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Mr A J Rowles
Director of Planning Services
Development & Planning Authority
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

10 August 2021

Dear Mr Rowles

Re: Planning Application
Property: Former Education Offices, The Grange
Cadastre: A30697A000 and A306970000
Request: Change of Use from former education (public amenity use class 19) to a health use/service (public amenity use class 18) and 8 units under residential use class 2.

1. Introduction

- 1.1. Please accept these materials, facts and evidence as a planning application as set out under s.7 of the Land Planning and Development (**General Provisions**) Ordinance, 2007.
- 1.2. This is a change of use request from the former education uses (which would now fall under public amenity use class 19 of the Land Planning and Development (**Use Classes**) Ordinance, 2017) to a health use (under public amenity use class 18) and residential flat units (residential use class 2).
- 1.3. This written statement is to be read in parallel to the concept report and plans prepared and submitted by Tyrrell Dowinton Associates (**TDA**) who are an RIBA qualified practice and agent of this planning application (**Concept Report**).
- 1.4. This request has been the subject matter of pre-application dialogue with the Development and Planning Authority (**Authority**) throughout May and June 2021. That information is held on the Authority files and is not repeated here.
- 1.5. The conclusion of the pre-application process was to lodge a change of use planning application and demonstrating the constraints of the site for residential uses versus its suitability for the proposed health use. That demonstration also having regard to housing supply generally and given the current allocation of the site for housing. That includes clarification of the eight residential units forming part of this planning application (**Units**).
- 1.6. The Policy gateway discussed during the pre-application process is Policy S5: Development of Strategic Importance (**Policy S5**).

- 1.7. The Property is very well-known to the Authority so we shall précis its circumstances for the purposes of the Island Development Plan (2016) (**IDP**) and the Land Planning and Development (Guernsey) Law, 2005 (**Law**) (and subsequent Ordinances).
- 1.8. The Property is located within a Main Centre, the St Peter Port Conservation Area, is an allocated housing site and is a Protected Building under PB:1619 (5 August 2014) and is within close proximity of the character and setting of other protected buildings.

2. Policy Gateway

- 2.1. The Policy Gateway is Policy S5 and the outcome of the pre-application dialogue being a change of use in addressing Policy S5 and highlighting the constraints of the site for residential use versus its suitability for the proposed health use (and clarifying the Units).
- 2.2. Policy S5 is a very common sense approach to exceptional development delivery under the IDP and during the adoption of the IDP, the Inspectorate had very little recourse to question Policy S5 and it was adopted without any intervention.
- 2.3. In its literal reading, Policy S5 asks the following (key issue underlined):
 - 2.3.1. Is this planning application request a clear demonstration in the interests of the health, or well-being, or safety, or security of the community, or otherwise in the public interest?;
 - 2.3.2. Is there no alternative site available that, based on evidence available to the Authority, is more suitable for the proposed development?; and (my underlining as the test is conjunctive)
 - 2.3.3. Do the proposals accord with the Principal Aim and relevant Plan Objectives?
- 2.4. We will address the residential constraints first, to support the change of use and then address each of the three Policy S5 questions.

3. Residential Constraints

- 3.1. Appendix A of the Concept Report highlights the comparison between residential constraints and the proposed medical use.
- 3.2. It tables the internal and external constraints and key site restrictions such as floor levels, windows/doors, thermal, fire etc. and comes to the reasonable and fair conclusion that the existing building has many constraints for viable housing delivery (**Appendix A Constraints**).
- 3.3. The Appendix A Constraints are the first part of our evidence and we guide you to the Concept Report.
- 3.4. Appendix A of the Concept Report also highlights potential IDP and Law constraints with some examples as follows (**Policy/Law Constraints**):
 - 3.4.1. The Law has a “strong” presumption regarding demolition of a protected building¹. This protected building notice is for the whole building at a Grade B and Grade A status i.e. high. The level of alterations required for residential uses would result in extensive alterations, demolition of many parts and removal of features;

¹ 35. (1) There is a strong presumption against planning permission being granted for any development which - (a) involves the demolition or destruction of or of any part of a protected building, or (b) adversely affects its special character or features.

