

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 ground floor office to Residential flat (Use Class 2), alterations to fenestration and erect cycle stores to west elevation.

LOCATION: Timber Treatments, La Route Militaire, Vale.

APPLICANT: Mr K Opie

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: 20/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates Ltd: 22-014-07A & 08A.

Application Ref: FULL/2023/0505

Property Ref: C012440000

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 landscaping scheme hereby approved shall be planted in the first planting season (October - April) following the ground floor flat being brought into first use as set out on drawing no.22-014-07A. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of protecting the amenities of the occupants on the ground floor flat.

5. Within 2 months of the new front door being installed, the external face of the building hereby approved shall be finished in render to match as closely as possible to the existing.

Reason - In the interests of visual amenity and to ensure that the external face of the wall is completed within an acceptable timeframe.

Expiry Date: This permission will cease to have effect on 19/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined in red on the submitted plan(s) as forming the curtilage associated with the existing residential flat or the hereby approved flat. The area shaded in green and hatched in red is correct.

It is noted that the approved floor plan for the first floor flat as part of planning permission FULL/2022/1411 is not consistent with that shown on drawing 22-014-07A

'Approved Part 1st Floor Plan' and therefore it is advised to submit a minor amendment request to ensure that the approved proposal complies with Condition 1 of permission FULL/2022/1411.

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/2023/0505
Property Ref: C012440000
Valid date: 17/03/2023
Location: Timber Treatments La Route Militaire Vale Guernsey GY3
5RP
Proposal: Change of use of ground floor office to Residential flat (Use
Class 2), alterations to fenestration and erect cycle stores to
west elevation.
Applicant: Mr K Opie

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 landscaping scheme hereby approved shall be planted in the first planting season (October - April) following the ground floor flat being brought into first use as

set out on drawing no.22-014-07A. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of protecting the amenities of the occupants on the ground floor flat.

5. Within 2 months of the new front door being installed, the external face of the building hereby approved shall be finished in render to match as closely as possible to the existing.

Reason - In the interests of visual amenity and to ensure that the external face of the wall is completed within an acceptable timeframe.

INFORMATIVES

The Authority does not recognise all of the land outlined in red on the submitted plan(s) as forming the curtilage associated with the existing residential flat or the hereby approved flat. The area shaded in green and hatched in red is correct.

It is noted that the approved floor plan for the first floor flat as part of planning permission FULL/2022/1411 is not consistent with that shown on drawing 22-014-07A 'Approved Part 1st Floor Plan' and therefore it is advised to submit a minor amendment request to ensure that the approved proposal complies with Condition 1 of permission FULL/2022/1411.

OFFICER'S REPORT

Site Description:

The application site comprises a large, detached building comprising multiple uses. The two-storey flat roof building is located to the east of La Route Militaire and is located Outside of the Centres as designated in the Island Development Plan. The land to the north of the building features an open area of grassland, with a redundant glasshouse site to the east of the building.

The building is served by a large area of hardstanding which wraps around the north, east and south of the building. An elongated strip of grass exists to the front (west) of the building and features mature planting on the inside of a granite boundary wall towards the south-west of the site.

Planning permission was granted in 2022 to change the use of the first-floor office to a residential flat (Use Class 2) and make alterations to the fenestration.

Relevant History:

FULL/2022/1411	Change of use of first floor office to Residential flat (Use Class 2) and alterations to fenestration.	Granted
PREA/2022/0711	Pre-application enquiry	
PAPP/2004/2498	Change of use of part of premises to use as a car wash (Industrial Use class 49)	Granted
PAPP/2003/0404	Utilise part of premises for light industrial/storage use.	Granted
PAPP/1996/2017	Construct second floor extension to create additional residential accommodation.	Refused
PAPP/1994/2540	Utilize part of premises for the supply of products for the construction industry classified within Storage/Distribution Use Class 41 of the Island Development (Use Classes) Ordinance, 1991.	Granted
1966	Erection of vinery services building containing warehouse with ancillary offices and self-contained flat	Granted

Existing Use(s):

Mixed use site- office, car wash (industrial), redundant glasshouse site, residential.

Brief Description of Development:

Planning permission is now sought to change the use of the ground floor office to a residential flat (Use Class 2) and make alterations to the fenestration. The proposed flat comprises 1 bedroom, lounge/dining area, kitchen, and bathroom, served off a communal entrance lobby serving both the proposed ground floor flat and the approved first floor flat.

