

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 (Use Class 16) to flat (Use Class 2).

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: 21/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian R Martel - 4202.02.03.

Application Ref: FULL/2023/0076

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 20/04/2026 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/2023/0076
Property Ref: A304480000
Valid date: 06/01/2023
Location: 5-7 Victoria Road St. Peter Port Guernsey GY1 1HU
Proposal: Change of use of first floor office (Use Class 16) to flat (Use Class 2).

Applicant: Zekavica Investments

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.

OFFICER'S REPORT

Brief Description of the site:

The site is located on Victoria Road, close to the junction with George Street and Vauvert/Lower Vauvert, and is located within the St Peter Port Main Centre Inner Area and Conservation Area in the Island Development Plan.

Relevant History:

PREA/2022/1408 – Change of use of 1st and 2nd floor from office to residential
FULL/2022/2046 – Change of use of 2nd floor office (Use Class 16) to flat (Use Class 2)
– Approved April 2023

Existing Use(s):

16 – Administrative Office

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 Outer Areas

MC4(A)- Office Development in Main Centres

GP4- Conservation Areas

GP8- Design

GP9- Sustainable Development

IP7- Private and Communal Car Parking

Conclusion/Brief comment:

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 states 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 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 as the position of the building between two neighbouring properties means that there are only windows to the front and rear of the building. This is likely to have some impact on amenity, due to the depth of the building, for example, the proposed study/office/playroom shown on the plans has no windows. Other rooms proposed to the front of the building are relatively deep (6.7m) and served by only one window. The proposed room sizes are generous in order to ameliorate this.

Whilst no external space is available, this is common in the Main Centre location. 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.

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.

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.

Conclusion

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: 20/04/2023

