

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 upper floors from residential and bar to create 7 flats (use class 2) and ancillary retail facilities (use class 10), replace link, roof covering and windows, install rooflights and create roof terrace at 2nd floor level, remove external staircase and internal alterations (Protected Building).

LOCATION: 38 High Street, St. Peter Port.

APPLICANT: Kirkwood Properties 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: 25/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2160 03.01B, 03.02D, 03.03A, 03.04A, 03.05A, 03.06B, 03.07B, 03.08B, 03.09A, 03.10A, 03.11B, 03.12A, 03.13B, 03.14A, 03.15A, 03.16A & 03.17A; Window Condition Schedule.

Application Ref: FULL/2022/1746

Property Ref: A200290000

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. The first floor windows to the east elevation shall not be removed until large scale details of the proposed replacement windows, wall structure and finish, in elevation and section, 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 features. This condition is imposed to make sure that the elevation is of satisfactory design and does not have any adverse impact on the special interest of the protected building or the character of the Conservation Area.

5. Notwithstanding the notes on the approved plans, no consent whatsoever is granted for the replacement of Windows W-102, W-103, W-104, W-105, W-106, W-107 or the window in the south wall of Bar 1.02, W-201, W-202, W-203, W-204, W-205, W-206, W-207, W-208, W-209, W-210, W-211 or W-217 as labelled on Drawing Nos 2160/01.15 & 16. Prior to any works in connection with these windows an updated Window Schedule that details and clarifies the extent of repairs to these windows shall be submitted to and agreed in writing by the Authority. The work shall thereafter be carried out only in accordance with the agreed details.

Reason - The existing windows contribute to the special interest of the protected building and there is not sufficient justification to support removal.

6. Prior to the removal of the existing external windows and doors within the main building (excluding the annex to the west) expressly approved for removal as part of

this application, details of the design, materials of construction and finish of the replacement windows and doors, to a scale of 1:20 with sections at 1:5, shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

7. Notwithstanding the works shown on Drawing No 2160-03.06/B, the ceilings to Bedsit 1, excluding the Shower room, and to the Lounge/Dining area in Flat 2, shall be upgraded to visibly retain the cornices in accordance with the Floor Detail relevant to those units shown on Drawing No 2160-03.13/B.

Reason - To protect the special interest of the protected building.

8. Prior to the second floor roof terrace being brought into use, details of the construction of the wall to the south side of that terrace shall be submitted to and approved in writing by the Authority and the approved wall shall be constructed to a height of 1.8m above the finished floor level of that terrace.

Reason - To ensure the satisfactory appearance of the proposed wall and to minimise the effect of the development on the privacy and amenities of nearby residents.

9. Prior to installation of the bike store, details of that store shall be submitted to and agreed in writing by the Authority. No part of the building or development hereby permitted shall be used or occupied until the agreed storage has been installed on site. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

10. Any replacement slate to be used in the carrying out of the new works shall be of the same type, size, texture and colour as that used on the existing building and shall be laid in matching courses.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 24/09/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of Condition 4, the elevations and sections should extend to include the fascia/signboard above and below the proposed works.

In respect of Condition 5, if, after further investigation, any of the windows to be retained are deemed to require extensive repair or replacement, a separate application for planning permission would be required.

For the avoidance of doubt, this permission confers no consent for any upgrades to the floor between the ground floor retail unit and the residential units hereby approved. Should works be required to upgrade this floor, for example to strengthen the structure or to prevent noise transference, the Service should be contacted for advice in the first instance.

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/2022/1746
Property Ref: A200290000
Valid date: 21/09/2022
Location: 38 High Street St. Peter Port Guernsey GY1 2JU
Proposal: Change of use of upper floors from residential and bar to create 7 flats (use class 2) and ancillary retail facilities (use class 10), replace link, roof covering and windows, install rooflights and create roof terrace at 2nd floor level, remove external staircase and internal alterations (Protected Building).
Applicant: Kirkwood Properties 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. The first floor windows to the east elevation shall not be removed until large scale details of the proposed replacement windows, wall structure and finish, in elevation and section, 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 features. This condition is imposed to make sure that the elevation is of satisfactory design and does not have any adverse impact on the special interest of the protected building or the character of the Conservation Area.

