

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Change of use from offices (Use Class 16) to 2 flats (Residential Use Class 2).

LOCATION: The Beehive, Rohais, St. Peter Port.

APPLICANT: Mr & Mrs A J & C J Grisley

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: 22/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian R Martel: 4192.02.04, .05 & .06.

Application Ref: FULL/2022/1749

Property Ref: A207360000

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.Cycle and waste/recycling storage areas (shown on the approved drawing) shall be provided prior to the first occupation of the development hereby permitted, and shall thereafter be retained and so maintained for that purpose.

Reason - In the interests of good design, the amenity of future residential occupants, and to encourage alternative modes of transport to the private car.

Expiry Date: This permission will cease to have effect on 21/12/2025 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/2022/1749
Property Ref: A207360000
Valid date: 20/09/2022
Location: The Beehive Rohais St. Peter Port Guernsey
Proposal: Change of use from offices (Use Class 16) to 2 flats (Residential Use Class 2).

Applicant: Mr & Mrs A J & C J Grisley

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. Cycle and waste/recycling storage areas (shown on the approved drawing) shall be provided prior to the first occupation of the development hereby permitted, and shall thereafter be retained and so maintained for that purpose.

Reason - In the interests of good design, the amenity of future residential occupants, and to encourage alternative modes of transport to the private car.

OFFICER'S REPORT

Brief Description of the site:

The Beehive is a flat roof, two storey building located on the corner of Rohais and Collings Road. The building is pre 1900 and has a curved exterior which follows the corner of the road. The immediately surrounding area is predominantly a mixture of residential with some small commercial units.

The building is located within a Main Centre Outer Area, as designated in the Island Development Plan.

Relevant History:

Pre-application advice has been sought.

Existing Use(s):

Office (Use Class 16)

Assessment: *(Tick as appropriate)*

no representation

✓
✓
✓
✓

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

✓
✓
✓

Policies considered most relevant:

MC2	Housing in Main Centres and Main Centre Outer Areas
MC4(B)	Office Development in Main Centre Outer Areas
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking

Conclusion/Brief comment:

The internal floor area of the existing building is stated to be approx. 200 square metres. The change of use away from office would therefore be supported under Policy MC4(B).

Policy MC2 supports proposals for new housing in Main Centre Outer Areas provided they provide an appropriate mix and type of dwellings. In this case, the proposal is for 2x two bedroom units of accommodation which is acceptable given the floor area available and other constraints.

Policy GP8 requires, inter alia, new development to achieve a good standard of design that respects the character of the area; the health and well-being of the occupiers and neighbours of the development by providing adequate daylight, sunlight and private/communal open space. The pre-amble to Policy GP8 refers to Annex 1 (Amenities) of the Plan, which identifies objectives to determine an acceptable and adequate level and type of amenities provision, including internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

In respect of internal space provision, the submitted information demonstrates that the revised layout would substantially exceed the minimum standard requirements for 4 x person occupation of 53m², with each flat providing a total floor area of 90.7m². The proposal would therefore be adequate under the Building Regulation requirements and this will be balanced against the quality of the other amenity objectives. It is plain from the text of the Annex that when considering these various matters it may be possible for superior provision in one to compensate for or balance a lower level of provision in another.

In respect of daylight and sunlight, the building benefits from south facing windows to the living accommodation, and west facing windows to ground floor bedrooms which should provide adequate light levels. Although the kitchen area of the ground floor flat may be more gloomy. The first floor bedrooms are also considered to have adequate natural light as there are no intervening features which may impede light levels.

Amenity levels for future occupants of the flats, in terms of noise, outlook and privacy may be more limited due to the constraints imposed by the position of the building at the busy junction and set very close to the road and pedestrian crossing. In addition, there is no private amenity space available.

However, the appeal decision notice for 7 Berthelot Street (PAP/001/2019) is considered relevant in this regard, where the following comments were made by the Tribunal:

[IDP Annex I] identifies a number of amenity matters, some of which are not included in Policy GP8. They are: internal space standards; privacy; aspect / outlook; access to external open space; and daylight / sunlight. It is plain from

the text of the Annex that when considering these various matters it may be possible for superior provision in one to compensate for or balance a lower level of provision in another, albeit that poor or inadequate standards of amenity will not be acceptable.

The Tribunal went on to state that:

...the Annex does not set rigid standards or figures for amenities provision, because each site and use will have its own particular amenities considerations and requirements which could be achieved in a number of ways. Moreover, the type of development and its location will have a significant bearing. An example of particular relevance to the present case is given: that a flat in town is unlikely to be able to provide the same extent of amenities as a detached house Outside of the Centres, and a conversion or change of use may have to work with the existing form that can restrict the way amenities are provided in a way that is not usually restricted when designing a purpose-built building.

In this case the proposed development comprises 2x two bedroom flats, which substantially exceed the minimum space standards required under Building Regulations, and notwithstanding concerns identified above relating to noise, outlook, privacy and natural daylight/sunlight, are on balance considered to be adequate.

At first floor, the bedrooms are served by windows at the rear, which face north (bedroom 2) and east (bedroom 1), these are set back within a recessed section and while they face into the neighbour's residential garden, they are set back approx. 3m from the boundary with the flat roof below obscuring the most harmful, direct views, and is not considered unacceptable in such areas of tight grain, town centre residential development.

Whilst the nature of any overlooking impact may change from that that existed when the building was in use as an office, it is not considered that any such impact would be so substantially different or greater that permission could be refused on that ground alone.

The application does not propose any alterations to the exterior of the building, and there would therefore be no adverse impact on the character or visual amenity of the area.

No car parking spaces are provided in the application, but in locations such as this, within the Main Centre Outer Area and with good access to facilities and public transport, the provision of parking is not however a requirement. The proposal would therefore be acceptable under Policy IP7 (Private and Communal Car Parking). Enclosed cycle storage is also provided within the site area.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Conclusion:

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 21/12/2022