

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 and first floor levels from Office (Use Class 15) to dwelling (Residential Use Class 1).

LOCATION: Houmet House, Rue Des Houmets, Castel.

APPLICANT: Dunbar Properties 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: 15/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Melville Dunbar Associates: G2-P203C.

Application Ref: FULL/2023/1134

Property Ref: D015130000

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 14/02/2027 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/2023/1134
Property Ref: D015130000
Valid date: 21/07/2023
Location: Houmet House Rue Des Houmets Castel Guernsey GY5 7XZ
Proposal: Change of use of ground and first floor levels from Office (Use Class 15) to dwelling (Residential Use Class 1).
Applicant: Dunbar Properties 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).

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

Site Description:

The application site comprises the ground and first floor, of a 2-storey granite and slate roofed office building located Outside of the Centres and the subject of no other designation under the Island Development Plan.

Surrounding the site, the area is predominantly residential comprising properties of mixed building types and design.

Relevant History:

FULL/2017/1298	Change of Use of office suites 3 & 4 to two residential units	Granted 28/07/2017
FULL/2014/1903	Change of Use of office to residential use, install window at side and alterations to entrance.	Granted 12/09/2014
FULL/2009/3912	Change of use from photographic studio (light industrial use class 37) to offices (administrative, financial and professional services use class 21 or 22)	Granted 23/04/2010

Existing Use(s):

Office (visiting members of the public)

Brief Description of Development:

The application relates to the change of use of an existing office unit at the site currently used as an architect's office (Use Class 15) to a single dwelling (Residential Use Class 1). The application submission sets out that with the majority of small businesses working from home the future use of the building as offices is uncertain.

Following the deferral of the application additional information was provided in relation to Policy GP16(A) that seeks to demonstrate that the building is no longer required or capable of being used for its current or last known purpose together with a request for a minor departure from Policy GP16(A) criterion a) should it be required.

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

Island Development Plan policies:

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP16(A): Conversion of Redundant Buildings

IP7: Private and Communal Car Parking

Representations:

None

Consultations:

None

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use, the living environment of future occupiers and the potential impact of the change of use on residential amenity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Policy OC3 of the Island Development Plan (IDP) makes provision for the change of use of existing office uses to an alternative use where the proposal accords with all other relevant policies of the IDP. This provides a policy gateway for the change of use proposed.

Policy OC1 sets out that the creation of new dwellings will only be supported where this is achieved through the conversion of an existing redundant building (or the subdivision of an existing dwelling). It is therefore necessary to consider the application against Policy GP16(A).

Criterion a) of Policy GP16(A) sets out that an application should demonstrate that the building is no longer required or capable of being used for its current or last known purpose. In this case, the building currently remains in use as office accommodation used by an existing architectural practice and is therefore not redundant for the purposes of this policy. However, the applicant has provided justifiable reasons as to why he is applying for planning permission for a change of use of the premises even though the site is still occupied. Furthermore, evidence has been submitted as part of the application from a local estate agent which confirms that although the site has not been actively marketed (due to the fact that it is occupied) due to the pandemic many employees have started working from home. This together with the fact that companies are becoming increasingly strident in their demands that office accommodation provides appropriate access facilities for

both existing and future staff and the fact in this case the accommodation is provided over two floors with no lift or access facilities, or the ability to realistically modify the property to provide such, would suggest that the use of the site for office purpose is not realistic and is diminishing on a year-by-year basis. The information states that should this be converted to a residential property, a tenant would be likely to be found immediately.

Following deferral of the application it has been accompanied by a request for a minor departure from the IDP in relation to Policy GP16(A) criterion a) subject to the justification provided. As set out below, in all other respects the scheme accords with the relevant policies in the IDP. Furthermore, it is acknowledged that planning permission has previously been granted for the change of use of other office units within the adjacent building to residential accommodation (Ref: FULL/2017/1298) following extensive marketing pre-pandemic when such office accommodation was in more demand, and that this is tertiary office accommodation, and its loss would be accepted when considering the findings of the Office Audit Study. In this case therefore, the request for a minor departure is considered acceptable.

The proposal relates to the provision of residential accommodation and the application sets out that no external alterations would be required to the building. Internally new partition walls would be required and upgrade works, however for the purpose of Policy GP16(A) and following the decision of the Planning Tribunal in assessing appeal ref: PAP/008/2019, these alterations are considered to be expected when considering applications of this type and the proposal meets the aims of criteria b) and c) of Policy GP16(A) regarding the proposed use and the capability of the building to be converted without extensive alteration or rebuilding. The proposal does not relate to a Protected Building and no external alterations or extensions are proposed meeting the aims of criteria d), e) and g) of GP16(A). As the site is located in an area surrounded by residential properties and built form the scheme would not have a detrimental impact on the character and openness of the landscape in accordance with criterion f) of GP16(A).

The position of the property and its interrelationship with neighbouring properties limits the potential for overlooking and loss of privacy from the proposed use. Views from the windows at ground and first floor in the west facing elevation would face towards the road and parking area associated with the neighbouring property in this direction. To the east these windows would face towards a car park.

The proposal relates to the reuse of an existing building which demonstrates efficient and effective use of land and given that the building is situated in a row of frontage, primarily residential development, in Rue des Houmets the proposal respects the character of the local built environment. The scheme therefore meets the aims of Policy GP8 a), b) and c).

The scheme considers the health and well-being of occupiers of the proposed dwelling by providing the accommodation with outlook to the north and to the east. The application does not specify how the site, which is currently hardsurfaced, would

be enhanced to provide usable amenity space for the proposed dwelling. However in the grant of planning permission for the change of use of two of the adjacent units from office to residential (Ref: FULL/2017/1298) in granting that permission the officer report stated that *“no external amenity space is provided (again as is the case with the adjacent dwelling approved in 2014), but given the proximity of the west coast beaches in particular this is not considered to count against the proposal. The application is therefore considered to comply with the aims and objectives of Policy GP8.”* On this basis a requirement to create private amenity space within the site would be unreasonable. However the option for future occupiers to create such would be possible.

In terms of residential amenity, following deferral of the application the internal layout has been reversed i.e. the bedroom, and bathroom provided on the ground floor with living accommodation (lounge, kitchen dining) provided in open plan format on the first floor. This makes better use of the internal layout of the premises and would provide a suitable living accommodation of adequate size, which exceeds both the Guernsey Technical Standards (GTS) and UK DCLG Technical housing standards – nationally described space standards, which accords with the direction given in Annex I of the IDP that the Authority would normally expect the GTS minimum space standards to be substantially exceeded to provide adequate amenities. Adequate outlook and sunlight/daylight provision to all internal rooms will be provided.

The accommodation will be provided over two floors and although this would not comply with Lifetime Home Standards given that the scheme relates to the change of use of an existing building and the constraints of the site, it would be unreasonable to refuse the application for this reason. The application is therefore considered to comply with the aims and objectives of Policy GP8.

The application proposes that parking be provided to the front and rear of the unit, and space has been allocated within the existing covered cycle store on site to accommodate dedicated cycle parking. The scheme is acceptable in the context of Policy IP7 and the absence of any maximum standard Outside of the Centres.

In view of the above and the requested minor departure it is recommended that planning permission is granted for the proposed change of use.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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 adverse impact on protected trees, buildings or sites.

Date: 13/02/2024