5. Notwithstanding the notes on the approved plans, no consent whatsoever is granted for the replacement of Windows W-102, W-103, W-104, W-105, W-106, W-107 or the window in the south wall of Bar 1.02, W-201, W-202, W-203, W-204, W-205, W-206, W-207, W-208, W-209, W-210, W-211 or W-217 as labelled on Drawing Nos 2160/01.15 & 16. Prior to any works in connection with these windows an updated Window Schedule that details and clarifies the extent of repairs to these windows shall be submitted to and agreed in writing by the Authority. The work shall thereafter be carried out only in accordance with the agreed details.

Reason - The existing windows contribute to the special interest of the protected building and there is not sufficient justification to support removal.

6. Prior to the removal of the existing external windows and doors within the main building (excluding the annex to the west) expressly approved for removal as part of this application, details of the design, materials of construction and finish of the replacement windows and doors, to a scale of 1:20 with sections at 1:5, shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

7. Notwithstanding the works shown on Drawing No 2160-03.06/B, the ceilings to Bedsit 1, excluding the Shower room, and to the Lounge/Dining area in Flat 2, shall be upgraded to visibly retain the cornices in accordance with the Floor Detail relevant to those units shown on Drawing No 2160-03.13/B.

Reason - To protect the special interest of the protected building.

8. Prior to the second floor roof terrace being brought into use, details of the construction of the wall to the south side of that terrace shall be submitted to and approved in writing by the Authority and the approved wall shall be constructed to a height of 1.8m above the finished floor level of that terrace.

Reason - To ensure the satisfactory appearance of the proposed wall and to minimise the effect of the development on the privacy and amenities of nearby residents.

9. Prior to installation of the bike store, details of that store shall be submitted to and agreed in writing by the Authority. No part of the building or development hereby permitted shall be used or occupied until the agreed storage has been installed on site. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

10. Any replacement slate to be used in the carrying out of the new works shall be of the same type, size, texture and colour as that used on the existing building and shall be laid in matching courses.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

INFORMATIVES

In respect of Condition 4, the elevations and sections should extend to include the fascia/signboard above and below the proposed works.

In respect of Condition 5, if, after further investigation, any of the windows to be retained are deemed to require extensive repair or replacement, a separate application for planning permission would be required.

For the avoidance of doubt, this permission confers no consent for any upgrades to the floor between the ground floor retail unit and the residential units hereby approved. Should works be required to upgrade this floor, for example to strengthen the structure or to prevent noise transference, the Service should be contacted for advice in the first instance.

OFFICER'S REPORT

Site Description:

The application site comprises an historic building with linked annex to the rear located on the west side of the High Street. The main building is arranged over four floors, with a basement, whilst the link is two storeys and the annex three. The rear section of the first floor, within the annex, is accessed only via a staircase at the rear of the ground floor shop, whilst the remainder of the upper floors are accessed from the alley which runs along the north side of the building.

The ground and first floor of the building frontage on to the High Street have been altered to form shop fronts, whilst the upper floors retain the original façade.

The site is located within the St Peter Port Core Retail Area, Conservation Area and Main Centre Inner Area in the Island Development Plan. The whole of the main part of the building and link feature is protected, however the annex itself is not.

Relevant History:

None.

Existing Use(s):

Ground floor: Retail Use Class 10 (general retail)

First floor: Part Retail Use Class 11 (bar)

Part Retail Use Class 10 (general retail - store)

Second and third floors: Residential

Brief Description of Development:

Permission is sought for a change of use of the upper floors from a bar and residential use to create 5 one bed flats and 2 bedsits (use class 2), as follows:

Bedsit 1	First floor (front) 37.7m ²
Flat 2	First floor (rear) 41.5m ² – amended to 66.6m ² during consideration
Bedsit 3	Second floor (front) 35.4m ²
Flat 4	Second floor (rear) 42.3m ²
Flat 5	Second & third floors (annex) 58.6m ²
Flat 6	Third & fourth floors (front) 50.9m ²
Flat 7	Third & fourth floors (rear) 62.9m ²

The application also includes internal alterations to the ground floor shop, to subdivide the shop from the adjacent building to the south and to allow for the formation of the stairwell to the flats, with WC facilities for the retail unit provided below, and would retain first floor storage in association with the retail unit.

