

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 Office (use class 15) to residential dwelling (residential use class 1).

LOCATION: Sarel, La Grande Rue, St. Saviour.

APPLICANT: Mr & Mrs R Stapley

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: 17/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian Martel 4172.02. 01, 02 & 03

Application Ref: FULL/2021/2033

Property Ref: E008700000

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. Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 16/12/2024 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/2021/2033
Property Ref: E008700000
Valid date: 28/09/2021
Location: Sarel La Grande Rue St. Saviour Guernsey GY7 9PR
Proposal: Change of use of Office (use class 15) to residential dwelling (residential use class 1).
Applicant: Mr & Mrs R Stapley

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.

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- i) the treatment proposed for all ground surfaces, including hard areas;

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Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

OFFICER'S REPORT

Site Description:

Sarel is an attractive granite building situated on an elevated plot to the south of La Grande Rue. The property benefits from hardstanding to the front and side of the building which provides off-road parking for the existing office accommodation.

The site is located Outside of the Centres and within a Conservation Area as designated in the Island Development Plan

Relevant History:

FULL/2013/1336 - Change of use of office building to a dwelling (Residential Use Class 1) - granted

Existing Use(s):

15 offices (accountant)

Brief Description of Development:

The application relates to the change of use of Sarel from an office (Use Class 15) to a single dwelling (Residential Use Class 1). The application submission sets out that with the majority of small businesses working from home the future use of the building as offices is uncertain.

Following the deferral of the application additional information was provided in relation to Policy GP16(A) that seeks to demonstrate that the building is no longer required or capable of being used for its current or last known purpose. The property was purchased when it was not practical for the family to continue running the business from home. The situation now is that less physical filing is required with the progress of technology since that time, more home visits are carried out to client's homes or information is sent via email therefore office and meeting space is less in demand. There is now the opportunity to return the business to home, also the client base is being reduced and working from home is more acceptable in the Covid/post-Covid era. As a result the high TRP and other costs associated with maintaining the building will become unviable as income reduces. The letter states that the business will be carried out from home within the next 12 months.

The letter also sets out that two commercial estate agents have indicated that it is unlikely that the property will be rented as an office, that the site will attract low value rentals who would leave after short periods and there would be many months with the property vacant. The lack of parking and out of centre location would not make this an attractive site for offices and high TRP would be unviable for businesses with only two or three employees. Furthermore, the property would require upgrading for rental given that it is too hot in summer and too cold in winter, these works would not increase the potential for the property to be rented.

A request for a minor departure from Policy GP16(A) criterion a) was also requested.

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

Island Development Plan policies:

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

OC1: Housing Outside of the Centres

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP16(A): Conversion of Redundant Buildings

IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use, the living environment of future occupiers and the potential impact of the change of use on residential amenity.

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.

Policy OC3 of the Island Development Plan (IDP) makes provision for the change of use of existing office uses to an alternative use where the proposals accord with all other relevant policies of the IDP. This provides a policy gateway for the change of use proposed.

Policy OC1 sets out that the creation of new dwellings will only be supported where this is achieved through the conversion of an existing redundant building (or the subdivision of an existing dwelling). It is therefore necessary to consider the application against Policy GP16(A).

Criterion a) of Policy GP16(A) sets out that an application should demonstrate that the building is no longer required or capable of being used for its current or last known purpose. In this case, the building currently remains in use as office accommodation and therefore is not redundant for the purposes of this policy. In addition, information submitted by the applicant from estate agents indicates that the property could be rented as office accommodation, albeit on a short-term basis. The application therefore does not satisfy this criterion of Policy GP16(A) criterion a).

The application has however, following its deferral, been accompanied by a request for a minor departure from the Island Development Plan in relation to Policy GP16(A) criterion a). As set out below, in all other respects the scheme accords with the relevant policies in the Island Development Plan. Furthermore, it is acknowledged that planning permission has previously been granted for the use of the building as a unit of residential accommodation and that this is tertiary office accommodation, and its loss would be accepted when considering the findings of the Office Audit Study. In this case therefore, the request for a minor departure is accepted.

