

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: Variation to previously approved plans to extend and alter former office building to create 6 flats (Residential Use Class 2) and Medical Centre with ancillary pharmacy (Public Amenity Use Class 18), erect bin/bike and plant store and create petanque pitch and parking area (Protected Building and Protected Trees) - Install plant equipment and screening to roof and alteration to fencing/gate and internal works to bike/bin store.

LOCATION: Grange Road House, La Grange, St. Peter Port.

APPLICANT: New Vision 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: 30/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 04.01F, 04.10G, 04.12E, 04.13D, 04.19D, 04.21F, 04.22G, 04.23F, 04.38B & 06.47 amd Appendix S

Application Ref: FULL/2023/1118

Property Ref: A306970000

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 on or before 08/11/2024.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 09/11/2021, issued under planning application reference FULL/2021/1841, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5.The louvred screens hereby approved shall be installed prior to the rooftop plant equipment being first brought into use and shall thereafter be retained in perpetuity.

Reason - In the interests of visual amenity having regard to the location of the site within a Conservation Area and in order to preserve the special interest of the Protected Building.

6.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

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

7.The noise mitigation measures set out in section 3.3 (recommendations) of the 'Noise Impact Assessment for New Vision Limited' report issued by Environoise (April 2023) in relation to this development must be implemented prior to any of the equipment hereby approved being first brought into use and shall thereafter be maintained and retained in perpetuity.

Reason - In the interests of residential amenity.

8.The hours of operation of the plant associated with the medical centre should be limited to between 07:30 hours and 18:30 hours on week days (Monday - Friday) and Saturday between 08:00 hours and 12:00 hours.

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

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/2023/1118
Property Ref: A306970000
Valid date: 21/06/2023
Location: Grange Road House La Grange St. Peter Port Guernsey GY1 1RQ
Proposal: Variation to previously approved plans to extend and alter former office building to create 6 flats (Residential Use Class 2) and Medical Centre with ancillary pharmacy (Public Amenity Use Class 18), erect bin/bike and plant store and create petanque pitch and parking area (Protected Building and Protected Trees) - Install plant equipment and screening to roof and alteration to fencing/gate and internal works to bike/bin store.

Applicant: New Vision 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 on or before 08/11/2024.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 09/11/2021, issued under planning application reference FULL/2021/1841, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. The louvred screens hereby approved shall be installed prior to the rooftop plant equipment being first brought into use and shall thereafter be retained in perpetuity.

Reason - In the interests of visual amenity having regard to the location of the site within a Conservation Area and in order to preserve the special interest of the Protected Building.

6. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

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

7. The noise mitigation measures set out in section 3.3 (recommendations) of the 'Noise Impact Assessment for New Vision Limited' report issued by Environoise (April 2023) in relation to this development must be implemented prior to any of the equipment hereby approved being first brought into use and shall thereafter be maintained and retained in perpetuity.

Reason - In the interests of residential amenity.

8. The hours of operation of the plant associated with the medical centre should be limited to between 07:30 hours and 18:30 hours on week days (Monday - Friday) and Saturday between 08:00 hours and 12:00 hours.

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

INFORMATIVES

OFFICER'S REPORT

Site Description:

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. The site is allocated for housing in the Island Development Plan.

The whole of Grange Road House is protected. The prefabricated building, bicycle shed and garage are not protected but are within the setting of the protected building.

Relevant History:

FULL/2021/1841 - 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). Granted 09/11/2021.

FULL/2022/1268 – Extend and alter former office building to create 6 flats (residential use class 2) and Medical Centre with ancillary pharmacy (Public Amenity Use Class 18), erect bin/bike and plant store and create petanque pitch and parking area (Protected Building and Protected Trees). Granted 30/08/2022.

FULL/2023/0244 - Variation to previously approved plans to Extend and alter former office building to create 6 flats (residential use class 2) and Medical Centre with ancillary pharmacy (Public Amenity Use Class 18), erect bin/bike and plant store and create petanque pitch and parking area (Protected Building and Protected Trees) - increase floor area of plant room, fenestration and internal alterations, additional rooflights and alterations to car park layout – under consideration

FULL/2023/0427 - Alteration to vehicle access. (Protected Building & Protected Trees) – granted

FULL/2023/0558 - Install roof plant equipment and screening to west elevation (Protected Building) – withdrawn

Existing Use(s):

15 Office - visiting members

Permission for change of use to Medical Centre and ancillary pharmacy (Public Amenity Use Class 18) (Protected Building) has been granted

Brief Description of Development:

The application relates to a variation to the previously approved scheme for the change of use of the building and proposes to install plant equipment with associated screening to the roof of the building along with alterations to fencing/gates and internal works to the bike/bin store.

