

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: Convert existing building to two dwellings, erect balconies to east elevation, alterations to fenestration to east and west elevations and apply external render.

LOCATION: 26 Glategny Esplanade, St. Peter Port.

APPLICANT: Poly Properties Ltd

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: 07/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6285/A/2a

Application Ref: FULL/2022/1316

Property Ref: A109970000

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 details shown on the approved plan (Ref: 6285/A/2a) a 1.7m high obscure glazed privacy screen (to Pilkington Level 3 or equivalent) shall be installed along the north facing edge of the balcony serving Unit 1. The balcony hereby approved shall not be first used until this obscure glazed screen has been positioned as described above. The obscure glazed screens shall be retained as such in perpetuity.

Reason - To secure the satisfactory appearance of the completed development and in the interests of the amenities of the adjoining residents.

5.No part of the development, hereby permitted, shall be occupied until the bicycle storage area and the allocated parking spaces serving both Units 1 and 2 as shown on drawing reference 6285/A/2a have been fully completed.

Reason - To encourage the use of bicycles as an alternative to the car and to ensure the approve off-street parking is provided.

6.Notwithstanding the details shown on the approved plan (Ref: 6285/A/2a), full details of the approved bin storage shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory design of the completed development.

Expiry Date: This permission will cease to have effect on 06/02/2026 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/2022/1316
Property Ref: A109970000
Valid date: 06/07/2022
Location: 26 Gategny Esplanade St. Peter Port Guernsey GY1 1WR
Proposal: Convert existing building to two dwellings, erect balconies to east elevation, alterations to fenestration to east and west elevations and apply external render.

Applicant: Poly Properties Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To secure the satisfactory design of the completed development.

OFFICER'S REPORT

Site Description:

The application site consists of a two storey, detached office building which is located along the west boundary of the site. The building is fairly secluded in public vantage points as it is setback from the seafront and is located to the south of Maison Des Hougues and therefore is not highly visible from Well Road to the north. A private access road exists to the south. The building fronts onto car parking which serves a multitude of different uses includes housing, retail and office.

The building backs onto residential development to the north, south and west. An access road is located to the rear (west) of the application site.

The application site is located in a Conservation Area and Main Centre Inner Area as designated in the Island Development Plan.

The agent has confirmed in the application form that the floor area of the building equates to approximately 150sqm.

Relevant History:

PAPP/1998/3240	Erect a satellite antenna	Granted
PAPP/1998/1519	Demolish office block and erect flats linked to the Well Road development	Refused
PAPP/1997/3006	Change of use of two storey office block to two self-catering units - Tourist Use Class 15 of The Island Development (Use Classes) Ordinance, 1991.	Granted

Existing Use(s):

Office.

Brief Description of Development:

Planning permission is sought to convert an existing office building to two dwellings. The dwellings will be served by new balconies to the front (east) elevation as well as changes to the fenestration and the installation of external render system.

The application was deferred as consideration was given to enhancing the quality of the living environment for the proposed dwellings where it would not adversely affect neighbour amenity. Other matters such as bin storage, bicycle and parking provision were also noted.

The agent has amended the layouts of both the ground and first floor of both units to take into account building control requirements to provide sanitary provision at ground floor level as set out in the letter of 16th December 2022. Notwithstanding this, only unit 2 provides toilet provision at ground floor level which is likely to be restricted due to existing fenestration. Each dwelling now consists of 2 bedrooms, 1x single bed and 1 x double bedroom. The internal layouts of the new units are not symmetrical.

No new fenestration was provided on the south or west elevations, despite the Planning Service's suggestion. Further details of bin storage, bicycle and parking provision has also been included.

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
GP4	Conservation Areas
GP8	Design
GP9	Sustainable Development
IP7	Private and communal parking
IP9	Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment.

Representations:

None.

Consultations:

None.

Summary of Issues:

The main issues in deciding this application are:

1. Whether the loss of office accommodation is appropriate in this location.
2. Whether the principle of a new dwelling is appropriate in this location;
3. The impact of the development on the character and appearance of the Conservation Area;
4. The impact of the development on the amenity of people living in the area, including the occupants of the new dwellings; and
5. Parking and access issues, taking into account the above planning policies.

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).**

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.

Whether the loss of office accommodation is appropriate in this location.

Policy MC4(A) states that the change of use or redevelopment of office accommodation to other uses will be supported where it is less than 250 square metres (criterion b). In this respect, the office floor space is less than 250sqm therefore the loss of accommodation in this location is supported under policy.

For the avoidance of doubt, Policy GP16 (Conversion of Redundant Buildings) does not apply in this case as the application site is located within the Main Centres.

Whether the principle of a new dwelling is appropriate in this location

Policy MC2 makes clear that development for new housing will only be supported in Main Centres and Main Centre Outer Areas where they accord with all other relevant policies of the IDP and where the dwelling type, mix and size is appropriate.

The site is not identified as Important Open Land and a Development Framework and Waste Management Plan is not required. Criterion C) of Policy MC2 is therefore not relevant in this instance.

