

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 of ground floor from office (Use Class 15) for use as education/music school (Use Class 19).

LOCATION: Unit 2, The Aviaries, Collings Road, St. Peter Port.

APPLICANT: Mr W Mahy

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: 12/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan, Floor Plan and Letter from Thirst Music School dated 11/03/2024

Application Ref: FULL/2024/0476

Property Ref: A208250000

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 operate in strict accordance with the details contained within the Thirst Music School letter dated 11 March 2024.

Reason - To protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 12/06/2027 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/2024/0476
Property Ref: A208250000
Valid date: 19/03/2024
Location: Unit 2 The Aviaries Collings Road St. Peter Port Guernsey
GY1 2FL
Proposal: Change of use of ground floor from office (Use Class 15) for
use as education/music school (Use Class 19).

Applicant: Mr W Mahy

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 operate in strict accordance with the details contained within the Thirst Music School letter dated 11 March 2024.

Reason - To protect the reasonable amenities of neighbouring residents.

OFFICER'S REPORT

Brief Description of the site:

The Aviaries is situated on the east side of Collings Road and the site comprises a mixture of uses including light industry/storage and distribution, retail, office and a music school. Surrounding the site, the area is predominantly residential, situated to the north-west of the site is Guilberts Industrial Estate.

The site is situated within the Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

FULL/2020/1318	Change of use of Unit 2 from use class 24 (light industrial) to public amenity (use class 19)- non-residential establishment for use as a music school.	Granted 21/09/2020
FULL/2018/0081	Rescind condition 4 and vary conditions 5 and 6 of planning permit FULL/2017/0240 to convert existing industrial premises to a music school; remove acoustic fencing and amend opening hours to also include from 09:00am Monday to Friday during school term time.	Granted 06/03/2018
FULL/2017/0240	Convert existing industrial premises to a music school, install; replacement sign (west elevation), new door and ramp (north elevation), replacement door (south elevation), erect 2.7m high acoustic fencing to north and east boundaries and 4m high acoustic fencing to south boundary.	Granted 21/04/2017

Existing Use(s):

15 Offices

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 Centres Outer Areas;
- MC4(B): Office Development in Main Centre Outer Areas;
- GP8: Design;
- GP9: Sustainable development;
- IP7: Private and communal parking;
- IP9: Highway Safety, Accessibility and Capacity.

Consultations:

The Office of Environmental Health and Pollution Regulation were consulted on the application and raised no objection to the proposed change of use.

Conclusion/Brief comment:

Planning permission is sought to change the use of the existing ground floor offices to a public amenity use as a music school (Use Class 19).

The site is limited in terms of its overall size and the proposed use of the site will contribute positively to the vitality and viability of the Main Centre Outer Area. The proposal will be used in connection with the existing music school located in the adjacent building. Policy MC3 supports proposals for the extension, alteration, or redevelopment of existing social and community facilities provided that the proposal accords with all other relevant policies of the IDP.

The proposed change of use of the existing office unit to other uses is supported by Policy MC4(B) as the office floor space is less than 250m², as the total existing office unit is comprised of both ground and first floor, so approx. 180m².

The applicant has confirmed in a supporting letter that the office space will be used in connection with the main music school business, with new space for staff rooms and additional facilities for 1-1 early learning lessons, 1-1 teaching rooms using headphones for any electronic instruments and storage areas. The proposed use is not anticipated to result in more additional noise than is reasonably accepted within a mixed use area.

Environmental Health were consulted on the proposed change of use and no objections were raised in terms of any potential impact on levels of noise and disturbance to nearby residential properties.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Given the limited floorspace involved, the proposal would not harm or give significant rise for the need for additional car parking. The proposal would therefore not affect 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.

Recommendation:

Grant with Conditions



Date: 03/06/2024