The application proposes the re-roofing of the whole building in slate and upgrade of the ceilings at all levels within the main building to achieve sound proofing and fire separation and the following works at each floor level:

Ground floor

- Infill aperture between building and adjacent building to south;
- Remove partition, install new wall, remove external steps, alter levels and replace door to form entrance lobby to flats to rear of building;
- Alter former entrance to bar to form bin store and separate lobby to upper floors, including infill of louvre aperture and replacement windows and door;
- Block up windows to annex located along north boundary;
- Form bike store within external courtyard.

First floor

- Within annex: Form new communal staircase, replace door with timber window; remove partitions and construct new wall to segregate staircase from retail store;
- Replace link corridor and incorporate accommodation within new flat within main building;
- Main building: Install partitions to form flat and bedsit; Upgrade and enhance ceilings, enabling retention of cornice; Thermal/fire lining to north wall of Bedsit 1 and east wall of Flat 2; Removal of large windows to east elevation, reconstruction of wall and installation of new windows.
- Main building windows (north, south and west elevations): Unable to determine condition, windows to be repaired (although notation on elevation plans would allow for repair or replacement).

Second floor

- Within annex: Form new communal staircase, replace window with new timber window; remove partitions and construct new partitions to form new duplex, replace gable window, alter window to form doors opening on to new external roof terrace, increase height of boundary wall to 1.8m prevent overlooking;
- Replace link corridor and refurbish escape stair;
- Main building: Remove existing and install new partitions to form flat and bedsit;
- Main building windows to be repaired (although notation on elevation plans would allow for repair or replacement).

Third floor

- Within annex: Form new staircase, remove partitions and construct new partitions to form upper floor of duplex, replace dormer window, replace gable windows;
- Main building: Remove existing and install new partitions to form two duplex flats, including installation of stairs;
- Main building windows to be replaced, with the exception of the landing window which is to be refurbished.

Fourth floor

- Main building: Replace stair, form new dormer to stairwell and provide AOV rooflight, install new partitions to form upper floors of duplexes. Replace pvc dormer windows to front and side elevations.

A Statement of Significance has been submitted in support of the application.

Following deferral, a Window Condition Schedule was submitted.

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

MC2 Housing in Main Centres and Main Centre Outer Areas
 MC6 Retail in Main Centres
 GP4 Conservation Areas

GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development
IP6 Transport Infrastructure and Support Facilities
IP7 Private and Communal Car Parking

Representations:

None received.

Consultations:

The Office for Environmental Health and Pollution Regulation comment as follows:

I have reviewed the proposed plans for a change of use of the upper floors of the above property, from a House of Multiple Occupation and bar to create seven flats and some ancillary retail facilities. I note that the retail unit on the ground floor will remain in use.

I am concerned about noise from both the retail unit and between residential units and the impact of this on residents of the proposed flats. I would therefore recommend that the following condition is attached to any granted planning consent:

- Construction work shall not commence until a scheme for protecting the residential units above the retail/commercial unit, has been submitted and approved by the Planning Service. All works which form part of the scheme shall be completed in accordance with the approved details before any part of any of the residential units are occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines / achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the good standard within BS8233:2014 to protect the residential unit from noise, and the results of the test submitted to and approved by the Planning Service.

Summary of Issues:

The principle of development;
Impact on the character of the Conservation Area;
Impact on the special interest of the protected building;
Amenity of the proposed units;
Impact on the amenity of surrounding properties;
Provision of parking and cycle storage.

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).**

This application relates to an extended protected building located to the west of the High Street. The property falls within the Core Retail Area of Town, and forms part of the Conservation Area in the St Peter Port Main Centre Inner Area, as defined in the Island Development Plan (2016).

The application is for internal alterations to retail and ancillary areas and the change of use of the upper floors from a bar (falling within Use Class 11) and residential accommodation, to seven independent residential units, and would fall to be considered under Policies MC2 (Housing in Main Centres), MC6 (Retail in Main Centres), GP4 (Conservation Areas), GP5 (Protected Buildings), GP8 (Design) and GP9 (Sustainable Development) in the Plan and must meet the statutory duty in respect of conservation areas and protected buildings.

