

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 first floor office to Residential flat (Use Class 2) and alterations to fenestration.

LOCATION: Timber Treatments, La Route Militaire, Vale.

APPLICANT: Mr K Opie

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: 20/12/2022

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: Paul Vaudin & Associates Ltd: 22-014-03A & 04

Application Ref: FULL/2022/1411

Property Ref: C012440000

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.Full details of a secured and covered bicycle parking shall be submitted to and agreed in writing by the Authority prior to the first occupation of the flat. The work shall be installed in accordance with the agreed details prior to the first occupation of the flat. The bicycle provision shall thereafter only be used by or in association with the flat hereby approved.

Reason - The details submitted do not show a covered bicycle parking as it would be exposed to the elements despite the minor overhang of the first floor level and therefore would not accord with the Supplementary Guidance Note - Parking Standards and Traffic Impact Assessment. Once agreed, it is important to ensure that secure storage is available for bicycles, so as to encourage their use as an alternative to the private car.

5.Within 2 months of the replacement windows and doors being installed, the external face of the building hereby approved shall be finished in render to match as closely as possible to the existing.

Reason - In the interests of visual amenity and to ensure that the external face of the wall is completed within an acceptable timeframe.

Expiry Date: This permission will cease to have effect on 19/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the curtilage associated with the existing residential flat or the hereby approved flat. The land recognised as residential curtilage by the Authority is identified on the approved plan enclosed with this decision notice.

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/2022/1411
Property Ref: C012440000
Valid date: 06/07/2022
Location: Timber Treatments La Route Militaire Vale Guernsey GY3 5RP
Proposal: Change of use of first floor office to Residential flat (Use Class 2) and alterations to fenestration.

Applicant: Mr K Opie

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. Full details of a secured and covered bicycle parking shall be submitted to and agreed in writing by the Authority prior to the first occupation of the flat. The work

shall be installed in accordance with the agreed details prior to the first occupation of the flat. The bicycle provision shall thereafter only be used by or in association with the flat hereby approved.

Reason - The details submitted do not show a covered bicycle parking as it would be exposed to the elements despite the minor overhang of the first floor level and therefore would not accord with the Supplementary Guidance Note - Parking Standards and Traffic Impact Assessment. Once agreed, it is important to ensure that secure storage is available for bicycles, so as to encourage their use as an alternative to the private car.

5. Within 2 months of the replacement windows and doors being installed, the external face of the building hereby approved shall be finished in render to match as closely as possible to the existing.

Reason - In the interests of visual amenity and to ensure that the external face of the wall is completed within an acceptable timeframe.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the curtilage associated with the existing residential flat or the hereby approved flat. The land recognised as residential curtilage by the Authority is identified on the approved plan enclosed with this decision notice.

OFFICER'S REPORT

Site Description:

The application site comprises a large, detached building comprising multiple uses. The two-storey flat roof building is located to the east of La Route Militaire and is located Outside of the Centres as designated in the Island Development Plan. The land to the north of the building features an open area of grassland, with a redundant glasshouse site to the east of the building.

The building is served by a large area of hardstanding which wraps around the north, east and south of the building. An elongated strip of grass exists to the front (west) of the building, and features mature planting on the inside of a granite boundary wall towards the south-west of the site.

Relevant History:

PREA/2022/0711	Pre-application enquiry	
PAPP/2004/2498	Change of use of part of premises to use as a car wash (Industrial Use class 49)	Granted
PAPP/2003/0404	Utilise part of premises for light industrial/storage use.	Granted
PAPP/1996/2017	Construct second floor extension to create additional residential accommodation.	Refused
PAPP/1994/2540	Utilize part of premises for the supply of products for the construction industry classified within Storage/Distribution Use Class 41 of the Island Development (Use Classes) Ordinance, 1991.	Granted
1966	Erection of vinery services building containing warehouse with ancillary offices and self-contained flat	Granted

Existing Use(s):

Mixed use site- office, car wash (industrial), redundant glasshouse site, residential.

Brief Description of Development:

Planning permission is sought to change the use of a first-floor office to a residential flat (Use Class 2) and make alterations to the fenestration. The flat comprises 1 bedroom, lounge/dining area, kitchen, shower room and a landing, accessed from the ground floor.

The application was deferred as some concerns were raised in respect of; the redundancy of the existing office use in respect of Policy GP16(A), external amenity space afforded to the occupants of the proposed flat; and bicycle provision.

In response, the agent has provided further justification with regards to the redundancy of the existing office, including confirmation from an estate agent regarding the lack of interest in the property. In addition, additional information has also been submitted with regards to external amenity space and bicycle provision, and the existing flat.

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

OC1	Housing Outside of the Centres.
OC3	Offices, industry and Storage and Distribution Outside of the Centres.
GP8	Design.
GP9	Sustainable Development.
GP16(A)	Conversion of Redundant Buildings.
IP6	Transport Infrastructure and Support Facilities.

