

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 office to residential (Use Class 2). (Protected Building).

LOCATION: 39/41 High Street, St. Peter Port.

APPLICANT: Lovells Property

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: 19/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 22-1393/WD/01.

Application Ref: FULL/2022/1260

Property Ref: A200110000

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.

Expiry Date: This permission will cease to have effect on 18/01/2026 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/2022/1260
Property Ref: A200110000
Valid date: 13/06/2022
Location: 39/41 High Street St. Peter Port Guernsey
Proposal: Change of use from office to residential (Use Class 2).
(Protected Building).

Applicant: Lovells Property

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.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The application site comprises an unoccupied office at third floor level, located within a building set between the High Street and the Quay, St. Peter Port. The premises comprises a protected building that is located in a Conservation Area as designated in the Island Development Plan.

Relevant History:

PAPP/1992/0438	Change of use of residential accommodation on 3rd floor to office accommodation	Refused
----------------	---	---------

Existing Use(s):

Office

Brief Description of Development:

Planning permission is sought to change the use of office accommodation to a residential flat. The floor area of the proposed flat would be 44sqm as set out in the application form.

Additional information was requested from the agent in order to clarify the proposed development, including the relationship of the existing office with the remainder of the building and access.

The agent has provided further information which confirms that the office is a standalone office and is not used in relation with other offices on different floors of the building. The proposed flat will be accessed from the High Street, as opposed to the Quay Steps.

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

MC2	Housing in Main Centres and Main Centre Outer Areas
MC4(A)	Office Development in Main Centres
GP8	Design
GP9	Sustainable Development

Representations:

None

Consultations:

None

Summary of Issues:

- Whether the principle to change the use of the office into residential is acceptable under policy.
- Whether the internal amenity space provision is acceptable.
- The impact of the development on the protected building.
- The impact of the development on the character and appearance of the Conservation Area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Policy MC4(A) allows the change of use away from office development to other uses where the office floor space is less than 250sqm. The office is regarded as a standalone office as confirmed by the agent and therefore not used in relation with other offices on different floors of the building. Consequently, the existing floor area of the office is less than 250sqm therefore the proposal complies with Policy MC4(A).

MC2 supports new residential development within the Main Centres as the type of accommodation is an appropriate mix and type that would contribute to the vitality of the Main Centre as it would remain an attractive and sustainable place to live, despite the loss of this limited sized office accommodation. The proposal complies with Policy MC2.

Whilst some concerns are raised over the internal amenity space created given that the bedroom would be served by very limited daylight and no sunlight, aspect or view; the quality of the aspect/view associated with the living room and kitchen, overlooking the harbour and Islands beyond, would be high enough to balance out the negative effect associated with the bedroom. In addition, natural daylight for bedrooms is generally lower than other habitable rooms, given that they are typically used during low levels of daylight/sunlight, and would be similar to other apartments approved and built in the Main Centres. Consequently, the harm caused to internal amenity provision for the bedroom would not be substantial enough to justify grounds for refusal, despite some concerns. The access to the flat is acceptable. The design of the proposal is compliant, on balance, with Policy GP8.

The proposed works would have a negligible effect on the overall special interest of the building and would be outweighed by the benefits to the Main Centres associated with residential development. The proposal would have no effect on the character and appearance of the Conservation Area as no external changes are proposed. The proposal complies with Policy GP5 and GP4 respectively.

The creation of a 1-bedroom flat would not cause undue harm to the amenities of neighbouring residents in and around the application site with regards to any additional level of overlooking, noise or disturbance. The proposal complies with Policy GP8 and GP9.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 16/01/23