

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, first and second floor levels to create 3 flats (Residential Use Class 2) (revised scheme) and install window on 3rd floor level to north elevation.

LOCATION: 15 New Street, St. Peter Port.

APPLICANT: Cambria House 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: 13/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates - A200704 20, 21 & 22.

Application Ref: FULL/2023/1546

Property Ref: A201020000

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 occupation of any of the flats hereby approved (units 1 - 3) shall begin until the agreed secure storage has been fully completed in accordance with the details approved as part of this permission.

Reason - To ensure occupiers have access to storage including for cycle storage enabling occupiers to travel by alternative modes of transport in the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 12/10/2026 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/2023/1546
Property Ref: A201020000
Valid date: 07/09/2023
Location: 15 New Street St. Peter Port Guernsey GY1 2PQ
Proposal: Change of use of ground, first and second floor levels to create 3 flats (Residential Use Class 2) (revised scheme) and install window on 3rd floor level to north elevation.

Applicant: Cambria House Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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OFFICER'S REPORT

Site Description:

The application site comprises a four-storey building situated to the west of New Street in St Peter Port. The building is currently vacant but its authorised use is office over the ground, first and second floor, with two residential apartments above.

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

Relevant History:

PAPP/2007/0618	Change of use of 2 flats to offices	Refused 21/05/2007
FULL/2022/1373	Change of use of ground, first and second floor levels to create 3 flats (Residential Use Class 2) (revised scheme).	Refused 20/09/2022 Issues relating to design – privacy, outlook and daylight

Existing Use(s):

Office use (ground, first and second floors)

Residential (two flats on the third floor)

Brief Description of Development:

Planning permission is sought for the change of use of the ground, and part of the first and second floor levels to create three flats (Residential Use Class 2). Two small offices are shown to be retained to the rear of the building with fenestration facing Roselle Place. Alterations to the two third floor flats are also proposed to be considered as part of this scheme.

Ground floor

- Unit 1 – 1 bedroom
- Secure store for the upper floor units (2 – 5)
- Refuse store

First floor

- Unit 2 – 2 bedroom
- Open plan office (61.4 sqm)

Second floor

- Unit 3 – 2 bedroom
- Open plan office (61.4 sqm)

Third floor (currently in residential use)

- Unit 4 – 1/2 bed (see FULL/2020/0378 for second bedroom – now lapsed)
- Unit 5 – 1 bedroom with proposed formation of a second bedroom by installing internal partition walls

The application has been accompanied by a Waste Management Plan, Concept Design document, Daylight Report and Photographic Survey.

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

MC2: Housing in Main Centres and Main Centre Outer Areas;

MC4(A): Office Development in Main Centres;

GP4: Conservation Areas;

GP8: Design;

GP9: Sustainable Development;

IP6: Transport infrastructure and support facilities;

IP7: Private and Communal Car Parking.

Representations:

One letter of representation has been submitted highlighting a discrepancy in the photographic survey notes about the stairs serving a plant room adjacent to the car park with infrequent use however the stairway is in very frequent use day and night because it serves as a quick route from the garage block to the apartments.

Consultations:

None

Summary of Issues:

- Whether the loss of office accommodation and the principle of residential development is acceptable in this location;
- Design and impact of the development on the character and appearance of the Conservation Area
- Impact on neighbour amenity;
- Whether the proposal would provide a good living environment for future occupiers;

- Parking and cycle storage.

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.

Whether the loss of office accommodation and the principle of residential development is acceptable in this location.

Policy MC4(A): (Office Development in Main Centres) supports proposals to change the use in specific circumstances. As the office floorspace involved in the conversion of the building exceeds 250m², criterion (a) of policy MC4(A) must therefore be satisfied in this case.

It was accepted as part of the previous application that sufficient information and justification had been provided to support the loss of office floorspace at 15 New Street. This application has been accompanied by the same details and there have been no policy changes that would alter this conclusions therefore criterion (a) of Policy MC4(A) has been satisfied and the loss of office accommodation at this site for an alternative use is acceptable.

The building would retain two small office units which would have limited outlook and aspect being to the rear of the site, having lost the main windows and outlook to New Street itself however, as there is no material change of use (offices to remain) it would be inappropriate to withhold permission in this respect. It is also noted that access to the office accommodation would be shared with the proposed (and existing) flats, this has been identified as problematic as part of the application submission but the approach adopted would see the majority of the floorspace brought back into active use, through the introduction of residential accommodation, offering vitality and viability to this part of the Main Centre. Different marketing/prospective clients would need to be sought/addressed in relation to the two, 61.4 sqm offices shown to be retained within the building. The small office accommodation would not preclude the introduction of another use within the building.

As the site is located in the Main Centre the Island Development Plan supports new housing development in principle. The completed development will comprise a mixture of 1 and 2 bedroom units and is not located within an area of Important Open Land, therefore criterion b. is addressed and c. is not relevant in this case.

