

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: Convert lower ground and ground floor levels from Offices (Use Class 16) to 2 flats (Residential Use Class 2) and alteration to fenestration (north elevation).

LOCATION: Clifton House, Clifton, St. Peter Port.

APPLICANT: Clifton House 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: 10/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates: A230701 PD 10A & 15

Application Ref: FULL/2023/1617

Property Ref: A300840000

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 09/11/2026 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/2023/1617
Property Ref: A300840000
Valid date: 18/09/2023
Location: Clifton House Clifton St. Peter Port Guernsey GY1 1JR
Proposal: Convert lower ground and ground floor levels from Offices (Use Class 16) to 2 flats (Residential Use Class 2) and alteration to fenestration (north elevation).

Applicant: Clifton House 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.

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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

Brief Description of the site:

The property known as 'Clifton House' is a corner property which faces west directly onto Clifton, with the north elevation facing directly onto Berthelot Street, the lower ground floor entrance is on this elevation. To the south is a Quaker Meeting House, to the east is the rear garden which services the top floor flat, across the road to the north is an apartment block and across the road to the east is another house which has been separated into flats. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

PREA/2021/2329 & PREA/2020/0673 - Two pre-applications regarding change of use and conversion of the ground and lower ground floors becoming flats.

Existing Use(s):

Administrative, financial and professional services use class 16: administrative office.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

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

Conclusion/Brief comment:

This application is for a change of use from offices (use class 16) to two residential units (use class 2) comprising a one bedroom flat on the lower ground floor and a two bedroom flat on the ground floor.

As the total office floor space is less than 250sqm there is scope within policy MC4(A)b for a change of use to residential.

Policy MC2 sets out that housing in the Main Centre can be supported provided it accords with other relevant policies in the Island Development Plan. There are other housing units in the area, plus the first floor of the house is already a residential dwelling. Therefore, the principle of new housing in this area is acceptable under this policy.

With to the requirements of Policy GP8, the floor area of unit 1 comprises circa 61.8m² and for Unit 2 circa 72.2m² and both units would exceed the minimum space requirements of 35m² (1 bedroom 2 person flat) and 53m² (2 bedroom four person flat) as set out within Part G of the Guernsey Technical Standards (Health, hygiene and water efficiency), and the 50m² and 70m² (respectively) provision contained within best practice guidance for Internal Space Standards (published by the Authority in October 2018). The proposal would therefore provide a good living environment in this respect.

As part of the scheme no private amenity space or car/cycle parking has been provided. However, given that the proposal is for a change of use of an existing building (and not new development) located within walking distance of existing public recreational areas and public car/cycle parking it is considered acceptable in this instance. There is also on street parking, public car parks and good transport services close by.

The new lower ground floor flat would, however, have a limited, single aspect providing low levels of natural light at the rear of the flat internally. Although this fact would detract from the quality of accommodation and living environment, when taking account of the fact that constraints invariably exist when existing buildings are to be converted, and that the incorporation of this flat can be seen to make an effective and efficient use of the building generally, it would not be reasonable to refuse planning permission on this ground alone.

The single window in the lower ground floor flat for the bedroom is to be adapted so that the whole window opens inwards, it will be side hung rather than the existing traditional sash that it is at present. This alteration is required and is proposed following deferral of the application to ensure that a suitable means of escape window can be provided for the bedroom. Although when open the window will differ from a traditional sliding sash it will appear the same when closed. Furthermore, there are examples of non traditional windows (top hung) on the front elevation of the side aspect of the building and on other properties within the surrounding area. The alteration to the window would not negatively affect the character of the area and would therefore comply with the provisions of policy GP4.

The conversion is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impact on any of the immediate neighbours.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions. Although the standard of amenity enjoyed by the occupants would be limited, on balance, it is considered that finding a new use for the two floors of the building over-rides those concerns.

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: 09/11/2023

