

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: Demolish part of showroom; change of use and extension of office and dental surgery to form two dwellings with associated gardens, sheds, parking; creation of parking for showroom.

LOCATION: La Mielle, Badminton Hall Drive, Rohais, St. Peter Port.

APPLICANT: Rohais Holdings

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: 23/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: TSA - 2149/03.01A, 03.02A, 03.03A.

Application Ref: FULL/2022/1336

Property Ref: A310650000

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 occupation or use of the dwellings hereby permitted shall begin until the agreed car parking arrangements for the two dwellings and showroom have been fully completed in accordance with the details approved as part of this permission. Those areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

5.The approved showroom gable wall hereby permitted shall be rendered within 28 days of construction.

Reason - In the interests of visual amenity.

6.No development shall begin on site until details of the sheds 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 feature. This condition is imposed to make sure that the shed does not have a detrimental impact on the locality or on residential amenity.

7.The development hereby permission shall be constructed in accordance with the approved plans and there shall be no occupation of unit 1 until the platform lift has been installed and made operational. There shall be no occupation of either dwelling until the sheds shown on the approved plans have been erected.

Reason - In the interests of providing accessible accommodation and providing secure and covered storage to encourage alternative modes of transport to the private car.

8.No development shall begin on site until details of permeable paving for the parking and terrace areas 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 surfacing. This condition is imposed to make sure that the development complies with Policy GP9: Sustainable Development of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 22/08/2025 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/2022/1336
Property Ref: A310650000
Valid date: 19/07/2022
Location: La Mielle Badminton Hall Drive Rohais St. Peter Port Guernsey
GY1 1YW
Proposal: Demolish part of showroom; change of use and extension of
office and dental surgery to form two dwellings with associated
gardens, sheds, parking; creation of parking for showroom.
Applicant: Rohais Holdings

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 occupation or use of the dwellings hereby permitted shall begin until the agreed car parking arrangements for the two dwellings and showroom have been fully completed in accordance with the details approved as part of this permission. Those areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

5. The approved showroom gable wall hereby permitted shall be rendered within 28 days of construction.

Reason - In the interests of visual amenity.

6. No development shall begin on site until details of the sheds 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 feature. This condition is imposed to make sure that the shed does not have a detrimental impact on the locality or on residential amenity.

7. The development hereby permission shall be constructed in accordance with the approved plans and there shall be no occupation of unit 1 until the platform lift has been installed and made operational. There shall be no occupation of either dwelling until the sheds shown on the approved plans have been erected.

Reason - In the interests of providing accessible accommodation and providing secure and covered storage to encourage alternative modes of transport to the private car.

8. No development shall begin on site until details of permeable paving for the parking and terrace areas 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 surfacing. This condition is imposed to make sure that the development complies with Policy GP9: Sustainable Development of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The site is occupied by a single-storey pitched roof building that forms a show room, set back from Rohais and two commercial units fronting Badminton Hall Drive.

Windows and doors serving the rearmost part of the building exist in the east and west elevations. A lean-to extension exists to the south elevation of the building and a pedestrian access gate is situated in the south site boundary, adjacent to the parking area for the Motor Centre. The Doghouse pub is situated to the immediate west of Badminton Hall Drive. Properties fronting Rohais are predominantly residential in nature.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

FULL/2020/2091 - Change of use from office to dwelling (residential use class 1) (revised scheme) - refused

FULL/2020/0827 - Change of use from office to dwelling (residential use class 1) – refused

Existing Use(s):

Retail showroom (Use Class 10)

Office

Dental practice (Use Class 18)

Brief Description of Development:

The application relates to the demolition of a section of the existing showroom which fronts Rohais in order to provide two off-road parking spaces to serve the showroom. The single-storey building to the south of the showroom is to be converted into two units of residential accommodation with single-storey flat roof extension to the north and south elevations. A single parking space and a shed is proposed to serve each unit of residential accommodation.

The scheme proposes two, two-bedroom dwellings (identified on the plans as one bedroom and a study which would be of sufficient size for single occupancy).

The application was deferred to seek amendments to access arrangements for unit 1 to ensure that it would provide accommodation that is accessible to people of all ages and abilities. Revised plans were received showing a platform lift between the parking area and entrance to the property along with an enlarged terrace in the garden area.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

MC4(B): Office Development in Main Centre Outer Areas

MC7: Retail in Main Centre Outer Areas

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

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 of the development and extension 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.

Policy MC4(B) relates to the change of use away from office accommodation and supports such proposals where the office floorspace is less than 250 sqm which provides support for the change of use proposed. Policy MC7 also makes provision for the change of use/loss of retail accommodation and for minor alterations to existing retail premises in this location.

The demolition of part of the showroom will not render the space unusable for retail purposes and will still enable the showroom to function at its current level of operation. The provision of new units of residential accommodation is also supported by Policy MC2 in this location thereby providing a gateway for the proposed development.

The alterations and extensions proposed, to both buildings, represent a good standard of design that respect the local built environment. The layout of the site

introduces new areas of soft landscaping associated with the residential occupation of the dwellings and new areas of paving, which could be conditioned to be permeable. The hard and soft landscaping would help assimilate the development to its surroundings, enhance the character and appearance of the area, given the generally commercial/industrial nature of buildings served from Badminton Drive and would contribute to more sustainable development.

The change of use proposed, demolition of part of the showroom building and single-storey flat roof extensions will not result in unacceptable overshadowing or loss of privacy to the occupiers of any surrounding dwellings.

The layout of the accommodation is such that the proposed dwellings will benefit from adequate sunlight and daylight. Outlook would be somewhat limited given the proximity of the building to the southeast boundary and given the lack of defensible space to Badminton Drive to the northwest. The properties would nonetheless, benefit from enclosed external amenity space and the layout of internal accommodation demonstrates consideration for the health and well-being of occupiers.

Being single-storey buildings only the development offers accommodation that is accessible and the layout of the building could be adapted at a later date to respond to the changing needs of people over time. Unit 1 is however, served by stepped access and incorporates steps into the garden. This would not allow for access for people of all ages and abilities but would remain accessible for ambulant disabled. The application was however deferred in order to seek amendments to the scheme which affect certain aspects of the quality of the development through reducing soft landscaping but provide enhancements in terms of accessible accommodation. The revised scheme would address the concerns relating to accessibility and when balanced against the loss of soft landscaping within the site/private garden area would comply with policy.

In view of the above it is considered the scheme addresses the requirements of Policy GP8.

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.

The level of off-road parking proposed to serve the development is in line with the parking standards set out in the Supplementary Planning Guidance. The change of use proposed and the introduction of residential accommodation will not increase vehicle movements in Badminton Drive and will not result in the unacceptable intensification of the use of the access onto Rohais. The scheme therefore complies with Policies IP7 and IP9 of the Plan.

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: 23 August 2022