

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 from offices and alter to form Residential Dwelling (Use Class 1).

LOCATION: St Georges Hall, St Georges Esplanade, St. Peter Port.

APPLICANT: S.G.H. 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: 06/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G E Le Friec - 2116 / 1

Application Ref: FULL/2022/0525

Property Ref: A10803A000

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.No development shall begin on site until joinery and construction details of the two new windows in the front/northeast elevation of the building have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed windows. This condition is imposed to make sure that the works is of a high quality design and does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 05/05/2025 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/2022/0525
Property Ref: A10803A000
Valid date: 30/03/2022
Location: St Georges Hall St Georges Esplanade St. Peter Port Guernsey
GY1 2BH
Proposal: Change of use from offices and alter to form Residential
Dwelling (Use Class 1).
Applicant: S.G.H. 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).

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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. No development shall begin on site until joinery and construction details of the two new windows in the front/northeast elevation of the building have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed windows. This condition is imposed to make sure that the works is of a high quality design and does not have any adverse impact on the character of the area.

OFFICER'S REPORT

Site Description:

St Georges Hall is a mid-terrace building with a highly decorative front façade facing St Georges Esplanade with pitched roof behind. A low wall marks the front boundary and on-street is available to the front of the site. The rear of the building faces the parking area for a commercial site containing a variety of different uses.

The site is located in a Main Centre Outer Area, Conservation Area and Archaeological Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

16 Offices (including data recovery)

Brief Description of Development:

The application relates to the change of use of the existing office building to a single dwelling. As part of the proposal part of the rear of the building (ground and first floor) is shown to be demolished, a new flat roof is proposed across the basement roof in order to create a lightwell/courtyard above. A new southwest gable wall is proposed to offer windows to serve the ground floor kitchen and first floor bedroom above.

The application submission also seeks to address Policy MC4(B) of the Island Development Plan:

- The building has been vacant and for sale with local commercial property agents since June 2020 with no interest being shown in the property as

offices. Watts & Co report that possible purchases/tenants looking for the size of office space the building offers were looking for dedicated parking and natural daylight.

- The building was converted to offices for a specific user, an internet provider and included extensive basement areas for the secure and temperature-controlled location of data servers. There was little on-site attendance and staff did not work in these areas on a full-time basis and the basement is not suitable for full time office work.
- The two upper floors are 320 sqm have not been attractive to the commercial market due to the multi-levels, narrow accommodation and lack of natural light.
- There appears to be other available office accommodation that is more modern, economically sustainable and desirable than at St Georges Hall

The application also provides details relating to upgrading the existing structure for thermal regulations, fire regulations and sound compartmentation along with confirming that the development would accord with the Guernsey Technical Standards and Policy GP9 of the Island Development Plan.

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

Island Development Plan policies:

MC4(B): Office Development in Main Centre Outer Areas
MC2: Housing in Main Centres and Main Centre Outer Areas
GP4: Conservation Areas
GP7: Archaeological Remains
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
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 and the health and well-being of future occupiers of the dwelling.

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 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.

Having regard to the Office Quality Audit 2020 this building is recognised as tertiary office accommodation which is described as "existing offices resulting from the conversion of units of accommodation such as retail which may never meet modern standards". Such offices are also often located in peripheral locations.

The existing building was not originally designed for office accommodation and given its relatively narrow footprint and mid-terrace position could not be easily refurbished to meet modern needs. The building has been marketed for a period of nearly 2 years, although the application submission does not include marketing details to help demonstrate whether the marketing has taken place at an appropriate level. A brief online search indicates that the property is currently being marketed for £950,000 “the ground and first floors are interlinked but the second floor provides a self-contained unit and is accessed via its own entrance”. It is concluded that the scheme accords with Policy MC4(B) for the change of use of office accommodation.

As the site is located in the Main Centre Outer Area there is scope for the change of use to residential subject to the scheme meeting the aims of other relevant policies in the Island Development Plan and therefore accords with Policy MC2. The site is located in an area with a mix of uses but where residential would not result in conflict between existing surrounding and the proposed use.

The proposal incorporates the insertion of two new windows in the front elevation and the partial demolition of the rear of the building to provide external space to serve the proposed residential accommodation with a new southwest gable wall. The proposed alterations represent a high standard of design that will respect the local built environment and preserve the character and appearance of the Conservation Area (GP4). It is reasonable to impose a condition relating to the joinery and construction of the proposed front windows given the highly decorative façade to ensure that the work complements the building and Conservation Area.

Although the building is capable of accommodating more than one unit of residential accommodation it would be difficult to provide a good standard of living accommodation for future occupiers having regard to natural light and ventilation.

The proposed alterations to the building will not have an adverse impact on residential amenity with regard to sunlight/daylight or loss of privacy. In terms of the health and well-being of occupiers of the proposed dwelling consideration has been given to the provision of adequate natural daylight to serve the accommodation. Furthermore, the proposed alterations to the building will ensure that occupiers are provided with external open space through the balcony and courtyard. It should also be noted that the site occupies a sea front location in close proximity to public amenity areas such as beaches and parks. The building is of sufficient size that, although not accessible to all, would offer flexible and adaptable accommodation that can respond to the needs of occupiers over time. Overall therefore, the scheme meets the aims of Policy GP8.

The site is located in a sustainable location where there is no requirement to provide off-road parking (IP7). The internal storage in the basement would offer the opportunity for covered and secure cycle storage (IP6).

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

In view of the above, it is recommended planning permission is granted for the change of use and associated works proposed.

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: 29 April 2022

