

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 Bank (Use Class 15) to Day Centre (Non-Residential Health/Welfare Service, Use Class 18).

LOCATION: Lloyds Bank PLC, La Grande Rue, St. Martin.

APPLICANT: Esher Investments Limited

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: 07/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd: 966-3-008, 009, -010, -011, -012, -013 & -014,

Application Ref: FULL/2023/0939

Property Ref: J003850000

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 06/08/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This decision relates only to the change of use outlined in the description of the proposal set out above. It does not permit any alteration or extension of this building. Any alteration or extension may require a separate grant of planning permission and/or approval under the Building Regulations.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

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/2023/0939
Property Ref: J003850000
Valid date: 18/05/2023
Location: Lloyds Bank PLC La Grande Rue St. Martin Guernsey GY4 6LH
Proposal: Change of use from Bank (Use Class 15) to Day Centre (Non-Residential Health/Welfare Service, Use Class 18).

Applicant: Esher Investments Limited

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.

INFORMATIVES

This decision relates only to the change of use outlined in the description of the proposal set out above. It does not permit any alteration or extension of this building. Any alteration or extension may require a separate grant of planning permission and/or approval under the Building Regulations.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached traditional pre-1900 two storey building situated to the northeast of La Grande Rue. The basement, ground, part of the first floor and the attic of the main building is currently vacant and was previously used by Lloyds Bank as an office. The remainder of the building is occupied and is used for residential purpose.

The site is situated within St Martins Local Centre and a Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2023/0946	Change of use from Bank (Use Class 15) to Administration Offices (Financial and Professional Services, Use Class 16).	Approved
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Existing Use(s):

Office Use Class 15: Basement, ground floor, part of first floor and attic
Residential Use Class 2: Part of first floor

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:

- LC3(A): Social and Community Facilities in Local Centres – New, Extension, Alteration or Redevelopment of Existing Uses
- LC4(B): Offices, Industry and Storage and Distribution in Local Centres – Change of Use;
- GP4: Conservation Areas;
- GP8: Design;
- IP7: Private and Communal Car Parking;
- IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

The proposal intends to change the use of the existing floorspace from Office Use Class 15 to Use Class 18 for the use of the premises for a non-residential medical or healthcare service, as a creche or children's day nursery or as a day centre. The covering letter from the agent confirms that despite being advertised with local estate agents since July 2022 the building has been unoccupied, and the applicant wishes to expand their offer of multiple use classes to attract a tenant moving forward. Please note an application has recently been approved to change the use of the accommodation to an Administration Offices (Financial and Professional Services, Use Class 16). To date the permission has not been implemented.

Policy LC4(B) of the IDP supports proposals for a change of use away from office use to alternative uses where it has been demonstrated that the building has been actively and appropriately marketed for its current use unsuccessfully for 12 consecutive months.

As part of the application evidence has been submitted from a local estate agent to summarise the marketing exercise that has been undertaken since July 2022 when they were first instructed to secure a tenant for the property following the departure of the previous tenant. The information confirms that over the 12month period 19 viewings were undertaken and specifies reasons as to why the building has not been leased for its current office purpose. The information is sufficient to demonstrate compliance with Policy LC4(B) and the principle of the loss of office floorspace is acceptable in this instance.

For the purpose of IDP Policy the proposed use of the site would be considered a social and community facility and would therefore fall to be considered under Policy LC3(A) of the IDP. As part of the application evidence has been provided in the form of a covering letter that, following a review of local listings and following consultation with local estate agents, there are no existing sites in social and community use within a Local Centre that are available that can accommodate the proposal, including the dual use of premises.

By bringing the building that has been redundant for a period of 12 months into an active use the proposal would enhance the character and vitality of St Martins Local

Centre. Furthermore, given the limited floorspace proposed, the scheme would be of an appropriate scale to support St Martins Local Centre and would not undermine the vitality of a Main Centre. The scheme would not have any unacceptable adverse impacts on neighbouring uses and complies with the criteria of Policy LC3(A).

The scheme involves a change of use only, and no external alterations are proposed and the scheme would therefore not harm the visual character or appearance of the surrounding Conservation Area or impact on the amenities of neighbours and accords with Policies GP4 and GP8 of the IDP.

Car parking exists to the rear of the site which is capable of accommodating the proposed use. The car parking and access arrangements allow for cars to access and leave the site forward facing. The scheme would not harm highway safety.

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.

In view of the above it is recommended permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 04/08/2023