

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 the existing retail and commercial office into three additional units of residential accommodation.

LOCATION: Maison De Carteret, Rue De Bouverie, Castel.

APPLICANT: Cobo Property 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: 24/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Direct Architectural solutions Ltd: 1364-SK-20E & 21C.

Application Ref: FULL/2022/0776

Property Ref: D01483A000

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.Notwithstanding the information submitted, full details of new bin storage in association with the existing and hereby approved flats shall be submitted to and agreed in writing by the Authority prior to the flats hereby approved being first occupied.

Reason - The information submitted does not provide full details of this storage and details are required to ensure that sufficient bin storage provision is allocated to the existing and approved flats.

5.The car parking spaces outlined on all hard surfaced areas as shown on Drawing No 1364-SK-20 Revision E shall be marked out prior to first occupation of the hereby approved ground floor flats and retained in perpetuity.

Reason -To demarcate the allocated parking spaces serving the existing and new flats, and to ensure that a means of escape exists serving flat 10 to the front of the property.

6.The wall surface to the front (north) of the building, where disturbed, shall be made good in materials to match as closely as possible to the wall surface within two months of the new windows being installed.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 23/01/2026 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/2022/0776
Property Ref: D01483A000
Valid date: 05/05/2022
Location: Maison De Carteret Rue De Bouverie Castel Guernsey GY5 7UU
Proposal: Change of use of the existing retail and commercial office into three additional units of residential accommodation.
Applicant: Cobo Property 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. Notwithstanding the information submitted, full details of new bin storage in association with the existing and hereby approved flats shall be submitted to and agreed in writing by the Authority prior to the flats hereby approved being first occupied.

Reason - The information submitted does not provide full details of this storage and details are required to ensure that sufficient bin storage provision is allocated to the existing and approved flats.

5. The car parking spaces outlined on all hard surfaced areas as shown on Drawing No 1364-SK-20 Revision E shall be marked out prior to first occupation of the hereby approved ground floor flats and retained in perpetuity.

Reason - To demarcate the allocated parking spaces serving the existing and new flats, and to ensure that a means of escape exists serving flat 10 to the front of the property.

6. The wall surface to the front (north) of the building, where disturbed, shall be made good in materials to match as closely as possible to the wall surface within two months of the new windows being installed.

Reason - In the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The application site comprises a three-storey detached building located on the corner between Route de Carteret and Rue De Bouverie. The property features an informal pavement to the front, and parking provision to the rear. On-street parking is located to the north of the pavement.

The premises comprises a mixed use site, with residential, retail and office at the ground level and several flats at first and second floor level.

Route de Carteret is a designated Traffic Priority Route and Rue De Bouverie is a Neighbourhood Road.

The application site is in a Local Centre as designated in the Island Development Plan. The property is located within a flood risk area.

Relevant History:

FULL/2020/2557	Change of use from domestic garden to parking area associated with adjacent Maison De Carteret development, alterations to boundary treatment.	Withdrawn
FULL/2020/0711	Demolish store, erect a 2.5 storey extension (east elevation) comprising a one bedroom apartment at ground floor level with two 1 bedroom apartments above (revised scheme).	Granted
PREA/2019/2226	Change of use of ground floor from retail to residential use.	Pre-application advice
FULL/2019/1364	Change of use from general retail (Use Class 10) to office (Use Class 16) and erect signage	Withdrawn
FULL/2017/2294	Demolish store and two existing garages. Erect a 2.5 storey extension (east elevation) comprising retail at ground floor level with two 1 bedroom apartments above. Extend above existing flat roof (west elevation) to create a two bedroom apartment.	Granted

Existing Use(s):

Residential – flats – use class 2.

Comparison retail – retail use class 10.

Office – financial and professional services use class 15.

Brief Description of Development:

Planning permission is sought to change the use of retail and commercial office into three units of residential accommodation.

The agent has set out in their letter of 24th March 2022 that the existing retail space was last occupied and used as retail by Cadeaux in November 2018, and the commercial office space was last occupied and used by NatWest Bank in February 2021.

The agent has provided marketing information from an estate agent which sets out that the retail unit has been marketed since November 2018 and the office from February 2021 without success.

