

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: Install electrical pillar to north of site.

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

APPLICANT: Guernsey Electricity 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: 20/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Electricity -
P02-01-12-0084 D04/1 B, D10/2A & Method and Risk
Assessment (Date Stamped Received 07/12/23)

Application Ref: FULL/2023/1526

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 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 development hereby approved shall be constructed in accordance with the recommendations and conclusions of the Method and Ravenscroft Risk Assessment Report (Date Stamped Received 07/12/2023). In the event that during the works any tree roots which are over 25mm in diameter are found/exposed within the Root Protection Areas of the TPO trees, the Authority shall be notified and advice sought on how to proceed without harming the TPO trees from a qualified arboriculturist before any further works continue. The development shall only continue in accordance with such advice and following written authorisation from the Authority.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

Expiry Date: This permission will cease to have effect on 19/12/2026 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/2023/1526
Property Ref: A306970000
Valid date: 04/09/2023
Location: Grange Road House La Grange St. Peter Port Guernsey GY1 1RQ
Proposal: Install electrical pillar to north of site.
Applicant: Guernsey Electricity Limited

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 development hereby approved shall be constructed in accordance with the recommendations and conclusions of the Method and Ravenscroft Risk Assessment

Report (Date Stamped Received 07/12/2023). In the event that during the works any tree roots which are over 25mm in diameter are found/exposed within the Root Protection Areas of the TPO trees, the Authority shall be notified and advice sought on how to proceed without harming the TPO trees from a qualified arboriculturist before any further works continue. The development shall only continue in accordance with such advice and following written authorisation from the Authority.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

OFFICER'S REPORT

Brief Description of the site:

Following the grant of planning permission to extend and alter Grange Road House (a former office building), to create 6 flats and a medical centre with ancillary pharmacy, associated car and cycle parking and amenity space (which is near completion), permission is now sought to install an electricity pillar to support the development.

The site is situated within a Main Centre Inner Boundary and Conservation Area as designated in the Island Development Plan. The whole of the building (interior and exterior) is protected and there are protected trees on the site.

Relevant History:

FULL/2023/1619	Variations to plans previously approved 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), - Internal alterations (Protected Building).	Pending Consideration
FULL/2023/1118	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.	Granted 30/08/2023

FULL/2023/0427	Alteration to vehicle access. (Protected Building & Protected Trees).	Granted 12/05/2023
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 pétanque pitch and parking area (Protected Building and Protected Trees) - increase floor area of plant room, fenestration alterations, additional rooflights and alterations to car park layout.	Granted 01/11/2023
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 pétanque pitch and parking area (Protected Building and Protected Trees).	Granted 30/09/2022
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

Existing Use(s):

Site is currently under construction to implement the medical centre and residential permission.

Assessment: *(Tick as appropriate)*

no representation
 accords with policy
 within curtilage
 design acceptable

✓
✓
✓
✓

visual amenity acceptable
 no material neighbour impact
 traffic not affected

✓
✓
✓

Policies considered most relevant:

MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas
 GP4: Conservation Areas
 GP5: Protected Buildings
 GP8: Design
 GP9: Sustainable Development
 IP9: Highway Safety, Accessibility and Capacity

Consultation:**States Agriculture, Countryside & Land Management Service (ACLMS)**

By email dated 09/11/2023 stated the following:

"This is a follow up to my last email which stated that a preliminary review of the submitted RAMS was inadequate in respect of preventing or minimising damage to tree roots. A quick word search revealed that the word "tree" appears twice in the 18 page document and the word "root" does not appear at all! As a aside their RAMS document refers to "activity" in the second column although the entries made are not activities eg "confined spaces" & "competent person" etc.

Rather than make the applicant go through hoops again to provide a more fleshed out statement than "Excavation works within the tree protected area are to be hand dug "could we get them to state, in the RAMS, that "they will follow National Joint Utility Group (NJUG) Guidelines" – copy attached. Where reference is made to "local authority tree officer" this can be expanded to include independent arboricultural consultants."

Following receipt of the additional/revised information ACLMS were reconsulted on the application and by email dated 13/12/2023 stated the following:

"As discussed over the phone, GE have now incorporated the NJUG guidelines into the RAMS and cited its requirements in relation to required excavations in proximity to defined Root Protection Areas. It is recognised that whilst the conditions set are, on paper, sufficiently robust it is compliance which remains relatively weak. The requirement to seek the advice of a qualified arboriculturist where roots over 25mm in diameter are found should certainly be included in any conditions, and ideally, include a condition requiring sign off, on site, by a qualified arboriculturist to demonstrate that NJUGs are being followed."

Conclusion/Brief comment:

Policy IP11 states that proposals for small scale infrastructure will be supported where this would contribute to the maintenance and support of efficient and sustainable infrastructure and accords with other relevant policies of the Plan. In this case, Policies GP1, GP4, GP8 and GP9, relating to Landscape Character and Open Land, Conservation Areas, Design and Sustainable Development, (respectively) are also applicable.

The proposal involves the construction of an electricity pillar required to provide necessary infrastructure for the new medical centre and residential apartments approved as part of planning permission reference FULL/2022/1268. The distribution pillar will be located towards the northwest corner of the site behind the roadside boundary wall/hedging and just to the north of the pentaque court approved as part of the previous scheme. The pillar as proposed will be situated within the Root Protection Area of the existing TPO trees. Cabling to and from the distribution pillar will be required to be buried in ducting below ground level, which will disturb ground

within the RPA of the trees. However, when the original application for the main development was approved (Ref: FULL/2022/1268), and following comments received from ACLMS amendments and further tree protection methods were secured as part of the application, a matter controlled by planning conditions on that permission which have since been discharged by the Authority. The tree protection methods remain on site and will remain for the duration of the works the subject of this application.

As part of the application the subject of this report a method statement has been submitted to explain how the proposal will be constructed on site to avoid harm to the protected trees. ACLMS were consulted and requested additional information to be added to the report which following deferral of the application has been completed and a revised report received. ACLMS were reconsulted on the revised information and raised no objections.

In the absence of any objections from ACLMS, on the basis that the proposed cabling works will require minimal disturbance to the tree roots and that the applicant has incorporated the NJUG guidelines into the RAMS document and cited its requirements in relation to required excavations in proximity to defined Root Protection Areas (compliance with this can be controlled by condition) the proposal would not harm the TPO tree. It is also worth noting that the pillar is likely to have less of an impact/cause less disturbance on the TPO trees than the already approved pertanque court and parking all situated within the RPA of the trees. The refusal of permission on any impact on the TPO trees would therefore be unjustifiable and unsustainable.

The distribution pillar will be setback from the roadside and will be screened from the surrounding area by existing and proposed landscaping and considering its scale and mass, would have a limited impact on the visual quality and landscape character of the surrounding Conservation Area.

The proposal would not harm residential amenity or highway safety.

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.

On this basis, the application accords with Policy GP1, GP4, GP8, GP9, IP9 and IP11; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 18/12/2023