The agent has included an e-mail from an estate agent that has confirmed no interest from prospective tenants to use the premises as an office.

The application was deferred as there were some concerns over the relationship between the use of the proposed flat and the approved flat above in terms of the shared garden and the potential for overlooking/intervisibility. It was advised to incorporate a hedgerow or planter to increase the separation distance should the garden be used by the occupants of the first floor flat. Clarification over the use of the remainder of the building at ground floor level was also requested.

The agent has included a hedge planting scheme along the edge of the west (forward) elevation of the building to seek to overcome the concerns raised and to improve the quality of the development. In addition, the agent has confirmed that the adjacent areas to the rear of the ground floor flat are used as a store for 'Computer Protec'.

The agent has also noted that the flats will require sound proofing measures, and that a pre-completion sound test for the approved flat is conditioned on the issued Building Control permit for the first floor flat. It is anticipated that a similar condition would be attached to the proposed ground floor flat as part of a Building Control permit.

Additional information was sought in respect of the marketing of the ground floor flat to ensure that it is 'redundant' for the purposes of Policy GP16(A). The agent has set out in their letter of 7th August 2023 that the applicant has stated that:

"The ground floor office is "redundant" because Timber Treatments no longer need any office space at all and have requested to rent only some storage space in the future from 1st September 2023".

The statement above has been supported by an estate agent which has noted that:

"Further to our agreement in March to offer the ground floor office, currently occupied by Timber Treatments, for rent at Braye Vinery we have been unable to find a tenant to occupy the unit. Demand for this type of unit is very limited, however, should you wish us to continue looking out for a tenant we will be happy to continue."

The statement would indicate that the ground floor office has been marketed between March to August 2023 (5 months).

Due to the continued use of the ground floor office during the submission of this application, the agent has requested a Minor Departure from Policy GP16(A). As set out in the applicant's letter of 2nd October 2023, the Minor Departure request is made given that:-

- Timber Treatments had provided assurances to the applicant that they were vacating the premises on 1st September as part of their continued downsizing of business operations,
- The premises have been proactively marketed for new tenants whilst the premises is occupied.
- The unsuccessful advertisement campaign and pessimistic potential tenancy outlook from various estate agents, and,
- The approved first floor residential unit cannot be implemented without changes to the ground floor office unit.

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

OC1	Housing Outside of the Centres.
OC3	Offices, industry and Storage and Distribution Outside of the Centres.
GP8	Design.
GP9	Sustainable Development.
GP16(A)	Conversion of Redundant Buildings.

IP6	Transport Infrastructure and Support Facilities.
IP7	Private and Communal Parking.
IP9	Highway safety, Accessibility, and Capacity.

Representations:

None.

Consultations:

None.

Summary of Issues:

The main issues in deciding this application are:

1. whether the principle of the conversion of the office to housing is acceptable,
2. the impact of the development on the amenity of people living in the area,
3. whether the development would result in a satisfactory living environment for the occupiers of the new dwellings, and
4. parking provision,

taking into account the policies set out above.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Policy OC1 states that:

*“Outside of the Centres, proposals for the creation of new dwellings will only be supported where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building.
Proposals for the conversion of redundant buildings to dwellings will be considered under Policies GP16(A): Conversion of Redundant Buildings.”*

The principle to change the use of an existing ground floor office to residential is supported under Policy OC3 provided the proposal accords with all other relevant planning policies which are set out below.

Policy GP16(A) states that:

The conversion of an existing building will be supported where:

- a. it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose; and,*
- b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses; and,*
- c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding; and,*
- d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced; and,*
- e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area; and,*
- f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape; and,*
- g. the conversion would not require more than modest extension to the existing building for it to be achieved; and,*
- h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.*

In light of criterion 'a' of Policy GP16(A), the agent has noted in the covering letter of 16th March 2023 that, Timber Treatments, the tenants of the ground floor office, have confirmed that they will be vacating the premises. This has been supported by the agent's letter of 7th August which notes that the *"The ground floor office is 'redundant' because Timber Treatments no longer need any office space at all..."*

The estate agent, in support of the application, has also noted that *"we have been unable to find a tenant to occupy the unit (from March to August 2023). Demand for this type of unit is very limited..."* The estate agent noted on 3rd October 2022 that *"the property (presumably as a whole) has not received any interest for over 3 years (although it is noted that this timeframe falls within the period of the pandemic).*

Whilst the information submitted in respect of demonstrating 'redundancy' is not overwhelming, particularly as the office would still appear to be used by Timber Treatments and that they may *"rent out some storage space in the future"*, it does give an indication that the ground floor office is not desirable, nor attractive in this location.

