

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: Variations to plans previously approved for 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 - Create additional flat and alteration to fenestration to south and east elevation to 1st floor level (form 7 flats in total).

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: 30/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture Ltd: 2311/01.01A, /03.04A, .05A, .06A & .07.

Application Ref: FULL/2024/0606

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 on or before 28/03/2027.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 28/03/2024, issued under planning application reference FULL/2024/0293, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. The new doors hereby approved to the south elevation shall not be installed until details of those doors have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the doors are of satisfactory design, do not have any adverse impact on the character of the area or on the amenity of adjacent 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/2024/0606
Property Ref: A304480000
Valid date: 15/04/2024
Location: 5-7 Victoria Road St. Peter Port Guernsey
Proposal: Variations to plans previously approved for 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 - Create additional flat and alteration to fenestration to south and east elevation to 1st floor level (form 7 flats in total).

Applicant: The Maison Saint Pierre Trust

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 on or before 28/03/2027.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 28/03/2024, issued under planning application reference FULL/2024/0293, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. The new doors hereby approved to the south elevation shall not be installed until details of those doors have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the doors are of satisfactory design, do not have any adverse impact on the character of the area or on the amenity of adjacent 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

FULL/2024/0293 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. Approved 28/03/2024

Existing Use(s):

16 – Administrative Office

Brief Description of Development:

This application seeks permission to vary the previous approval for a change of use of the first and second floors of the building to form 6no one bedroom flats, to create 4no one bedroom flats and 3 no bedsits, altering the first floor accommodation from 3no flats to 1no flats and 3no bedsits. Alterations are also proposed at first and second floor level, removing the second stair between those levels and incorporating the floor space into the adjacent flats.

The application includes the addition of one first floor window to the east elevation and alterations to the first floor fenestration to the south elevation.

In support of the application it is stated that the accommodation is to be set up by a charitable trust, to provide accommodation for young homeless people in the Island, and therefore proposes single bed accommodation. It is also identified that level access can be required, driving the amendments to the first floor 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 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).**

The principle of change of use away from office and the creation of residential accommodation at first and second floor of these premises has previously been accepted.

The retained flat on the first floor would continue to exceed the floor requirements of the Guernsey Technical Standards for two person accommodation and, although designed as bedsits, the remaining three units on that floor would also exceed the requirements for two person flats.

The amenity of Flats 1, 2 & 4 would remain substantially as previously approved. The new Flat 3 would be served by only two windows, located peripherally to the floor plan and this would limit light within the flat. There is some outlook from the new window in the east elevation over the town roofscape and the windows are at least positioned adjacent to the kitchen and living space. On balance this provision is considered to just be acceptable.

It has previously been accepted that external amenity space is not a requirement in this instance.

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 new window would face over a courtyard shared between and providing access to multiple flats and would not overlook private amenity space. The relationship with the windows on the adjacent property, particularly taking into account the layout of the associated flat, would not result in any significant loss of privacy to either the proposed flat or the accommodation in the adjacent property.

In respect of the first floor windows facing on to Le Petit Fontaines at street level, it was previously noted that this kind of relationship is not uncommon within this central town location. It is also noted that windows on the opposite side of the lane are generally obscured in some manner to protect the privacy of those units from passersby. The proposed new door to Flat 4 would be facing an existing solid door in the opposite building and would not result in adverse impacts.

The new double doors would serve a stairwell, providing a means of escape from the ground floor, and would not result in significant impacts on the opposite property. Details of these doors have not yet been finalised however this can be controlled by condition. Any interface between the new kitchen window to Flat 3 and the window in the opposite property would not give rise to sufficient impacts to warrant refusal of the application.

The alterations proposed at second floor level are minor and would not alter the assessment previously made in respect of the units approved on that floor.

There would remain sufficient space to cater for any car or cycle parking requirements within the basement and this would be controlled by Condition 4 of the previous permission.

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: 29/05/2024