The proposal relates to the provision of residential accommodation and the application sets out that upgrade works will be necessary in terms of insulation to the inside of the external walls and the floors. The proposal therefore meets the aims of criteria b) and c) of Policy GP16(A) regarding the proposed use and the

capability of the building to be converted without extensive alteration or rebuilding. The proposal does not relate to a Protected Building and no external alterations or extensions are proposed meeting the aims of criteria d), e) and g) of GP16(A) of the IDP. As the site is located in an area characterised primarily by residential development the proposed change of use, with associated alterations to hard/soft landscaping will not have a detrimental impact on the character and openness of the landscape in accordance with criterion f) of GP16(A). The proposed change of use of the building alone will also preserve the character and appearance of the Conservation Area with regard to Policy GP4.

The single-storey nature of the building limits the potential for overlooking and loss of privacy from the proposed use. The property to the east is a hairdressers, with a blank flank elevation and driveway separating the two buildings. The amenity space associated with this dwelling will be to the east but given the adjoining use and separation from the neighbouring property the use of the external space will not have an unacceptable impact on the adjoining occupiers.

The property to the west is also set away from the common boundary which is marked by a wall. The windows in the west elevation of the proposed dwelling will face the side garden area of the adjoining dwelling as the height of the existing wall would not prevent views to the west. Although a condition could be imposed relating to the introduction of a boundary wall or fence this would have a significant impact on outlook and potentially on the health and well-being of future occupiers of the proposed development and is not considered appropriate in this instance. The garden to the south of the adjoining dwelling will not be visible from the side windows at the site and the boundary wall increases in height to the rear of Sarel which will largely prevent views from the proposed kitchen over the garden to the west. The amenities enjoyed by the neighbouring occupiers will be sufficiently protected. The scheme therefore meets the aims of Policy GP16(A) in this respect along with Policies GP8 and GP9.

The proposal relates to the reuse of an existing building which demonstrates efficient and effective use of land and given that the building is situated in a row of frontage, primarily residential development, in La Grande Rue the proposal respects the character of the local built environment. The scheme therefore meets the aims of Policy GP8 a), b) and c).

The scheme considers the health and well-being of occupiers of the proposed dwelling by providing the accommodation with outlook to the north and external amenity space to the east. The application does not specify how the site, which is currently hardsurfaced, would be enhanced to provide usable amenity space for the proposed dwelling however this matter can be addressed by planning condition to ensure compliance with GP8 criterion e). As set out above, the proposal will not result in unacceptable overlooking, loss of privacy or nuisance to surrounding occupiers and therefore considers the health and well-being of neighbours of the development in accordance with Policy GP8 d) and GP9 b).

As an existing building on a sloping site the scheme does not demonstrate accessibility to the building for people of all ages and abilities but being on a single level means the accommodation is more accessible. Furthermore, the internal accommodation could be reconfigured at a later date to meet the changing needs of residential occupiers. Overall it is concluded that the scheme satisfies the requirements of Policy GP8 f) and g) and the accessibility to the building alone would be insufficient to warrant the refusal of planning permission.

Policy IP7 of the Plan relates to the provision of off-road parking for developments with regard to the adopted Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment (December 2016). The level of off-road parking proposed to serve this dwelling is considered adequate to meet the needs of future occupiers. Furthermore, the site is well located in terms of access to the bus network and there would be the opportunity to provide cycle storage on the site to provide occupiers with an alternative mode of transport in accordance with Policy IP7.

In view of the above and the requested minor departure it is recommended that planning permission is granted for the proposed change of use subject to appropriate planning conditions including one relating to site landscaping to ensure that enhancements are made to the external area to provide amenity space for future occupiers.

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: 17 December 2021

