

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 2nd floor office (Use Class 16) to flat (Residential Use Class 2); Installation of dormer windows (north elevation) and installation of rooflight (south elevations).

LOCATION: 5-7 Victoria Road, St. Peter Port.

APPLICANT: Zekavica Investments

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: 04/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian R Martel: 4202.04A & 05A

Application Ref: FULL/2022/2046

Property Ref: A304480000

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.

Expiry Date: This permission will cease to have effect on 03/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/2046
Property Ref: A304480000
Valid date: 17/10/2022
Location: 5-7 Victoria Road St. Peter Port Guernsey GY1 1HU
Proposal: Change of use of 2nd floor office (Use Class 16) to flat (Residential Use Class 2); Installation of dormer windows (north elevation) and installation of rooflight (south elevations).

Applicant: Zekavica Investments

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

OFFICER'S REPORT

Site Description:

The application site comprises an office building located between Victoria Road to the north and Les Petites Fontaines to the south, and forms part of the mixed commercial and residential terraced development lining those roads. The building includes three floors of office accommodation with a basement parking floor.

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

Relevant History:

PREA/2022/1408 – Change of use of 1st and 2nd floor from office to residential

FULL/2023/0076 – Change of use of 1st floor office (Use Class 16) to flat (Use Class 2)
– Currently under consideration

Existing Use(s):

16 – Administrative Office

Brief Description of Development:

Permission is sought for a change of use of the second floor of the building from office to form a 3 bed flat.

As initially proposed the application included the installation of two new dormers to north elevation and one dormer to south elevation. Following deferral the south dormer has been replaced with a rooflight.

Following deferral, a letter has been provided from Watts Property Consultants.

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

MC2	Housing in Main Centres and Main Outer Areas
MC4(A)	Office Development in Main Centres
GP4	Conservation Areas
GP8	Design
GP9	Sustainable Development
IP6	Transport Facilities and Support Services
IP7	Private and Communal Car Parking

Representations:

One letter received raising the following points:

- The door from the car park to the offices is directly below the lounge floor of the adjacent property. That door is a fire door on a spring return and is very loud. Office users were limited to office hours, however a change to residential would increase use of the door to evenings and weekends. Could the door be replaced to mitigate noise impacts;
- Will any sound proofing/insulation be installed on the gable/party wall with the adjacent property;
- Building works will create a lot of noise, hopefully works will be limited to Monday-Friday;
- Will there be a set time for building development to be completed.

Consultations:

None.

Summary of Issues:

Whether change of use away from office complies with policy;

Whether change of use to residential complies with policy;

Impacts on neighbour amenity;

Provision of parking.

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).**

On the basis of the information provided, the existing building would comprise a single planning unit, and the accommodation would exceed 250sqm. Policy MC4(A) supports the change of use such accommodation where the existing premises provides an unsatisfactory standard of accommodation that cannot be easily refurbished to meet modern needs and can be proven to have been actively and appropriately marketed unsuccessfully for 12 consecutive months.

No information was initially provided to demonstrate that the existing accommodation is unsatisfactory. The information provided in the letter from the property consultant remains scant, simply stating the office space is dated and basic, providing small lower quality accommodation which needs investment. It is however noted that the accommodation has been identified as tertiary within the Office Audit 2020, and the site is isolated from any established office locations. In the context of

this particular site, the information provided is considered just adequate to address the requirements of policy.

The applicant has stated that the accommodation has been unsuccessfully advertised for let for a period of nearly 2 years and confirmation has been provided from a property consultant that they have marketed the premises for over 12 months.

In light of the above the change of use away from office is considered to meet the terms of Policy MC4(A).

Policy MC2 would support the change of use of the accommodation for residential purposes. The proposed accommodation would exceed the requirements of the Guernsey Technical Standards and the recommended guidelines set out in the nationally described space standards. The rooms would be served by limited but adequate fenestration. Whilst no external space is available, this is common in the Main Centre location.

The proposed dormer windows to the north elevation would have no adverse impact on the appearance of the building or the character of the area, and, taking into account the configuration of buildings on the north side of the road, there would be no adverse impact on the amenity of nearby properties in that direction. The dormer window initially proposed to the south roofslope would however have been in close proximity to the facing windows in the property on the opposite side of Les Petites Fontaines, and concerns were raised regarding a potential interface. Following deferral, that dormer has been omitted from the application and replaced with a rooflight, with a cill height of 1.7m. The alteration would have no adverse impact on the appearance of the building, character of the area or neighbour amenity.

Adequate parking and cycle storage would be provided within the existing underground car park. The door to that car park is however existing and located internally to the building envelope. That door cannot therefore be controlled through a planning application. The issues raised in the letter of representation are however referred to the applicant for further consideration.

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

Other matters

Fire and sound separation are matters controlled under the Building Regulations and will be addressed separately as part of the consideration of a Building Licence.

Construction hours are controlled under separate legislation by the Office for Environmental Health and Pollution Regulation.

Development must be commenced within 3 years of the date of issue of a planning permission. It is not however within the remit of the Authority to impose a deadline on the construction timeframe.

Conclusion

The proposal would accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 30/03/2023

