

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 first floor and part of ground floor from offices (Use Class 15) to staff accommodation (Premises in multiple occupation, Use Class 6).

LOCATION: DVLA Office Building, Bulwer Avenue, St. Sampson.

APPLICANT: Mr M Langlois

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: 17/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Architecture Ltd - 353 - 10 P2, 20 P1, 30 P1, 40 P1

Application Ref: FULL/2024/0245

Property Ref: B00153B001

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. Construction work shall not commence until a scheme for protecting the residential units from noise, has been submitted and approved by the Authority. All works which form part of the scheme shall be completed in accordance with the approved details before any part of any of the residential units are occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines/ achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the internal ambient noise standard within BS8233:2014 to protect the residential unit from noise, and the results of the test submitted to and approved by the Authority.

Reason: In the interest of residential amenity

Expiry Date: This permission will cease to have effect on 17/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is advised that the Island's only continuous air quality monitoring station is located adjacent to the site and that the power for the station comes from the site.

It is likely that the applicant will need to seek advice from an acoustic consultant, and a list of consultants who are prepared to operate on the island is available from the Office of Environmental Health and Pollution Regulation. Please note that inclusion on the list does not infer any kind of recommendation.

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/2024/0245
Property Ref: B00153B001
Valid date: 14/02/2024
Location: DVLA Office Building Bulwer Avenue St. Sampson Guernsey GY2 4JN
Proposal: Change of use of first floor and part of ground floor from offices (Use Class 15) to staff accommodation (Premises in multiple occupation, Use Class 6).
Applicant: Mr M Langlois

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.

4. Construction work shall not commence until a scheme for protecting the residential units from noise, has been submitted and approved by the Authority. All works which

form part of the scheme shall be completed in accordance with the approved details before any part of any of the residential units are occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines/ achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the internal ambient noise standard within BS8233:2014 to protect the residential unit from noise, and the results of the test submitted to and approved by the Authority.

Reason: In the interest of residential amenity

INFORMATIVES

The applicant is advised that the Island's only continuous air quality monitoring station is located adjacent to the site and that the power for the station comes from the site.

It is likely that the applicant will need to seek advice from an acoustic consultant, and a list of consultants who are prepared to operate on the island is available from the Office of Environmental Health and Pollution Regulation. Please note that inclusion on the list does not infer any kind of recommendation.

OFFICER'S REPORT

Site Description:

Bulwer Avenue Office comprises a detached flat roof building, split over two levels. The site is located within the Longue Hougue Key Industrial Area and located in a Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

N/A

Existing Use(s):

Mix of Use Class 15 (Provision of professional service to visiting members of the public), and Use Class 16 (Use as administrative office).

Brief Description of Development:

The proposal is for the change of use of the upper floor and part of the ground floor to a six-bedroom Property in multiple occupation.

The proposal is for 4 x double bedrooms and 2 x single bedrooms with one bathroom along with a separate WC, and separate shower. The ground floor includes a new

lounge area, and the existing staff room/kitchen is to be utilised to provide cooking facilities.

The proposed accommodation is required for Ferryspeed workers, who have identified a requirement for staff accommodation to attract additional overseas workers who are able to work more flexibly, and ensure Ferryspeed are able to operate a good level of service.

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

MC2- Housing in Main Centres and Main Centre Outer Areas

MC4(B)- Office Development in Main Centre Outer Areas

MC5(A) – Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas- within Key Industrial Areas

GP8 – Design

GP9 – Sustainable Development

Representations:

None received

Consultations:

The Office of Environmental Health and Pollution Regulation (OEHPR) were consulted on the original application and the following comments were made:

“The application indicates that the HMO will be for between 6 – 12 members of staff. Having reviewed the plans submitted the current layout and facilities allow for a maximum of 10 occupants only. Also, the property will need to be adequately heated, there is no indication of how this will be achieved and I would like confirmation of the type of heating system installed, or to be installed, prior to any consent given.

