

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 basement and ground floor levels from Offices (Use Class 16) to residential flat (revised scheme).

LOCATION: 7 Court Row, Rue du Manoir, St. Peter Port.

APPLICANT: Mr & Mrs N Ozanne

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: 15/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne - R33-10692-S1-02A

Application Ref: FULL/2023/1401

Property Ref: A200800000

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.No development shall begin on site until details of secure and covered cycle storage at lower ground floor level shall be submitted to and agreed in writing by the Authority. The cycle parking shall be completed in accordance with the approved details prior to the dwelling being first occupied. The cycle parking shall be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the cycle store will not have any adverse impact on the character of the area and to ensure that such storage is provided for the occupiers of the development hereby approved.

Expiry Date: This permission will cease to have effect on 14/09/2026 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/2023/1401
Property Ref: A200800000
Valid date: 07/08/2023
Location: 7 Court Row Rue du Manoir St. Peter Port Guernsey GY1 2PD
Proposal: Change of use of basement and ground floor levels from Offices (Use Class 16) to residential flat (revised scheme).

Applicant: Mr & Mrs N Ozanne

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.

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Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the cycle store will not have any adverse impact on the character of the area and to ensure that such storage is provided for the occupiers of the development hereby approved.

INFORMATIVES

OFFICER'S REPORT

Brief Description of the site:

7 Court Row, Rue Du Manoir is situated in the centre of St Peter Port. From the street it appears as a single-storey building with hipped, slate roof attached to single-storey development to the south. The property is in fact two-storeys in height with lower ground floor level accommodation not readily apparent from the street and accessed via a pedestrian access to the side/north of the property with stepped access down to the side of the property. The ground floor benefits from windows to the street, north and east elevations whilst the lower ground floor has windows facing east. To the rear/east of the building is a courtyard area which faces towards the taller elevations of the adjoining buildings to the north, south and east and where emergency escape access points are situated including a spiral staircase into the courtyard area.

The application relates to the change of use building (two floors) to one dwelling with open plan living, kitchen and dining room on the ground floor along with a WC and bedroom, and with a master bedroom on the lower ground floor with associated storage and ensuite. The submission sets out that the site has been marketed for rent or sale for a period of 5 years without any positive interest.

The scheme does not propose external alterations to the building as existing lower ground floor and ground floor windows would serve the residential accommodation proposed.

The site is located in the Main Centre and a Conservation Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought regarding residential use of the building.

FULL/2023/0802 - Change of use of basement and ground floor levels from Offices (Use Class 16) to two residential flats - withdrawn

Existing Use(s):

16 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:

Island Development Plan:

MC4(A): Office Development in Main Centres

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

Annex I: Amenities

DCLG Technical housing standards – nationally described space standard (2015)

Conclusion/Brief comment:

The IDP makes provision for the change of use away from office accommodation where the office floorspace is less than 250 sqm which is applicable in this case. The IDP also encourages new residential development within the Main Centre. There is therefore scope for the change of use proposed. As the site is located in the Main Centre the Island Development Plan supports new housing development in principle and re-using an existing building represents efficient and effective use of land.

The proposed dwelling will be contained within the envelope of the existing building and no external alterations are proposed. The proposal would not harm the character or appearance of the surrounding Conservation Area and accords with the aims of Policy GP4 of the IDP and also respects the character of the local built environment in line with policy GP8 criterion c.

The ground floor open plan living accommodation would have a reasonable level of outlook to the west towards the Royal Court House with secondary windows facing north towards the adjoining office building whose own windows face south towards the site. The ground floor bedroom will have two east facing windows which have a somewhat restricted outlook and access to daylight given their relationship with the neighbouring office/commercial buildings however, as bedroom accommodation rather than principal living accommodation this is not considered sufficient justification to withhold permission.

The master bedroom suite would have a bow window facing east across the small courtyard/escape access of adjoining buildings with higher level secondary windows facing the external stairs. Outlook from the master bedroom is limited given the cill height of windows and the position of the external staircase serving the site. Outlook from the bow window would be constrained by the surrounding built development and the utilitarian appearance of the fire escapes exiting to the courtyard however, the accommodation would not serve as primary living accommodation and whilst outlook and aspect from this room may be limited it would be served by a good degree of sunlight/daylight.

Whilst an element of overlooking may be possible from the windows of the office development to the north of the site overall the dwelling will not be unduly affected by overlooking and loss of privacy from the occupiers of surrounding buildings.

The dwelling would not benefit from access to external open space but the site is within easy access of the seafront/harbour, Sunken Garden etc. and as a result access to external open space is satisfactorily addressed in this instance. Provision could be made within this unit for a tumble drier in lieu of external space for clothes drying (storage space) and on balance access to external open space is considered satisfactory.

It is noted that all floors are currently served by staired access (up to the ground floor and down to the lower floor) which would not alter as a result of the development. This would likely preclude access for wheelchair users but could be accessed by ambulant disabled. The existing building presents some barriers to accessibility for people of all ages and abilities. The layout of the building could also be adapted at a later date to meet the changing needs of occupiers (e.g. grab rails in WCs/bathrooms and careful and appropriate siting of service controls). The scheme therefore addresses GP8 criteria f. and g.

Although the bedroom may fall short in terms of some aspects of amenity as outlined in Annex I overall the proposed dwelling exceeds the internal space standards with good sunlight/daylight to the majority of accommodation, without significant issues relating to overlooking or loss of privacy and scope to offer cycle parking. All these factors help balance the shortfall in outlook from the lower level accommodation and overall the scheme does consider the health and well-being of occupiers in line with Policy GP8 and Annex I.

The change of use proposed will not have an unacceptable adverse impact on the occupiers of the adjoining buildings in terms of privacy and overlooking.

The submission does not seek to address cycle parking provision. There could be scope to provide cycle parking outside the lower ground floor (bedroom) windows although this would be somewhat impractical given the need to carry cycles up and down stairs to access the cycle parking area. Nonetheless, the site would be able to make provision for secure and covered cycle storage for occupiers of the dwelling which is a matter that can be managed by condition. Furthermore, in this particular case there is an abundance of public cycle parking available not far from the site e.g. Sunken Gardens and in Smith Street, plus occupiers will have ready access to facilities within walking distance in town itself and Policies GP8 (design), IP6 and the SPG could be satisfied in this case.

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: 12/09/2023