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

Island Development Plan policies:

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

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

Eleven letters of representation has been submitted commenting on the application and raising the following points. Eight of these letters incorporate a single document commenting on the acoustic report, conclusions and content:

Noise/Vibration

- The plant will be extremely close to the rooflight of the Coach House main bedroom and close to the windows of La Jachere
- The re-directed air exhaust vent may improve one aspect it will not improve the noise intrusion associated with the development
- The 1100mm slatted screen may improve visual appearance but will not be an acoustic screen in terms of reducing noise output
- The revised application does not allay concerns regarding noise and the reduction/changes are minimal
- Although the proposed operating hours may be acceptable if you are at work all day it will case nuisance if you are home during the day – this does not take into account shift workers needing to sleep during the day
- Adjoining roofs and walls can reflect and amplify noise
- Attenuators would not address the problems of noise or vibration – a constant humming or throbbing
- Other properties, such as the Coach House, are older or have been converted, they cannot operate as sealed homes
- The Coach House only has a small external courtyard, the enjoyment of which will be lost with noise from the equipment funnelled down between the buildings (intake and exhaust fans)

Visual impact

- The industrial scale plant at roof level will tower over the Coach House
- Such equipment should be positioned centrally, out of view

Other matters

- The drawings do not accurately show the relationship with the Coach House – there is no parapet wall along the side of the flat roof of Grange Road House, only along the front edge of the building facing the road
- The submission contains errors – such as a discrepancy between the report and agent covering letter in relation to hours of operation (30 mins longer at weekends) and incorrect labelling which calls into question the quality and validity of the assessment and report
- The developer has not contacted residents regarding the proposals and it is surprising that the equipment wasn't included as part of the original application because it has clearly always been planned that such equipment would be provided
- A better location/alternative solution should be found to avoid the need to remove/relocate the equipment at a later date
- The equipment will pump out foul air harmful to residents and locality

Consultations:

Office of Environmental Health and Pollution Regulation: have reviewed the proposed plans for plant to be installed at the above mentioned address which were received by email on 29th June 2023 and I recommend the following conditions:

- The hours of operation of the plant associated with the medical centre should be limited to between 07:30 hours and 18:30 hours on week days (Monday – Friday) and Saturday between 08:00 hours and 12:00 hours.
- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.
- Noise mitigation measures as mentioned in section 3.3 (recommendations) of the 'Noise Impact Assessment for New Vision Limited' report issued by Environoise April 2023 in relation to this development must be implemented.

Following the receipt of multiple letters of representation associated with the acoustic information provided with the submission OEHPR provided further comment:

The Office of Environmental Health and Pollution Regulation have re-reviewed the noise report undertaken by Environoise and we do not doubt the competency of the author of the report. We believe that should the recommendations given in the

report be implemented the noise from plant should be at an acceptable level. This said, we have also recommended a condition that the plant noise does not exceed - 5dB below background level, as well as the conditioned operating house of the commercial plant.

Should the residents feel that they are being disturbed by the noise once the development has completed, we are still able to undertake statutory nuisance investigations regardless of the conditions Planning decide to place on the consent.

Just to cover some of the points raised in the objection letter:

1. We have recommended the hours conditioned to be 08:00 – 12:00 on a Saturday
2. We believe this to be a typographical error (should you wish to clarify this with the author please do)
3. As above, we believe this is a typographical error
4. Our conditions would address this
5. Our conditions would address this
6. Our conditions would address this.

The report states it has been carried out in accordance with BSEN 4142 2019 we have no reason to doubt this, and it would be unreasonable for us to request a report more substantial than this.

Summary of Issues:

The key issues in this case relate to the impact of the development on the amenities of surrounding occupiers, the effect of the development on the character and appearance of the Conservation Area and the Protected Building.

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.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and

(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics and setting.

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,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

The proposed equipment and its position in the site is such that it will not result in undue harm to the character and appearance of the Conservation Area nor the special interest of the Protected Building. The proposed gate and fence enclosure adjacent to the bin store and the internal alterations to the same will not result in harm to the locality nor the Protected Building.

The comments, concerns and criticisms raised through the public consultation period have all been noted. In addition to the Planning Service assessment OEHPR have reviewed the application in detail. The equipment proposed has been assessed not to result in undue harm to the amenities of surrounding residents providing a number of planning conditions are imposed. Further to this, should undue noise nuisance arise, or the conditions not be complied with, the matter can be investigated further by Planning Enforcement and, in the case of noise complaints, by Environmental Health.

In view of the above it is recommended permission is granted for the proposed variations to the approved development subject to various planning conditions.

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 or sites. The matter of Protected Buildings is assessed elsewhere in this report.

Date: 30/08/2023

