

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 retail storage area (Retail Use Class 10) to residential flat (Residential Use Class 2).

LOCATION: Richmond Court, Rue De La Maladerie, St. Saviour.

APPLICANT: MacProp 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: 06/07/2022

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

Drawing Nos: Lovell Ozanne: T16-10566-S1-02, -03, -04 & -05.

Application Ref: FULL/2022/0568

Property Ref: E006870000

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 details of the refuse/recycling and cycle store have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details. The refuse and cycle stores shall thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the works are of a good standard of design and will not have any adverse impact on the character of the area. To provide occupiers of the dwelling with secure and covered cycle storage for travel by alternative modes of transport and to prevent nuisance to residential amenity which may arise from the storage of refuse.

5.Prior to the commencement of any work in connection therewith a landscaping scheme, to include full details of hedge planting (planting schedules, noting the species, sizes, numbers and densities of plants) shall be submitted to and approved in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above, prior to the first occupation of the unit of residential accommodation hereby approved, or in accordance with a programme previously agreed in writing by the Authority. Any hedge 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 there is an area of external amenity space provided for the occupiers of the unit of accommodation hereby approved which is afforded a degree of privacy and screening from vehicles and other residents accessing the site.

Expiry Date: This permission will cease to have effect on 05/07/2025 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/2022/0568
Property Ref: E006870000
Valid date: 03/03/2022
Location: Richmond Court Rue De La Maladerie St. Saviour Guernsey
GY7 9QT
Proposal: Change of use of retail storage area (Retail Use Class 10) to
residential flat (Residential Use Class 2).

Applicant: MacProp 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. No development shall begin on site until details of the refuse/recycling and cycle store have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details. The refuse and cycle stores shall thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the works are of a good standard of design and will not have any adverse impact on the character of the area. To provide occupiers of the dwelling with secure and covered cycle storage for travel by alternative modes of transport and to prevent nuisance to residential amenity which may arise from the storage of refuse.

5. Prior to the commencement of any work in connection therewith a landscaping scheme, to include full details of hedge planting (planting schedules, noting the species, sizes, numbers and densities of plants) shall be submitted to and approved in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above, prior to the first occupation of the unit of residential accommodation hereby approved, or in accordance with a programme previously agreed in writing by the Authority. Any hedge 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 there is an area of external amenity space provided for the occupiers of the unit of accommodation hereby approved which is afforded a degree of privacy and screening from vehicles and other residents accessing the site.

OFFICER'S REPORT

Site Description:

Richmond Court is a two-storey/one and a half-storey building set back from and fronting Rue De La Maladerie and occupying a corner plot with La Route Des Jenemies. The frontage area to Rue De La Maladerie is hardsurfaced to offer off-road parking to the three retail units on the site. Vehicular access is also provided to the south of the building from La Route Des Jenemies and a large area of block paving exists to the rear of the site to provide access to a detached garage to the south of the site and area of off-road parking. An external staircase exists to the south of the building providing access to residential units that occupy the first floor.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice was offered in this case.

FULL/2016/2204 – change of use from office (Use Class 21: visiting members of the public) to general office (Use Class 22) – granted

FULL/2014/0043 – convert existing roofspace into a new residential unit – refused

FULL/2012/2877 – demolish existing rear extension and build new extension – granted

PAPP/2007/0147 - Erect a four car garage – granted

Existing Use(s):

Retail
Flats

Brief Description of Development:

The application relates to the change of use of part of Richmond Court from storage associated with the retail use of the premises (Use Class 10) to a unit of residential accommodation (Use Class 1).

The application was deferred because, as originally submitted, the application did not satisfactorily demonstrate that the building is “no longer required or capable of being used for its current or last known purpose”. Further information was provided in a letter dated 25 May 2022. A minor departure was also requested should the Service deem this necessary.

The application was also deferred by the Planning Service to seek further clarification regarding how the business (Graham Ogier Ltd) has changed since the extension was constructed. Further information was provided in a letter dated 27 June 2022. This confirmed that the ground floor was used as storage related to Graham Ogier Pools and that the first floor was never fully utilised for its intended storage purpose and has been largely empty and redundant since it was constructed. The works were driven by a desire to improve the condition of the premises and not specifically by a need for additional storage for swimming pool pumps, filters and plastic piping. It was believed that the storage could have been used in that way but it was not required. In 2012 Graham Ogier Pools supplied and installed swimming pools and associated equipment however since then the business has changed to supply only (no installation or maintenance). As a result there is no need for retail storage in the way there was. There is also no need to store associated equipment such as pumps

and filters because of the reduced service now provided by the company. The business now orders items from mainland UK as and when required, reducing the need for onsite storage.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres
OC4: Retail Outside of the Centres
GP16(A): Conversion of Redundant Buildings
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, the impact on the area, on residential amenity and the future living environment of residential occupiers of the development.

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 Island Development Plan makes provision for the change of use away from retail Outside of the Centres and the formation of residential accommodation through the conversion of a redundant building (OC4, OC1 and GP16(A) b.).