- 3.4.2. The above presumption in Law is mirrored under Policy GP4: Conservation Areas of the IDP as features within a Conservation Area (which in itself has protection under the Law²) and Policy GP5: Protected Buildings of the IDP (as expanded under the General Provisions³);
- 3.4.3. The Protected Notice and Conservation Area status of the Property as natural constraints to housing allocation was recognised by the Inspectorate during the adoption of the IDP⁴ where they concluded that, *"The Education Department site in the Grange, St. Peter Port includes a Protected Building and lies within the Conservation Area that covers much of the Town. There are further Protected Buildings in the vicinity. These designations reflect the heritage value of the site and its surroundings, and the relevant policies and statutory provisions might well affect both the form and the scale of development that would be acceptable on it. However, neither designation would preclude residential development in principle."* (i.e. the principle but respecting the limitation on delivery due the Conservation Area, the Protected status and the wider setting of other Protected buildings);
- 3.4.4. The broader 'setting' of this Protected building and those protected buildings around it are also a natural limitation as all of their settings, features and character/appearance are material considerations and are broadened in scope under other Ordinances of the Law⁵; and
- 3.4.5. Policy GP8: Design of the IDP requires (amongst other criterion, other policies and in parallel to Annex I: Amenities of the IDP) a good level of design, no adverse/unreasonable harm on amenity (both internally for the home owner and externally to neighbours) and (like many policies of the IDP) accord with all other policies of the IDP.
- 3.5. Appendix A of the Concept Report supports an assertion that the level of works for residential purposes would not be supported by a large degree of the Policy/Law Constraints.
- 3.6. Furthermore, as set out in the pre-application, 'but for' the housing allocation under the IDP, the proposed medical use (as a social and community facility under the IDP) would fall within the scope of Policy MC3: Housing in Main Centres of the IDP (**Strategic Constraint**).
- 3.7. The Strategic Constraint is because the IDP states that allocated housing sites identified on the Proposals Map can only be developed for housing. However, that is under the reasonable check and balance where development that is unlikely to inhibit the implementation of future housing development, or inhibit the implementation of a Development Framework or prejudice the comprehensive development of allocated housing sites, may be supported where it is in accordance with all other relevant policies of the IDP.
- 3.8. It is this policy point where we agree with the Authority regarding residential constraints, because the Protected nature and Conservation Area status naturally inhibit the implementation of housing (and as recognised by the Inspectorate).
- 3.9. This is a further reason why we suggested a departure from law⁶ from Policy MC3 in our pre-application, but have narrowed the issues under Policy S5.
- 3.10. This is where Policy S5 can be engaged and hence the Authority's correct position of demonstrating constraints on housing delivery.
- 3.11. In conclusion, there are natural Appendix A Constraints, Policy/Law Constraints due to the extent of works to the building to deliver housing and impacts on setting, and a Strategic Constraint where the housing allocation is constrained in delivery.

² s.38 and s.39 of the Land Planning and Development (Guernsey) Law, 2005;

³ s.2(2) "feature" shall mean any internal or external feature consisting of a man-made object or structure fixed to the building or forming part of the land in the vicinity of the building.

⁴ Para.61 of the Appendix 5 March 2016 Report.

⁵ s.2 of the Land Planning and Development (Special Controls) Ordinance, 2007.

⁶ s.12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007

- 3.12. All of the above is set out to address the Authority's principle question about housing delivery constraints.
- 3.13. We reasonably believe this evidence satisfies that position, but if further information is required then please inform us immediately.

4. Policy S5: Health, Wellbeing, Community and Public Interest

- 4.1. The spectrum of 'interest' is fundamentally health related but has a ripple effect into well-being, community and wider public interest (both public and private).
- 4.2. In short, healthier people and health addressed issues, result in a huge burden off the States of Guernsey and means more people are active via recovery and can travel, work, maintain their families etc.
- 4.3. A new fit for purpose health premises with more modern facilities and increase of facilities will only sustain and improve this offering and within the envelop of what is a heavily protected building.
- 4.4. The ripple effect of good health delivery casts an extremely wide net of huge benefit to other socioeconomic factors and economies of scale.
- 4.5. There is clearly a health benefit answered in the positive for the purposes of Policy S5.