The principle of development

In respect of the alterations to the retail unit, Policy MC6 states that proposals to alter or redevelop existing retail premises will be supported, providing they accord with all other relevant policies of the Plan.

In respect of the change of use of the first floor bar, Policy MC6 states that, within the Core Retail Areas, change of use away from retail on upper floors will generally be acceptable, where the new use would contribute to the vitality and viability of the Core Retail Area. The pre-facing text to that policy recognises that residential use of upper floors would comprise a use which could contribute to the vitality of the Centre.

The subdivision of an existing residential use to independent flats and the creation of flats within the bar area would fall to be considered under Policy MC2.

Policy MC2 states that proposals for housing development will be supported, providing that where they are able to accommodate a variety of dwellings they provide an appropriate mix and type of dwelling and that the proposals are in accordance with all other relevant policies of the Plan.

The Guernsey Housing Market Review published by KPMG in 2017 provides an analysis of the local housing stock in the Island and identifies the additional housing requirement for the period 2014-2021. That report identifies an additional requirement for one, two and three bedroomed houses.

In this case, the form of development proposed is to some extent constrained by the layout of the building and the need for any proposal to respect the special interest of the protected building. The provision of five one bedroom flats and two bedsits would address the identified housing requirements and would be appropriate in this town centre location.

Policy therefore supports the principle of the development proposed, subject to the details of the development meeting the terms of any relevant Island Development Plan policy.

Impact on the character of the Conservation Area.

The proposal includes the replacement of the existing large first floor windows in the east elevation with smaller sliding sash windows, with the remainder of the aperture infilled. Subject to large scale details, this work would represent an enhancement to the appearance of the building.

External alterations are otherwise limited to the re-roofing of the building, the reconstruction of the first and second floor link, the increase in height to the boundary wall adjacent to the roof terrace, the replacement of dormer and other windows and minor works within the courtyard to the side of the building. These works would be of limited visibility within the wider Conservation Area and would not have any adverse impacts on the character of the Conservation Area. No details of the proposed boundary wall or replacement slates are however provided and this should be required by condition.

The proposals would therefore be in accordance with Policy GP4 (Conservation Areas) and meet the statutory duty in respect of Conservation Areas.

Impact on the special interest of the protected building.

The annex to the rear of the main building does not form part of the protected building listing at this site and the works proposed to and within that part of the building do not therefore fall to be assessed against GP5. Comments made within this section do not therefore apply to the annex.

In respect of the main building, the proposed works would result in the removal of existing modern partitions and inserts, which detract from the special interest of the protected building, but would also result in the further subdivision of existing rooms, with associated impacts on the building layout and features of special interest.

Whilst the application as initially submitted was accompanied by a Statement of Significance, that document did not adequately identify areas of significance within the building, particularly in respect of decorative mouldings and other features of significance, or the condition and importance of windows. The material also failed to demonstrate how the proposed layouts had been designed to respect and preserve those areas of particular significance. The application has therefore been deferred

on three occasions to achieve an improved understanding of the significance of the building and to adjust the proposals to ensure the areas of identified significance are appropriately treated.

Additional information submitted, together with visits to the site, have established that panelling and cornicing within the building is primarily limited to the first and second floors of the main building, in the areas proposed for Bedsit 1, Flat 2, Bedsit 3 and Flat 4. These areas are therefore considered to be of high significance to the special interest of the protected building, requiring a more precise approach and specification to the works. Following deferral, a revised approach to upgrading and subdividing these rooms has been put forward, enabling the visible retention of the majority of existing cornicing and panelling, and justification for the works where this cannot be achieved. The remainder of the building would be less sensitive to change and any impacts resulting from works to upgrade the building for fire safety and acoustic performance and to subdivide rooms in those areas are generally outweighed by the reasonable aspirations of the applicant and the benefit of bringing the building back into use.

The windows are identified on the survey drawings, Drawing Nos 2160/01.14, 15, 16, 17 & 18. The windows are not specifically identified on the proposal drawings, which would have assisted in the consideration of the application. The information submitted is sufficient to allow replacement of third floor windows W301-304 and 306-309 and the fourth floor windows, subject to provision of large scale details of the replacement windows. There is however insufficient information to justify replacement of the windows at first floor level, excluding the large plate windows to the east elevation, and the application proposes to retain the windows at second floor level. Given the vague notes on the submitted plans it is necessary in this instance to ensure that the replacement of Windows 102, 103, 104, 105, 106, 107, the window in the south wall of Bar 1.02, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211 and 217 is precluded by condition.