As the proposal would see an existing building reused this would represent efficient and effective use of land in line with Policy GP8 criterion b. It should be noted however, that the objective to build at high densities must be balanced against, and will not override, the need to create acceptable living environments.

The case is assessed against all other relevant policies of the IDP in the following sections of this report.

Design and impact of the development on the character and appearance of the Conservation Area

All of the proposed units of accommodation will be contained within the envelope of the existing building and no external alterations are proposed, although the agent has confirmed that first floor obscure glazed windows could be switched for clear glass if considered necessary. 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.

New developments should be planned and built to support the health and well-being of occupants and users and maintain appropriate amenities for those of neighbouring property.

Annex I of the IDP sets out that building at higher densities brings challenges with respect to ensuring reasonable amenities are provided. There must be a balance between the most effective and efficient use of land and the requirement to ensure that proposed living and working conditions are acceptable and that the higher density Main Centres, in particular, remain attractive places to live and work.

Flats 4 and 5 on the third floor are existing. Permission is sought to make alterations to these units, which was the subject of a previous application in 2020. There have been no material changes on or around the site nor in terms of policy considerations to alter the conclusion that the alterations are satisfactory and accord with the aims of the IDP.

Whether the proposal would provide a good living environment for future occupiers

- Aspect/Outlook
- Daylight/Sunlight

All new developments are encouraged to provide adequate levels of daylight and sunlight to all rooms, or at least principal rooms, gardens, balconies or communal external open spaces; these aspirations are qualified for sunlight by “where possible”. This reflects the constraints imposed by aspect relative to the movement of the sun, shading by existing development, and, in the case of converting existing buildings, its physical constraints.

The scheme proposes the formation of a single unit of residential accommodation on each of the ground, first and second floors of 15 New Street. The retention of office space at first and second floor level results in units 2 and 3 being single aspect whilst unit 1 on the ground floor would be dual aspect. The ground floor apartment will have kitchen/utility room windows facing Roselle Place whilst the upper floors would introduce living and bedroom windows facing New Street to the east, towards the office development on the opposite side of New Street. As a result, aspect and outlook associated with all three flats is considered satisfactory and whilst daylight may be somewhat unsatisfactory given how far light may penetrate into the building, where first and second floor kitchens/bathrooms would be situated more centrally within the building and without direct access to windows for light, on balance this is considered acceptable having regard to the health and well-being of future occupiers.

- Privacy

The Annex states that development will be expected to be designed with windows an adequate distance apart and / or suitably orientated to ensure that the level of privacy that could reasonably be expected to be enjoyed by an occupier is not adversely affected and that the use of obscure glazing alone to achieve privacy will not, normally, be considered acceptable.

Single aspect units as proposed would face office development on the opposite side of New Street. The proposed units would not be unduly affected by this adjoining development thereby offering future occupiers satisfactory levels of privacy for the enjoyment of the accommodation proposed.

- Access to external open space

The Annex states that the value of external open space becomes increasingly important in higher density development with all development having safe and convenient access to it. This was not identified as a reason for refusal as part of the previous scheme given the central location of the site within walking or cycling distance of Candie Gardens, the coast and bathing pools.

There would be provision of space within the apartments for a tumble drier in lieu of external space for clothes drying (utility or storage space) and on balance access to external open space is considered satisfactory.

- internal space provision

The three proposed flats exceed Part G of the Building Regulations and the DCLG space standards which represent best practice offering good internal space provision for future occupiers.

- Accessibility and flexible accommodation

It is noted that all floors are currently served by a staircase only and which would not alter as a result of the development. This would likely preclude access for wheelchair users however, the staircase would offer access to the upper floors by ambulant disabled. The existing building presents some barriers to accessibility for people of all ages and abilities. The layout of the units proposed could also be adapted at a later date to meet the changing needs of occupiers (e.g. grab rails in WCs/bathrooms, installation of hoists provided bedroom and bathroom ceilings are constructed in an appropriate manner and careful and appropriate siting of service controls) and in the balance would see an underused building brought back into use. The scheme therefore addresses GP8 criteria f. and g.

Impact on neighbour amenity

With the exception of the ground floor unit, by retaining office accommodation on the first and second floor there will be no change in terms of impact on residential amenity having regard to occupiers of Roselle Place. Unit 1 has four high level windows facing a blank wall and undercroft car park at Roselle Place. The windows are to serve a kitchen and utility room and will not result in harm to the amenities of occupiers of the adjoining development.

The frequent use of the stairs adjacent to the car park, as noted by the letter of representation is not considered to be significant to amenity.

Parking and cycle parking provision

The site will not be served by any off-road parking but is located in a highly sustainable location, within walking distance of local services and facilities. The scheme incorporates individual storage areas for each flat which is welcomed and these could provide the occupiers of the development with the opportunity for secure, covered cycle storage in line with the aims of Policies IP6 and IP7 of the IDP. It is acknowledged however, that given the stepped access to the building this will not be convenient for this purpose.

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: 05/10/2023