5. Policy S5: Alternative Site

- 5.1. This was addressed in the pre-application and as set out Appendix B of the Concept Report.
- 5.2. Appendix B of the Concept Report sets out the time, assessment and search for a new and suitable site by the very experienced applicant.
- 5.3. Alternative sites also have a natural constraint or narrow scope under the construction of the IDP in terms of new health facilities delivery and set against the strategic benefits of this specific site as the most effective and efficient use of land.
- 5.4. In terms of the evidence in Appendix B of the Concept Report, the site evaluations are far from speculative. These sites were actively reviewed.
- 5.5. The assessment matrix of Appendix B of the Concept Report has been designed based on key strategic land use factors such as patient/staff disruption, access, public transport, parking, safe walking, affordability, size, broader social uses and the general planning position for each site.
- 5.6. Each alternative site within Appendix B of the Concept Report have all been fairly and proportionately assessed and this property offers the most sustainable solution.
- 5.7. In terms of the construction of the IDP (as a whole) there are natural limitations on new health facilities. Given the knowledge of the reader I shall simply précis the facts as follows:
 - 5.7.1. 'Health' uses fall under the policy scope of 'Social and Community';
 - 5.7.2. The IDP Social and Community policies are founded on the Strategic Land Use Plan (**SLUP**) in recognising that any Development Plan must provide access to a range of social and community facilities and to allow them to develop according to need and demand i.e. had the 'future' in mind;
 - 5.7.3. On any 'Social or Community' site, the Authority (under the IDP) encourages dual or shared use sites to ensure the best use is made of existing sites and to encourage synergies between related uses;

- 5.7.4. There is general support for retaining Social and Community facilities and protecting, enhancing and making best use of existing sites within and around Main Centres;
- 5.7.5. The applicant's current practice is located within and around the St Peter Port Main Centre (as is the former Education Building) but is on leasehold and becoming too small and structurally/infrastructurally inadequate. The proximity of the former Education Building is a fundamental strategic reason for its suggested use as an alternative site i.e. minimal geographical disruption;
- 5.7.6. Policy MC3 of the IDP supports the development of new health facilities providing that no other existing 'health' site is available and the new site is suited to accommodate the particular proposal, including the dual use of premises;
- 5.7.7. The focus on strategic land use delivery in Main Centres is reemphasised by the more restrictive wording of Policies LC3 and OC2 of the IDP (i.e. Local Centres and Outside of the Centres) which focus on existing health sites and/or conversion of buildings as a delivery i.e. a much higher or very limited scope of delivery; and
- 5.7.8. The above is a natural limitation on site choice and reemphasises the focus to be in a Main Centre.
- 5.8. Paragraph 5.7 highlights the natural policy limitations on health delivery choice and where this site would meet this scope via Policy S5.
- 5.9. In summary, the applicant has sought out an array of alternative sites and the research undertaken and the narrow scope of health delivery under the IDP reemphasises what a suitable site the former Education Building can be for health.

6. Policy S5: Principal Aim and relevant Plan Objectives

- 6.1. The sites strategic offering is based on its size, proximity to the applicant's existing practice and its Main Centre location. The use for health is an effective and efficient land use.
- 6.2. From a legislative context, Guernsey has a unique legislative system that is designed to be responsive and monitored for what is a small Island demographic that can be subject to immediate changes. Recent examples of that have been Covid-19 and the impact on business, housing demand and/or the adjustment of the application of new Development Frameworks. That is also why the legal system contains powers of Ordinance and that jurisprudential position is mirrored through the IDP monitoring system. The point being that legislation can be reactive when needed and allows the IDP to be 'flexible' under reasonable checks and balances. Policy S5 is an extension of that power on an exceptional case-by-case basis.
- 6.3. That is mirrored in the 'Principle Aim' of the IDP which ensures policies being consistent with the SLUP in helping 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.
- 6.4. The use of the former Education Building for health ticks all three of those boxes in that:
 - 6.4.1. Proper health delivery is socially inclusive and the ripple effects of healthier people being able to engage in the economy are obvious. The further economic ripple effect is that a large empty protected building is privately purchased, privately funded and an established Guernsey business is given a long term anchor site;
 - 6.4.2. Protected buildings in Guernsey have an unwanted stigma in that they cannot be developed. That is a total misconception as all that they have is a higher threshold of delivery as a balance

between a functional use in accordance with all relevant legislation and retaining and preserving the character of that building and its surrounding setting. Here, the level of interference is less than if the property was converted for housing. The suggested scheme works with the main building and as shown in the Concept Report visuals; and