I am concerned about the noise levels in the area and the potential impact these could have on the occupants of the property. Whilst the current intention is to accommodate employees from a neighbouring business, there is nothing that would restrict the property changing ownership. As such and to ensure that occupants are adequately protected, I would request that the following condition is attached to the consent:

- *Construction work shall not commence until a scheme for protecting the residential units, has been submitted and approved by the Authority. All works which form part of the scheme shall be completed in accordance with the approved details before any part of any of the residential units are occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines/ achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings.*

Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the internal ambient noise standard within BS8233:2014 to protect the residential unit from noise, and the results of the test submitted to and approved by the Authority. It is likely that the applicant will need to seek advice from an acoustic consultant, and I have enclosed a list of consultants who are prepared to operate on the island. Please note that inclusion on the list does not infer any kind of recommendation.

Air Quality

In addition, I would request that the applicant is made aware that the islands only continuous air quality monitoring station is located adjacent to the proposed develop site and that the power for the station comes from the site. We have informed States Property Services of this."

In response to the comments from OEHPR, the application has been amended to show a maximum occupation of 10 people. The applicant has also confirmed that an electric heating system will be used. No further comments were made based on the revised plans.

Summary of Issues:

The most significant issues are the principle of residential development in this location, along with the amenity of future occupants.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal is for the change of use of the first floor and part of the ground floor from the existing office use, to residential. The site is located within the Main Centre Outer Area where new residential development is supported in principle, subject to compliance with other IDP policies.

The site is located within the Key Industrial Area, however, Policy MC5(A) does not apply as the existing use of the site is not industrial, storage or distribution, but is recognised as an office use. This means that Policy MC4(B) is relevant, this supports the change of use or redevelopment of office accommodation to other uses where:

- a. The existing premises provides an unsatisfactory standard of accommodation and cannot easily be refurbished to meet modern needs and can be proven to have been actively and appropriately marketed unsuccessfully for 12 consecutive months; or,
- b. The office floorspace is less than 250 square metres.

The floor space of the whole office building is approx. 380m² which therefore exceeds the 250m² limit noted within criterion b of the above Policy.

The existing premises is however considered to be a tertiary office when assessed against the standards used in the Office Quality Audit 2020. Although the site has not been actively marketed for a period of 12 consecutive months, a minor departure from this part of Policy MC5(A) would allow for the change of use of the office to residential accommodation and has been requested by the Agent.

Overall, given that the office accommodation is located Outside of the Centres and comprises tertiary office space which due to its, age, limited size and need of refurbishment does not meet modern standards, it is considered that a Minor Departure from criterion 'a' of Island Development Plan Policy MC5(A) under Section 12 of The Land Planning and Development (General Provisions) Ordinance, 2007, would be justified in this instance.

It is also important to note that this Minor Departure would follow the same direction as the IDP as a whole which allows for change of use of tertiary office to enable market forces to determine more appropriate uses, and therefore its departure from the IDP is considered 'minor'.

The proposed property in multiple occupation has been assessed by the OEHPR and they have considered that the revised scheme, allowing a maximum occupancy of 10 people, is acceptable in terms of the facilities and layout proposed. The smallest single room measures 17m² which exceeds the minimum standard.

The OEHPR have raised concern regarding the potential for noise disturbance from the surrounding units and existing uses within the industrial area which may impact upon the living conditions of future occupants of the building. Although this is not a significant issue at present as occupants are proposed to be employees, this may not always be the case in the future. A condition has been applied to provide a scheme to protect the residential units and this shall be tested prior to first occupation and this should provide the mitigation necessary to ensure an adequate standard of living for future occupants.

The proposal also complies with Policy GP8 in that it provides the most effective and efficient use of land and provides adequate light levels and outlook. There is an external amenity area which is presumably shared with the office use and is acceptable in relation to the expectations for a property in multiple occupation. There are no external alterations to the building to consider in terms of design or which would impact upon the character of the area.

There are no nearby residential properties and no harm to neighbour amenity is anticipated.

The change of use of the office space for residential purposes is therefore considered acceptable in relation to the relevant policies. The site is not within an SSS, or cause impact upon a protected tree, monument or building.

Approval is recommended subject to relevant conditions.

Date: 16/04/2024