The application submission sets out that the retail storage area is not required by the current occupiers of the premises and nor is it likely to be used by others in the future. Given the nature of the existing retail use (swimming pools) there is likely to

be a low demand for storage as the retail unit is used as a showroom. Whilst the supporting information states that only the first-floor part of the store was created through the 2012 permission with the original ground floor retained, a review of the approved plans shows, by way of a drawing note, that *“existing stores to be knocked down and re-built. New ground level.”* The Officer Report clarifies this by describing the proposal as *“rebuild an ancillary store which is to the rear of the former Richmond shopper, premises, occupied by Graham Ogier Pools”*. This 2012 application also set out that, in addition to the reconstructed ground floor, the *“new first floor storage area will be one room for the purpose of storing swimming pool pumps, filters and plastic piping”*.

The additional information provided with the application seeks to explain how the change in Graham Ogier Pools has altered the need for retail storage by this retail operator. The retailer no longer constructs/install swimming pools and can order parts (pumps and filters) as and when required thereby reducing the need for storage. This additional information satisfactorily demonstrates that the building is no longer required, in line with the requirements of the first part of criterion a of GP16(A).

Notwithstanding the assertion through the application submission, the Island Development Plan does not require an application to demonstrate that the building is not capable of being re-purposed for a hypothetical alternative future use. An application must demonstrate that a building is not capable of being used for its current or last known purpose (i.e. retail storage associated with a retail unit).

Simply because it is not required for use by the current retail occupiers does not clearly demonstrate that there would not be a need for storage area for a different retail occupier. It has however, been demonstrated that the current retail operator does not require the level of storage available on site and on balance the scheme does comply with Policy GP16(A) a.

The existing building is currently used for a mix of residential and retail uses, in a predominantly residential area. The part of the building that is the subject of this application was constructed between 2013 and 2016 and appears to be of sound and substantial construction, although the application submission has not been accompanied by any information or survey report that seeks to demonstrate this. The scheme includes alterations to ground floor fenestration in the west elevation of the building, the insertion of a ground floor window in the south elevation and rooflights in the east and west roofslopes. The building represents a structure that is of sound and substantial construction and will not require extensive alteration or rebuilding (GP16(A) c.). The building does not require extension and therefore GP16(A) g. is not relevant in this case.

The proposals would not have an adverse impact on the contribution the building makes to the character and appearance of the area and this modern building does not make a particular positive contribution to the locality (GP16(A) e. and f.). The works would not have a detrimental impact on any Protected Building (GP16(A) d.).

The site is located in a predominantly residential area and although the accommodation proposed would be situated on a mixed-use site, the retail activities will primarily take place during the day and do not represent incompatible uses. The scheme considers the health and well-being of future occupiers of the dwelling by ensuring adequate light to the accommodation as a result of the proposed external alterations to the building. The open plan layout of the ground floor could be adapted if necessary to offer flexible accommodation to future occupiers and the ground floor will provide a level threshold and accommodation on a single level to provide accessible accommodation to people of all ages and abilities and meets the aims of GP8 in this respect.

The scheme offers an area of defensible space and external storage to serve the dwelling to the west and south of the building. This would be adjacent to the site entrance and on-site parking. Its size and layout would not readily lend itself to provide private external amenity for future occupiers of the dwelling however this area would enhance the living environment of occupiers. The site is also situated on a bus route and in close proximity to beaches for occupiers to enjoy in line with the aims of Policy GP8.

The scheme would not result in unacceptable overlooking or loss of privacy to the occupiers of surrounding dwellings and nor will the development be unacceptably overlooked by existing residential development on the site or from dwellings in the vicinity of the site. The scheme would not have an unacceptable adverse impact on the amenities and enjoyment of neighbouring properties having regard to Policies GP8, GP9 and GP16(A) h. of the Plan.

The floor plans for the scheme refer to covered bike and bin storage to serve the development. The provision of sheltered and secure cycle storage will offer occupiers the opportunity to travel by alternative modes of transport. The enclosure of the bin store will help prevent nuisance and odours to the occupiers of the dwelling. As the scheme does not include elevation drawings of the proposed enclosures it is considered reasonable to require these by condition and on that basis the scheme complies with GP8 and IP6 in this respect.

The application submission specifies that there are 19 parking spaces on site but does not show whether any of these will be allocated to serve the proposed dwelling. The Parking Standards and Traffic Impact Assessment (December 2016) Supplementary Planning Guidance identifies that, Outside of the Centres development is generally of lower density and there tends to be less pressure for development and less congestion caused by it. Within these areas therefore, general car parking requirements are assessed on a case-by-case basis taking into consideration the type of development proposed and its impact on the character of the area, surrounding uses and the existing road network as well accessibility to public transport. The site is capable of offering off-road parking for the variety of users and is well connected due to the bus stop situated directly outside the site. The scheme therefore accords with the aims of Policy IP7.

In view of the above, it is recommended planning permission is granted for the proposed development.

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: 05 July 2022

