

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 from offices (Use Class 16) to premises of multiple occupation (Use Class 6).

LOCATION: 2 Forest Lane, St. Peter Port.

APPLICANT: Guernsey Samaritans LBG

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: 19/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Simon Cottell - 03.01 and 03.02 and letter from Samaritans dated 10/04/2024

Application Ref: FULL/2024/0468

Property Ref: A112690000

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 19/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Attention is drawn to <https://www.gov.gg/housingstandards> which details the current minimum standards for rental accommodation. It should be noted that the States of Guernsey passed the Housing Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation. The applicant is advised to consider the applications in relation to future legal requirements.

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/2024/0468
Property Ref: A112690000
Valid date: 20/03/2024
Location: 2 Forest Lane St. Peter Port Guernsey GY1 1WJ
Proposal: Change of use from offices (Use Class 16) to premises of multiple occupation (Use Class 6).

Applicant: Guernsey Samaritans LBG

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.

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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.

INFORMATIVES

Attention is drawn to <https://www.gov.gg/housingstandards> which details the current minimum standards for rental accommodation. It should be noted that the States of Guernsey passed the Housing Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation. The applicant is advised to consider the applications in relation to future legal requirements.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a 4 storey building located on a narrow pedestrian lane just above Le Pollet, and within the Conservation Area and Main Centre under the Island Development Plan. The site is surrounded on all sides by Protected Buildings.

The application relates to the change of use of an existing office, with residential flat within the attic space, to a house in multiple occupation. A kitchen and lounge are proposed on the ground floor with two bedrooms and a bathroom on the first floor, two en-suite bedrooms on the second floor and no changes proposed to the attic layout which comprises two bedrooms and a bathroom. There would be a total of six bedrooms, a mix of single and double occupancy (two double and four single) rooms.

Following the deferral of the application it has been confirmed no more than eight people will reside in the property and the drawings show whether rooms are single or double bedrooms. Discussions have also been held with the Office of Environmental Health and Pollution Regulation regarding kitchen facilities.

Relevant History:

FULL/2015/1933 - Alteration and conversion of office (use class 21) to two flats (residential use class 2) – granted

Existing Use(s):

Offices

Flat (shared access and kitchen with 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 policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

MC4(A): Office Development in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings (setting)

GP8: Design

GP9: Sustainable Development

Annex I – Amenities

Consultation:

Office of Environmental Health and Pollution Regulation – have reviewed the proposed plans for change of use to class 6 which were received by email on 21st March. There are a number of issues where additional information is needed, primarily in relation to the space and facilities that will be provided to the residents for cooking and eating and the size of the bedrooms. OEHPR request the following:

- Maximum number of occupants in each sleeping room
- Total number of occupants in the dwelling (maximum)
- The number of ovens, cooking rings, sinks and amount of workspace in the kitchen.

OEHPR draw the applicants attention to <https://www.gov.gg/housingstandards> which details the current minimum standards for rental accommodation. It should be noted that the States of Guernsey passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation. The applicant is advised to consider the applications in relation to future legal requirements.

OEHPR reviewed the additional information provided by email on 10th April and do not wish to raise any objections to the revised proposal.

Conclusion/Brief comment:

The Island Development Plan supports the change of use away from office accommodation with a floor area of less than 250 sqm and for new housing development in a Main Centre such as this. The scheme relates to the reuse of an existing building which does not offer scope for a variety of dwellings or varied mix and type however, a House in Multiple Occupation (HMO) would in itself contribute to the mix and type of dwellings found in the locality. There is scope for the change of use (MC2 and MC4(A)) subject to all other relevant policies being satisfied.

The use is also considered to be compatible with the mix of uses in the locality and will contribute to the vitality and viability of the Main Centre.

The scheme does not propose any external changes to the building therefore the scheme will not have a detrimental impact on the character and appearance of the Conservation Area or the setting of the surrounding Protected Buildings.

Surrounding buildings contain a mixture of retail, office and other commercial uses, together with residential uses (often above ground floor level). No physical alterations are proposed to the exterior of the building, and whilst the dense pattern of development surrounding the site means that properties overlook each other at close quarters, it is not considered that the residential use proposed would have materially greater impacts on neighbouring amenity than the existing office use.

Annex I seeks opportunities for development occupiers to benefit from interesting or attractive outlook within the urban centre identified for example, as views over urban open spaces, public parks, landscape features or longer vistas over the townscape.

Annex I considers sunlight alongside daylight and their ability to enter a building will not, alone, be a determining factor when considering development proposals, providing that other amenities objectives are appropriately addressed. 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.

Internally, the accommodation, with kitchen and living area on the ground floor and two bedrooms and a bathroom on the first and attic floors, and two en-suite bedrooms on the second floor meets the internal space standards for the current Building Regulations (single and double occupancy rooms). Outlook and aspect will be limited from wall windows given the tight knit arrangement of properties in this highly sustainable, central location in St Peter Port with some compromises on sunlight/daylight as a result of this and the orientation of the existing building. Although in close proximity to adjoining buildings there would be acceptable levels

of privacy for future occupiers without undermining the amenities of occupiers of neighbouring buildings.

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. However, the site provides ready access to the sea front, public transport and local public spaces such as the Sunken Garden and Candie Gardens and so the matter of access to open space is satisfactorily addressed in this case.

It is noted that all floors are currently served by a staircase only and which would not alter as a result of the development. Access to the site is also via a very steep hill. 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 but it could 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 a building that is no longer fit for its current purpose find an alternative use.

Although there is no on site cycle parking the site is situated in the heart of St Peter Port. There is ready access to public cycle stands in the locality which, on balance is considered satisfactory in this regard.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended permission is granted for the change of use proposed.

Recommendation:

Grant with Conditions



Date: 17/04/2024