The application has been deferred on numerous occasions to fully take into account the requirements of the Building Regulations and parking provision given the implications on the overall design of the scheme.

Clarification was also sought over the marketing of the office premises in which the agent has provided further information from an estate agent.

Clarification has also been sought in relation to the boundary treatments, hard surfacing material of the car park, and a statement over the use of parking space 11.

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

- LC2 Housing in Local Centres.
- LC4 Offices, Industry and Storage and Distribution in Local Centres – Change of Use.
- LC5 Retail in Local Centres.
- GP8 Design.
- GP9 Sustainable Development.
- IP7 Private and Communal parking.
- IP8 Public Car Parking.
- IP9 Highway Safety, Accessibility and Capacity.

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Parking provision.

Consultations:

None.

Summary of Issues:

- Whether the loss of retail use and office use is acceptable in this location.
- Whether the principle of new housing provision is acceptable in this location.
- Whether the design of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.
- Whether the proposed parking provision would negatively impact on highway safety or traffic management.

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.

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.

Whether the loss of retail and office use is acceptable in this location:

Policy LC5 (Retail in Local Centres) states that change of use from comparison retail to other uses will be supported providing that any new use accords with the relevant policies of the Island Development Plan. For the avoidance of doubt, no marketing or 'redundancy test' is required to change the use of retail use to an alternative use.

Policy LC4 (Offices, Industry and Storage and Distribution in Local Centres – Change of Use) states that the change of use of existing offices to an alternative use will be supported where it has been demonstrated that the existing building is no longer required for its authorised use or another employment use and is not capable of being upgraded to meet modern standards; or, it can be proven to have been actively and appropriately marketed unsuccessfully for 12 consecutive months.

The agent has set out in their letter of 24th March 2022 that the existing commercial office space was last occupied and used by NatWest Bank in February 2021 and has provided confirmation that the premises have been actively marketed for 12 consecutively months without success by one estate agent on various platforms. Whilst the timeframe between the date of advertisement until the date of the estate agent's letter is less than a year, it is acknowledged that the premises is still advertised on the estate agent's website and therefore it is reasonable to conclude that the premises has been advertised for over a year. It is also noted that no expressions of interest have been received during this timeframe. Consequently, it is considered that the proposal complies with criterion 'b' of Policy LC4.

With regards to criterion 'a' of Policy LC4(B), the estate agent has provided some justification as to why the office unit is no longer required and cannot reasonably be upgraded. According to the estate agent, the reasons why the office unit cannot be used on a commercial basis is as follows:

"As regards (to) other non-retail businesses, we have received non-committal occasional enquires from quasi-medical/therapy uses and professional services such as architectural and other office-style businesses, but we have been unable to take these discussions forward because:

- *The specification expectations for these users tends to be higher than those expected by retailers, exacerbating the initial refurbishment cost relative to the rental returns available for a small footprint.*
- *The parking challenge remains a concern in the area, as office workers and client visitors tend to be medium/long-stay and therefore need a reliable parking option.*
- *As with retail, the leases are too short to be investable.”*

Whilst the justification provided has given some insight as to why the office use is no longer required and is not capable of meeting modern standards, the information provided is not overly compelling nor extensive to satisfy criterion ‘a’ of Policy LC4. However, given that the proposal only needs to satisfy criterion ‘a’ or ‘b’ of Policy LC4, the application is supported.

The proposal accords with policies LC4 and LC5.

Whether the principle of new housing provision is acceptable in this location.

The proposed development seeks to create 3 additional flats on the ground floor. The proposed mix and type will comprise of 1x2 bedroom flat (Flat 9), and 2x1 bedroom flat (Flats 10 and 11). It is important to note that Flat 10 will comprise of a flat that is wheelchair accessible that will improve the housing stock for individuals with a disability, and a designated disabled car parking space, which is a welcomed addition to the scheme.

Overall, the mix and type of dwellings would be of a scale that is appropriate to maintain and, if not, enhance the character and vitality of Cobo Local Centre and will not negatively affect the vitality and viability of the Main Centres or otherwise undermine the Spatial Policy. The site is not located in Important Open Land.

The proposal accords with policy LC2.