The proposed scheme would support the on going use of the upper floors of the building, and would support the upkeep of the building and therefore maintain the quality of the building in the longer term. On balance therefore, and taking into account the revisions proposed to reduce the impacts of the proposals on the areas of particular special interest, it is considered that the proposal would meet the terms of Policy GP5 and the statutory duties in respect of protected buildings.

Other considerations

In respect of residential amenity, the three duplex flats (Units 5, 6 & 7) and, following amendments, Flat 2, would exceed the Nationally Described Space Standards. The remaining flat (Unit 4) would fall short of those standards, but would however exceed the requirements of the Guernsey Technical Standards and the two bedsits (Units 1 & 3) would also exceed the Guernsey Technical Standards for a one bed, two person flat, substantially exceeding the requirements for a bedsit set out within those Standards. The size of accommodation would therefore be at least adequate

in all cases, and more than adequate for some units, and would be further enhanced by the ceiling heights in some rooms.

Only Unit 5 would benefit from external amenity space, and that space would be limited. This is however common in the densely developed central Town area, and would be offset by the access to facilities in this area.

Many of the units are single aspect, however, by virtue of the size and number of the windows serving each room, the accommodation would generally achieve a good standard of daylight. Whilst outlook from the lower floors may be compromised, this would not be unusual within the urban area, and the upper floors would achieve good outlook. As initially proposed there were concerns in relation to the amenity of Bedsit 1, due to the large extent of glazing to the east elevation, however this has been resolved through the alterations proposed to that elevation.

Taking into account the above, the level of amenity for the proposed units would be acceptable, and would not warrant refusal of the application.

The OEHPR recommend a condition to ensure the appropriate upgrade of the floor/ceiling between the retail unit and the new residential units above. This matter would however be controlled under the Building Regulations and OEHPR regulations, and it is not reasonable or necessary to require details as part of the planning application. It should however be noted that any additional works required to the fabric of the building to achieve the necessary sound separation would require planning permission.

Access to the flats is appropriate. Accessibility of the units would be poor, however it is acknowledged that this is a consequence of converting historic buildings, particularly on a constrained plot within the Town centre. The agent notes that options to improve accessibility, such as the installation of a lift, were considered, however could not meet the dual requirements in respect of the protected building and the Building Regulations. In this instance, the benefit of providing a viable use for the protected building and making more efficient use of an existing building would outweigh the need to provide accessible accommodation.

In respect of parking provision, the Island Development Plan and Supplementary Planning Guidance in respect of Parking Standards identifies that in Main Centres, where there is good provision of supporting facilities, the need to provide car parking is reduced, with the aim of reducing congestion and promoting more sustainable forms of transport. In this case, the site is well located in respect of services, facilities and infrastructure and there is no need to provide parking in association with the proposed flats. Bike storage is shown within the courtyard to the north of the building, details and implementation of which can be controlled by condition.

Residential properties in the surrounding area are limited to the upper floors of adjacent buildings. The proposals would be located within the existing building

envelope, predominantly utilising existing windows and doors, and would not have any adverse impact on the amenity of those properties. The application proposes to increase the height of the wall along the edge of the proposed roof terrace, which would protect the amenity of the adjacent property in that direction. Completion of this work can be controlled by condition.

A statement has been submitted in respect of sustainable development and the requirements of Policy GP9, noting that the works will be in compliance with the Building Regulations, and the submitted information indicates upgrades to the existing building in respect of thermal performance. Given the constraints associated with the conversion of a protected building, this information is considered adequate to address the requirements of Policy GP9.

Conclusion

There is policy support for the upgrade of existing retail units and for the creation of residential units on the upper floors of buildings within the Core Retail Areas. The revised plans submitted satisfactorily mitigate impacts on the special interest of the protected building, and the proposal would have no adverse impacts on the character of the Conservation Area or the amenity of adjoining properties.

In light of the above, and subject to conditions relating to the detailed implementation of the works, the proposal is therefore considered to accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 21/09/2023