6.4.3. Wise use of land is particularly critical when comparing where new health facilities can be delivered under the IDP. There is much more restricted choice than for other uses such as new housing. Also, suitably sized individual land masses for health uses are in very scarce supply. That is one reason why it would be wise to use this site for health purposes.

6.4.4. In terms of the 'Plan Objectives' this meets and exceeds five of those six Objectives in that:

6.4.4.1. This is an effective and efficient use of land and retention of a natural resource;

6.4.4.2. The scheme manages the existing built environment;

6.4.4.3. The ripple effects to support a thriving economy are wide (and as set out above);

6.4.4.4. This supports a healthy and inclusive society; and

6.4.4.5. All infrastructure requirements for this delivery are privately funded.

6.4.5. The sixth Plan Objective is ensuring access to housing for all, but, housing delivery on this site would meet less of the six Plan Objectives than use for health. Furthermore, housing delivery has a far wider scope of delivery and location in other areas, than health under the IDP. That is a further effective and efficient land use reason for use of this site for health. It has a far less destination choice than housing, and its delivery is a Principal Aim of the IDP.

7. Policy S5: Summary

7.1. Paragraph 3.6.1. of the IDP states that *'where a development would address issues concerning the health or safety or well-being or security of the community, or is otherwise clearly in the public interest, the Authority may support proposals that could conflict with the spatial policies or other specific policies of the IDP.'*

7.2. The policy intention is that this policy is applied exceptionally only where certain criteria are met.

7.3. This is a development proposal from former education (allocated for housing) to health. Both of which (as the current and proposed use classes) are 'public amenity'.

7.4. The issue is the housing allocation as a zoning which has been undelivered and has natural constraints of delivery as set out above. There is a two stage sequential test to Policy S5 which requires evidence to demonstrate how the criteria are met:

7.4.1. The Authority must be satisfied that the proposal is strategically important and, in this case, clearly in the public interest and/or in the interest of health and well-being of the community; and

7.4.2. If that first stage is satisfied (which we believe it is), the second stage assessment involves ensuring that the particular choice of location for the proposed development can be clearly justified and that the proposals represent the best practicable option, which takes into account all relevant economic, social and environmental considerations. That is addressed via the demonstration of a detailed and comprehensive site selection study, together with technical assessments, and highlighting natural housing constraints as set out above.

7.5. We feel that Policy S5 is satisfied in that regard.

8. The Units

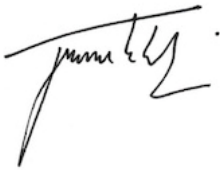
- 8.1. In answering the Authority's question in clarifying the Units, these would fall under the scope of Policy MC3 and provide eight residential Units.
- 8.2. Units 1 and 2 are located in the ground floor top corner, Units 3 and 4 are in the first floor top corner and Units 5 to 8 are within the second floor.
- 8.3. These Units are flats and using existing room layouts or spaces within parts of the building. They offer a partial mixed use, will be owned by the applicant and used for either staff or local market rental.

9. Conclusions

- 9.1. We have not expanded on other Policies of the IDP e.g. Policy GP8: Design, Policy GP9: Sustainable Development, Policy GP10: Comprehensive Development etc. as this is a focused change of use application.
- 9.2. The purposes of this planning application is to address the Authority's key housing constraint question, justify Policy S5 and that the Plan Objectives and Principal Aim are met in delivering a sustainable, immediate and privately funded health use initiative whilst protecting and enhancing a heavily protected building and built environment.
- 9.3. We ask that change of use be granted.

If you require any further information then please do not hesitate to contact us.

Yours sincerely



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