Whether the design of the proposed development is acceptable, and the impact of the development on the character and appearance of the area and neighbour amenity.

The proposed accommodation provided is considered to demonstrate a good standard of architectural design, an effective and efficient use of land, respects the character of the local built environment, demonstrates accessibility to and within a building for people of all ages and abilities, and could be adapted to respond to people’s needs over time.

The proposed flats have been carefully considered in light of Annex 1 – Amenities of the Island Development Plan. The proposal will provide a satisfactory standard of accommodation and living environment for future occupiers, which will be to a similar standard compared to the recently approved ground floor flat to the east of the building (FULL/2020/0711). Each flat will be served by windows on the north and south elevations which will provide a satisfactory aspect/outlook, daylight/sunlight and ventilation. Whilst constrained by the existing fabric of the building, the internal space provision for each flat is satisfactory. The scheme also provides provision for disabled residents which is a welcomed addition in terms of the type of accommodation provided, and for the wider area.

Whilst no external private amenity space is provided, the flats are a short distance from public open spaces and therefore in this location, the provision of external amenity is not essential.

The site is entirely hard surfaced and no soft landscaping is proposed. Whilst the incorporation of soft landscaping would be encouraged, particularly through improving the front of the premises to help 'soften' the appearance of the development, it is not considered reasonable or necessary to require this, given the character of the property and immediate area. It is noted that planning permission would not be required to remove a section of the tarmac to the front of the site and incorporate soft landscaping should the applicant wish to do so.

The proposal would not have a detrimental effect on the character and appearance of the area given that the works primarily focus on the internal layout of the building with some minor alterations to the exterior face of the building. The works are restricted to ground level and would not lead to any overlooking issues given the distance to and relationship with neighbouring residents to the north and south of the site.

The site is located within a flood risk area. The proposed ground floor flats are limited to what actions could be possible to mitigate the effects of potential future coastal flooding given the existing built environment. Whilst no mitigation measures have been proposed as part of the application, it is acknowledged that the installation of flood barriers to doors at ground floor level could be undertaken without the need for planning permission and therefore would not need to form part of this application. Ideally the extended parking area would have been surfaced in permeable material to aid with site drainage, however it is noted that this area has already been surfaced in tarmac. On balance, the advantages of permeable paving in this area would not be so

significant that it would be reasonable to require the developer to remove the surface which has been laid.

The proposal accords with policies GP8 and GP9.

Whether the proposed parking provision would negatively impact on highway safety or traffic management.

The application has been amended and has provided car parking provision for each flat located to the front, west and south of the site which is an improvement compared to the existing and previously approved situations. The site boundary has been extended to include land to the south-east, previously forming part of the domestic curtilage of the dwelling to the south. The land is therefore recognised for residential use, and the use of this land for parking would not require planning permission.

Questions were raised in relation to the proposed parking spaces to the front and side of the building, located on the pavement. However, the agent has made a declaration that the pavement is within the private ownership of the site and is not public land, therefore no enforcement action could be taken to prevent cars parking on the pavement, as per the current situation. It is also noted that car parking spaces were painted on the pavement between 2004 and 2013, and this is an existing arrangement. Whilst there would be some concerns over highway safety and traffic management in relation to manoeuvrability of vehicles parking to the front and side of the building, this was considered under the previous application at the site, in conjunction with Traffic & Highway Services, and found to be acceptable.

Due to the position of a means of escape door serving flat 10 to the front of the site, it is considered reasonable and necessary to impose a planning condition to ensure that this is painted prior to the first occupation of the flats to ensure that the means of escape is not impeded by parking directly in front of the door.

For the avoidance of doubt, the parking to the front of the building, on the pavement, would not affect sightlines from the adjacent junction, as an acceptable sightline would be achieved when stopped at the yellow line to the west of the building, looking east towards the front of the site. Any cars parked to the front of the site, on the road, would be outside of the application site and therefore cannot be material to the decision of this application. Whether on street parking is to be reduced or omitted in time would be subject to the consideration of Traffic and Highway Services.

The proposal accords with policies IP7, IP8 and IP9.

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; the effect of the proposed which the site could be put without further planning permission; 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 not impact on any Protected Buildings, trees, monuments or on any SSS's.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 20/01/23