As a result, the proposal does not fully meet the requirements of Policy GP16(A) criterion 'a'. However, the agent has made a written request for the application to be considered as a minor departure from this policy.

Overall, given that the office accommodation is located Outside of the Centres and comprises tertiary office space which due to its limited size and need of refurbishment does not meet modern standards, together with the level of justification submitted, it is considered that a Minor Departure from criterion 'a' of Island Development Plan Policy GP16(A) under Section 12 of The Land Planning and Development (General Provisions) Ordinance, 2007, would be justified in this instance. It is also important to note that this would follow the same direction as the IDP which allows for change of use of tertiary office to enable market forces to determine more appropriate uses, and therefore the departure from the IDP is 'minor'.

Returning to the criteria of GP16(A), the proposal complies with criterion 'b', as residential is an acceptable use class.

The ground floor accommodation is part of a larger building and is of sound and substantial construction as observed as part of the officer's site visit and is capable of conversion without extensive alteration and rebuilding. The application does not affect a protected building. The proposal complies with criteria 'c' and 'd'.

The proposal includes replacement of the ground floor fenestration of the building, increasing the size of the apertures, however this work would have no effect on the character or appearance of the area, nor on the landscape character. Ensuring that the cill heights of the ground floor windows for the proposed flat will be consistent throughout will improve the rhythm and design of the building.

As set out in the previous officer's report (FULL/2022/1411), despite being highly visible in public views, it would be unreasonable to restrict future development in respect of the external amenity space to the front of the building by removing the exemption rights afforded to the property owner. The Exemptions Ordinance (2023) does include flats, and only allows development that would not have a material adverse effect on the character or appearance of the building or its setting when viewed from public vantage points. On this basis, the proposal complies with criteria 'e' and 'f'.

The proposal does not seek to extend the building and would not affect the amenities and enjoyment of neighbouring properties and the surrounding area. The proposal complies with criteria 'g' and 'h' of Policy GP16(A).

The health and well-being of the occupiers of the development require consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). Although there are no rigid standards for amenities provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The drawings indicate that the internal space for the flat is likely to exceed the Guernsey Technical Standard G7, as required by Annex I. Similar to the flat above, the proposed ground floor flat will be served by adequate sunlight and daylight due to the extent and size of fenestration on the west elevation of the building.

Whilst it is not critical that external space be provided in this particular case when taking into account the standard of the internal accommodation provided and the proximity of the site to other public open space, the flat will also be served by external amenity space which will be of benefit to any future occupier.

In light of the amendments secured, planting a hedgerow in front of the west facing windows will provide a sufficient buffer between the shared external amenity space and the internal spaces of the proposed flat. This will help to ensure that the relationship between both the shared external amenity space and the flat is of a high enough standard of design and wouldn't lead to a substandard interface distance which could affect the living conditions of the occupiers of the proposed flat.

Despite the mix of uses at ground and first floor level, the existing entrance hall serving both parts of the building will be appropriately modified, with both ground and first floor having independent access.

With regards to accessibility and the ability to provide flexible and adaptable accommodation (Policy GP8), the character of the site and surrounding area is likely to limit what is achievable in this instance. Due to being sited on the ground floor, it might be reasonable to incorporate a ramp and modify doors and hallway widths to accommodate individuals with wheelchair requirements. Although despite the deficiencies of the proposed flat, on balance, the overall amenity for the prospective residents will be sufficient. The proposal complies with Policy GP8.

The inclusion of one parking space and a secure and covered bicycle storage provision is acceptable under Policy.

The proposal will not have a significant impact on road safety and traffic management as no alterations to the vehicle access are proposed. The proposal accords with the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance and Policy IP7.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include: the appropriateness of the development in relation to its surroundings in terms of design, layout, scale,

siting and materials; the likely effect on the character and amenity of the locality; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on protected trees, buildings or monuments.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 20/10/2023