IP7 Private and Communal Parking.
IP9 Highway safety, Accessibility, and Capacity.

Representations:

None.

Consultations:

None.

Summary of Issues:

The main issues in deciding this application are:

1. whether the principle of the conversion of the office to housing is acceptable,
 2. the impact of the development on the amenity of people living in the area,
 3. whether the development would result in a satisfactory living environment for the occupiers of the new dwellings, and
 4. parking provision,
- taking into account the policies set out above.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 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.

Whilst the site comprises a redundant glasshouse site, Policy OC7 (Redundant Glasshouse Sites Outside of the Centres) is not engaged given that the proposal only seeks to convert part of the existing curtilage associated with the mixed-use building as garden to serve the proposed flat.

Policy OC1 states that:

“Outside of the Centres, proposals for the creation of new dwellings will only be supported where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building.

Proposals for the conversion of redundant buildings to dwellings will be considered under Policies GP16(A): Conversion of Redundant Buildings.”

The principle to change the use of an existing first floor office to residential is supported under Policy OC3 provided the proposal accords with all other relevant planning policies which are set out below.

Policy GP16(A) states that:

The conversion of an existing building will be supported where:

- a. it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose; and,*
- b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses; and,*
- c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding; and,*
- d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced; and,*
- e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area; and,*
- f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape; and,*
- g. the conversion would not require more than modest extension to the existing building for it to be achieved; and,*
- h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.*

In light of criterion 'a' of Policy GP16(A), the agent has noted in the covering letter of 24th May 2022 that the applicant, Timber Treatments, were once operating their business at ground and first floor level. The company has sought to reduce costs and have consolidated their operations to just the ground floor, leaving the first floor unoccupied for over three years.

The office space has been advertised by several estate agents. Further information has been provided by the agent. An estate agent has confirmed in writing that the property has not received any interest for over 3 years.

Given that the office accommodation is located Outside of the Centres and comprises of tertiary office space due to its limited size and need of refurbishment, together with the justification submitted, the first floor is considered redundant for the purposes of Policy GP16(A) and therefore complies with criterion 'a' and 'b' as residential is an acceptable use class.

The first-floor accommodation is part of a larger building and is of sound and substantial construction as observed as part of the officer's site visit and is capable of conversion without extensive alteration and rebuilding. The application does not affect a protected building. The proposal complies with criterion 'c' and 'd'.

Given that the proposal seeks to upgrade the ground and first floor fenestration of the building in association with the conversion, there would be no effect on the character and appearance of the area, nor on the landscape character. Despite being highly visible in public views, it would be unreasonable to restrict future development in respect of the external amenity space to the front of the building by removing the exemption rights afforded to the property owner. The Exemptions Ordinance (2007) does not include flats, only dwelling-houses, and therefore planning permission would automatically be required for any future development, including sheds, fences etc which could cause harm to the landscape character. On this basis, the proposal complies with criterion 'e' and 'f'.

The proposal does not seek to extend the building and would not affect the amenities and enjoyment of neighbouring properties and the surrounding area. The proposal complies with criterion 'g' and 'h' of Policy GP16(A).

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). Although there are no rigid standards for amenities provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The drawings indicate that the internal space for the flat is likely to exceed the Guernsey Technical Standard G7, as required by Annex I. The flat will be served by adequate sunlight and daylight due to the extent and size of fenestration on the west elevation of the building. The flat also features windows on the north elevation serving a landing area and shower room which will benefit from sufficient light and outlook.

Whilst it is not critical that external space be provided in this particular case when taking into account the standard of the internal accommodation provided and the proximity of the site to other public open space, the flat will also be served by external amenity space which will be of benefit to any future occupier. However, the extent of 'existing external amenity space for flats' as noted on the submitted plans is not all recognised as curtilage associated with the building. It is therefore recommended that an informative be attached to the decision to highlight this to the applicant/agent.

Despite the mix of uses at ground and first floor level, the existing entrance hall serving both parts of the building will be appropriately modified, with both ground and first floor having independent access.

With regards to accessibility and the ability to provide flexible and adaptable accommodation (Policy GP8), the character of the site and surrounding area is likely to limit what is achievable in this instance. Despite the deficiencies of the proposed flat, on balance, the overall amenity for the prospective residents will be sufficient. The proposal complies with Policy GP8.

The inclusion of one parking space and bicycle provision is acceptable under Policy, although it is necessary and reasonable to attach a condition to the permission to ensure that a secured and covered bicycle parking is implemented as part of the scheme as the proposed provision would not be covered and protected against the elements.

The proposal will not have a significant impact on road safety and traffic management as no alterations to the vehicle access are proposed. The proposal accords with the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance and Policy IP7.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable 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; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and 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 impact on protected trees or monuments.

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: 20/12/22