In accordance with the report on potential acoustic impact and noise breakout submitted as part of the planning application and prior to occupation of the premises Rubber Gym Flooring High Impact Tile ballistic floor covering must be installed and maintained in the area of the premises where weights are used.

- When the premises is open to customers doors and windows should be kept closed before 08:00 and after 20:00.
- There shall be no amplified speech throughout the premises.

I would be grateful if these issues are considered during the determination of this application.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development and its impact on the character and appearance of the locality, residential amenity and road 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.

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.

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.

Policy MC5(C) provides that in this location proposals for change of use away from industrial or storage and distribution use will generally be supported where (a) the alternative use contributes positively to the vitality and viability of the Main Centre Outer Area, and (b) in the case of industrial or storage and distribution uses located along the inter-harbour route the proposals demonstrate that the existing property is no longer required for the authorised use, no longer meets user requirements due to its age and condition and is not capable of being upgraded to meet modern standards and it can be proven to have been actively and appropriately marketed unsuccessfully for 12 consecutive months.

The alternative use proposed would contribute positively to vitality and viability and would satisfy part (a) to this policy. In relation to part (b), St Georges Place is accessed directly from the inter-harbour route and this part of the policy therefore

also applies. In this case, however, the applicant's proposal for change of use was considered formally by the Committee *for* Economic Development in January 2022, prior to submission of the present application, and confirmation was provided by that Committee that there was no economic requirement to safeguard this unit for storage and distribution use. In these circumstances, and in accordance with the applicant's written request, there is scope to consider this proposal as a minor departure from the IDP in relation to part (b) of Policy MC5(C).

Policy MC9(A) supports the development of new indoor formal recreation developments in Main Centre Outer Areas where there is a specific operational or locational requirement that prevents the use of a site within a Main Centre; or, there is no site that is suitable and available within a Main Centre. Information has been submitted by the applicant in relation to the proposal, the search conducted for alternative premises and the availability of suitable premises that is considered to satisfactorily address these policy requirements.

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting. In this regard Policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land.

In this case, no external changes are proposed to the building and there is no conflict with Policy GP8. The proposal would have no effect on the character or appearance of the Conservation Area and accords with Policy GP4. Regarding 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.

There are residential properties located to the south and west of the site. A report on potential acoustic impact and noise breakout was submitted by the applicant with the application. Advice has been received from the Office of Environmental Health and Pollution Regulation which recommends that planning conditions be applied to mitigate potential for noise nuisance arising from the proposed use, which might otherwise affect the reasonable amenity of neighbouring residential properties. These conditions can be applied to any permission granted for the proposal. The applicant has confirmed that they are prepared to comply with such conditions, if imposed.

Subject to imposition and compliance with these conditions, no adverse impacts are anticipated on the reasonable amenities of neighbouring residents because of noise or disturbance from the proposed use. There are no external changes proposed to the premises and the proposals would not result in any effect on privacy by virtue of overlooking.

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively.

The proposed use is one where the maximum provision of car parking falls to be assessed on merit under the SPG. Information has been provided by the applicant which shows the allocated parking to the front and rear of the unit. There are five existing car parking spaces to the rear and four to the front, including one accessible space. The site itself is within walking distance from the main facilities of St Peter Port and is also a short walk from the long stay car park at La Salarie Corner. The applicant has also confirmed their intention to provide a wall mounted bicycle rack. It is considered that the proposed provision is adequate to accommodate the likely parking requirements for the proposed use, including provision for cycle parking. Provision of suitable cycle parking facilities can be ensured by planning condition.

Although the proposal will increase vehicle movements to the site the access onto the primary road network is satisfactory and the proposal will not result in an unacceptable intensification in the use of the access nor put unacceptable additional pressures on the local road network having regard to Policy IP9.

For the reasons contained within this report it is recommended that the application be approved, with conditions, as a minor departure from part (b) of Policy MC5(C) of the Island Development Plan.

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: 20/06/2022

