

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 and second floor offices (Use Class 16) to form 6 flats (Use Class 2), install dormer window, rooflights and alterations to fenestration.

LOCATION: 5-7 Victoria Road, St. Peter Port.

APPLICANT: The Maison Saint Pierre Trust

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: 28/03/2024

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: Evans Architecture Ltd: 2311/01.01, /03.03, /03.04, /03.05, /03.06, /03.07, /03.08 & /03.09.

Application Ref: FULL/2024/0293

Property Ref: A304480000

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, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

5.The rooflights hereby approved to the south roofslope shall have a minimum cill height of 1.7m above finished second floor level.

Reason - To protect the amenity of adjoining residential properties.

Expiry Date: This permission will cease to have effect on 28/03/2027 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/2024/0293
Property Ref: A304480000
Valid date: 14/02/2024
Location: 5-7 Victoria Road St. Peter Port Guernsey
Proposal: Change of use of first and second floor offices (Use Class 16) to form 6 flats (Use Class 2), install dormer window, rooflights and alterations to fenestration.

Applicant: The Maison Saint Pierre Trust

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.

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 - To encourage the use of bicycles as an alternative to the car.

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Reason - To protect the amenity of adjoining residential properties.

OFFICER'S REPORT

Site Description:

The application site comprises an office building located between Victoria Road to the north and Les Petites Fontaines to the south, and forms part of the mixed commercial and residential terraced development lining those roads. The building includes three floors of office accommodation with a basement parking floor.

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

Relevant History:

PREA/2022/1408 – Change of use of 1st and 2nd floor from office to residential

FULL/2022/2046 – Change of use of 2nd floor office (Use Class 16) to flat (Residential Use Class 2); Installation of dormer windows (north elevation) and installation of rooflight (south elevations) – Approved 04/04/2023

FULL/2023/0076 – Change of use of 1st floor office (Use Class 16) to flat (Use Class 2) – Approved 21/04/2023

Existing Use(s):

16 – Administrative Office

Brief Description of Development:

Permission is sought for a change of use of the first and second floors of the building from office to form 6no one bedroom flats (5no of sufficient size for double occupancy, 1no for single occupancy).

The application includes the installation of dormer windows to the north elevation, the installation of rooflights to the south and west elevations and replacement of fenestration.

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

MC2	Housing in Main Centres and Main Outer Areas
MC4(A)	Office Development in Main Centres
GP4	Conservation Areas
GP8	Design
GP9	Sustainable Development
IP6	Transport Facilities and Support Services
IP7	Private and Communal Car Parking

Representations:

None received.

Consultations:

None.

Summary of Issues:

Whether change of use away from office complies with policy;
Whether change of use to residential complies with policy;
Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings;
Impacts on neighbour amenity;
Provision of parking.

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).**

This application comprises a revised scheme for conversion of the upper floors of the building for residential use. Under the previous applications it was established that the existing building would comprise a single planning unit, and the accommodation would exceed 250sqm. Policy MC4(A) only supports the change of use such accommodation where the existing premises provides an unsatisfactory standard of accommodation that cannot be easily refurbished to meet modern needs and can be

proven to have been actively and appropriately marketed unsuccessfully for 12 consecutive months.

Whilst limited information was provided as part of the previous applications to address this policy, and no additional information has been provided as part of the current submission, the application reports noted that the accommodation has been identified as tertiary within the Office Audit 2020, and the site is isolated from any established office locations. In the context of this particular site, the information provided was therefore considered just adequate to address the requirements of policy.

The applicant has previously stated that the accommodation has been unsuccessfully advertised for let for a period of nearly 2 years and confirmation has been provided from a property consultant that they have marketed the premises for over 12 months. The current application notes that the upper floors of the building remain empty.

In light of the above the change of use away from office has previously been considered to meet the terms of Policy MC4(A), and there has been no subsequent change which would alter that conclusion.

Policy MC2 would support the change of use of the accommodation for residential purposes. The proposed accommodation would just exceed the requirements of the Guernsey Technical Standards. The flats are single aspect with 3 of the flats only including north facing windows and therefore the potential to receive sunlight for these flats will be poor. However, with regards to daylight, the rooms would be served by limited but adequate fenestration. Whilst no external space is available, the flats would have limited outlook over public streets and this is common in this central Main Centre location. The level of privacy for flat 3 is not ideal due to the nature of the windows at street level but this would not be wholly dissimilar to the arrangement of other residential properties within this central town location.

The application site is within the historic core of St Peter Port where the buildings are developed closely to each other. It is not therefore expected that the levels of amenity would be as high as for other dwellings in less developed areas and a residential development on this site would not be expected to achieve high standards against all the amenity considerations. Despite the deficiencies of the proposed flats in some aspects, particularly flat 3, on balance, the proposal would provide a low but satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

The replacement of existing windows within the existing apertures as proposed would not give rise to any additional impacts.

The proposed dormer windows to the north elevation would have no adverse impact on the appearance of the building or the character of the area, and, taking into account the configuration of buildings on the north side of the road, there would be

no adverse impact on the amenity of nearby properties in that direction. Four 1200mm x 600mm rooflights are proposed to the south elevation, and a further two rooflights are proposed to the west elevation. Whilst the cill height of the rooflights is not clear from the submitted plans, the supporting letter states that this will be set to avoid overlooking, and a condition can be applied to the decision to ensure the cill height is a minimum of 1.7m above finished second floor level. On that basis, the installation of rooflights as proposed would have no adverse impact on the appearance of the building, character of the area or neighbour amenity.

The building benefits from basement car parking, however it is not clear how this parking would be allocated, or whether there are facilities to secure cycles in that area. It is not a requirement to provide car parking within Main Centre locations such as this, and it is sufficient to have demonstrated that there is scope to provide adequate parking, if required. It is however a requirement to provide secure cycle parking, and to meet the Parking Standards it would be necessary to provide 1 secure space for each of the flats, with 1 additional space for visitor parking. There would be space to meet this provision within the basement car park, and details of how this would be addressed and implementation can be controlled by condition.

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

Conclusion

The proposal would accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 27/03/2024