

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 offices to 11 flats (Residential Use Class 2).

LOCATION: No 1 Le Marchant, Le Marchant Street, St. Peter Port.

APPLICANT: Grand Havre Holdings Ltd

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: 01/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A drawing no's: 7633-01 B1, B2, B3, B4, B5, B6, B7, B8, B9, B10 & B11

Application Ref: FULL/2022/2091

Property Ref: A200700000

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. Notwithstanding the submitted information, no development shall begin on site until precise details of all proposed changes to existing fenestration and of any new fenestration to be provided, including large scale details where appropriate, 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(s). This condition is imposed to make sure that the alterations are of satisfactory design and do not have any adverse impact on the character of the area.

5. No development, including site works, shall begin on site until a scheme showing details of the provision to be made for the storage/parking of bicycles has been submitted to and agreed in writing by the Authority, and no part of the development, hereby permitted, shall be occupied or used until that provision has been made in accordance with the agreed details. Those areas shall not thereafter be used for any purpose other than the storage/parking of bicycles.

Reason - To make sure that convenient provision is made for cyclists.

6. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

7. No development, excluding demolition and site works, shall begin until a landscaping scheme for the courtyard area and terrace, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge/shrub planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels;
- v) any screen walls, planters or similar structures; and
- vi) any other structures to be erected or constructed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in the interests of amenity.

8. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and in the interests of amenity.

9. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 31/01/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect to Condition 4, it is particularly important that the traditional proportions, design and materials of those existing windows that are visible from Lefebvre Street adjacent to the Constables' Office and facing onto Smith Street are respected as these are important features within the Conservation Area.

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/2022/2091
Property Ref: A200700000
Valid date: 21/10/2022
Location: No 1 Le Marchant Le Marchant Street St. Peter Port
Guernsey GY1 2JL
Proposal: Change of use of offices to 11 flats (Residential Use Class 2).
Applicant: Grand Havre Holdings Ltd

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).

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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(s). This condition is imposed to make sure that the alterations are of satisfactory design and do not have any adverse impact on the character of the area.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

In respect to Condition 4, it is particularly important that the traditional proportions, design and materials of those existing windows that are visible from Lefebvre Street adjacent to the Constables' Office and facing onto Smith Street are respected as these are important features within the Conservation Area.

OFFICER'S REPORT

Brief Description:

Change of use of offices to 11 flats (Residential Use Class 2). 10 of the flats would have two bedrooms and one would be a one-bed unit.

In support of the proposal, the application includes the following documents:

- A report from D2 Real Estate which concludes that the premises provide an unsatisfactory standard of office accommodation and do not meet current market requirements;
- A Design Statement in relation to Policy GP8;
- A Sustainability Report in relation to Policy GP9;
- A Waste Management Plan.

Relevant History:

Pre-application advice was given in relation to the proposed change of use.

Existing Use(s):

Offices

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(A): Office Development in Main Centres

MC6: Retail in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP6: Protected Monuments

GP8: Design

GP9: Sustainable development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

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.

The site is within the Main Centre of St Peter Port where residential development is supported in principle in accordance with Policy MC2. The inclusion of a mixture of uses including housing increases activity and can support shops, restaurants, cafes, entertainment and other developments, ensuring that the Centres remain successful, vital and viable settlements. The IDP notes at paragraph 4.1.17 that the presence of housing and opportunities for new residential development within and around the Main Centres is essential to their success as authentic places with socially and economically diverse and thriving communities, and that the Plan positively encourages the development of additional housing in appropriate areas and circumstances to maintain and increase the resident population. Part of the site is within the Core Retail Area however the retail use of the ground floor units is unaffected by the proposals.

IDP Policy MC4(A) provides support for the change of use of office accommodation within the Main Centres to other uses where:

- a. the existing premises provides an unsatisfactory standard of accommodation that cannot easily be refurbished to meet modern needs and can be proven to have been actively and appropriately marketed unsuccessfully for 12 consecutive months; or,

b. the office floorspace is less than 250 square metres.

The applicant has requested a minor departure from Policy MC4(A) as the office floorspace exceeds 250 square metres and the premises are not proven to have been actively and appropriately marketed unsuccessfully for 12 consecutive months.

In this case, the building is identified as Tertiary accommodation in the Office Quality Audit, 2020. The principal purpose of the Office Quality Audit was the establishment of a database detailing all office sites within the St Peter Port Main Centre and Main Centre Outer Areas. In addition, each office building site was considered against predefined criteria and categorised according to established industry classifications of Primary, Secondary and Tertiary.

A report has also been submitted with the application from D2 Real Estate which concludes that the premises provide an unsatisfactory standard of office accommodation and do not meet current market requirements. On the basis that the Office Quality Audit has identified an overprovision of this type of office accommodation, that the accommodation is of a standard which is no longer required within the sector, and that the proposed change of use would result in social and economic benefits, it is considered that the principle of the proposal can be accepted as a minor departure from Policy MC4(A) in this instance.

The proposals retain and adapt the existing buildings with external alterations which generally do not have any adverse effect on the character or appearance of the Conservation Area or on the setting of nearby Protected Buildings and Protected Monuments. A condition is however recommended to reserve details of the proposed changes to fenestration for further approval. In this respect it is particularly important that the traditional proportions, design and materials of those existing windows that are visible from Lefebvre Street adjacent to the Constables' Office and facing onto Smith Street are respected as these are important features within the Conservation Area.

The standard of residential amenity provided is adequate having regard to the constrained urban location of the site. The density and size of units are acceptable and make efficient and effective use of the site which is conveniently situated in a sustainable town centre location. A lift is included to provide enhanced accessibility for a third of the units. The courtyard and terrace planting will however be important to ensure adequate privacy for residents and should be subject of planning conditions, along with details of external materials. Sufficient information has been submitted to demonstrate sustainable design principles including the provision of renewable energy infrastructure and the application includes a waste management plan.

There would be no adverse effects on adjoining properties. Limited parking for three cars which does not exceed the maximum parking standards would be provided within an existing shared garage which would also accommodate storage for 19 bicycles and electric vehicle charging points.

Recommendation:
Grant with Conditions



Date: 1/2/2023