The application site is within a Main Centre therefore the principle of housing development is acceptable. Further consideration as to whether the development would be in character with its surroundings, would be of satisfactory design and would comply with other relevant policies, is assessed below.

The impact of the development on the character and appearance of the Conservation Area

The proposed development seeks to convert an existing office building. The proposal seeks to externally insulate the property, creating balconies at first floor level, incorporating a roof lantern to each dwelling and altering the fenestration to the front of the building. The scale, form and style of the building will remain broadly the same. The alterations to the building would be minor in nature and would not adversely affect the character or appearance of the Conservation Area.

The surrounding area is characterised by a mix of uses, although the building is flanked on three sides with residential development. Each dwelling consists of 2 bedrooms, 1x single bed and 1 x double bedroom and is considered to respect the surrounding built environment. The mix and type of the housing provision is acceptable in this location.

By virtue of utilising vacant office accommodation and creating two units of residential accommodation is considered to represent an effective and efficient use of land.

The scheme therefore complies with Policy GP8 criteria a), b) and c) and Policy GP4 of the Island Development Plan.

Whilst the proposal has not fully demonstrated disabled access to and within the building, the proposal has the potential to be adaptable to take into account the needs of people of all ages and abilities in the future (criterion 'f' of Policy GP8). For example, the dwellings could install a ramp to the front of the buildings, or provide stairlifts or W.C. provision at ground floor level for both dwellings. In addition, the nature of converting a building into two dwellings often provides less opportunities

to make a proposal adaptable to meet people's needs when compared to a new development site. On this basis, criterion 'f' and 'g' of Policy GP8 are satisfied.

Given the existing characteristics of the surrounding built environment, it is not considered necessary that the additional soft or hard landscaping be incorporated as part of the development. Criterion 'e' of Policy GP8 is satisfied.

By virtue of the installation of external wall insulation together with replacement windows and doors, sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

The impact of the development on the amenity of people living in the area, including the occupants of the new dwellings.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Although, given that the north, south and west elevations do not include any new windows at ground or first floor level, the amenities of neighbouring residents would not be affected. However, the balcony serving unit 1 will be in close proximity to the neighbouring residential development and therefore it is considered necessary and reasonable to ensure by condition that the north edge of the balcony be 1.7m high and obscure glazed given that the neighbouring property to the north features windows at first floor level. Views towards other windows on the south elevation of the neighbouring property would be limited to oblique angles and at a more reasonable distance. Likewise, residents of the neighbouring property would be able to look towards the new dwellings in oblique views. On this basis, the amenities of neighbouring residents and occupants will be to some extent affected as a result of overlooking, although the degree of harm would not be so substantial to justify refusal when taking into account the characteristics of the site, and wider area of town in which similar relationships exist.

The internal layout and design of the ground and first floor of the dwellings is basic and is not of any high architectural merit. In particular, the internal layout and configuration of the rooms, together with the single aspect of the dwellings (east facing), and outlook over a car park, is unlikely to achieve a high amenity standard for future occupiers of the site, when compared to a property which features a dual or triple aspect/outlook. That said, the proposal does feature roof lanterns which will enable direct sunlight and a balcony for each unit which will provide an element of external amenity space. In addition, the dwellings are only in a short distance from Cambridge Park and the seafront which balances out the limited external amenity space provided.

On this basis, the standard of residential accommodation is not high, although it is satisfactory for this area of town when viewed in context with other similar developments in the surrounding area. The proposed dwellings are considered to satisfy the amenity standards set out in Annex 1 (Amenities) of the IDP.

Parking and access

As set out above, revisions have been made to the scheme in order to take into account the SPG: Parking Standards and Traffic Impact Assessment. The SPG seeks to limit the number of car parking spaces to 2 per dwelling in the Main Centres and Main Centre Outer Areas as part of new housing development in order to reduce the dependency on the car.

Each dwelling will be served by 1 car parking space and therefore the proposal does not exceed the maximum car parking space standards. It is not clear from the information submitted how the proposed allocated parking spaces impacts on the existing uses in the surrounding area, or whether these spaces were associated with the existing office development. Although, given that the applicant owns all of the land outlined on the submitted plans it is considered that the rearrangement of parking provision within this private car park is acceptable under Policy.

The revisions made to the scheme also includes secure and covered bicycle provision for the dwellings.

No change to the access is required.

On this basis, the proposal is compliant with Policy IP7 and IP9.

Conclusions

The principle to convert an office building into two dwellings in this location is appropriate under the provisions of Policy MC2 and is considered to respect the character and appearance of the Conservation Area.

The dwellings are acceptable in terms of their design under Policy GP8, which also demonstrates the most effective and efficient use of land whilst respecting the surrounding built environment.

The new dwellings would satisfy the amenity standards providing a reasonable living environment set out in Annex 1 (Amenities).

Subject to conditions, the proposal is not considered to cause significant harm to neighbouring residents have been carefully considered.

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: 03/02/23

