

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 to mixed use (sui generis) including elements of Use Class 10 - general retail and Use Class 18 - non residential medical.

LOCATION: Lefebvre House, Lefebvre Street, St. Peter Port.

APPLICANT: Number Two Lefebvre 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: 05/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Katie Birch - 201, 204A, 205A

Application Ref: FULL/2024/0721

Property Ref: A20070A000

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 05/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

For the avoidance of doubt, planning permission is granted for a mixture of uses comprising general retail (Use Class 10), and health care with ancillary functions (Use Class 18). The overall use of the ground and first floor of the building is therefore a Sui Generis Use and planning permission would be required to change the use in the future.

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/2024/0721
Property Ref: A20070A000
Valid date: 16/04/2024
Location: Lefebvre House Lefebvre Street St. Peter Port Guernsey
GY1 2JP
Proposal: Change of use to mixed use (sui generis) including elements of
Use Class 10 - general retail and Use Class 18 - non residential
medical.
Applicant: Number Two Lefebvre 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.

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.

INFORMATIVES

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

For the avoidance of doubt, planning permission is granted for a mixture of uses comprising general retail (Use Class 10), and health care with ancillary functions (Use Class 18). The overall use of the ground and first floor of the building is therefore a Sui Generis Use and planning permission would be required to change the use in the future.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a two-storey building situated to the north of Lefebvre Street. The property has links to High Street through Lefebvre Square, a pedestrian courtyard to the east. Surrounding the site the area comprises a mixture of restaurants, retail, office (with the Constables office immediately to the west) and residential in the upper floors of some of the nearby retail premises.

The site is situated within St Peter Port Main Centre and a Conservation Area as designated in the Island Development Plan.

Relevant History:

The application has been the subject of pre-application advice.

Existing Use(s):

Office Use

Consultations:

Office of Environmental Health and Pollution Regulation

"I have reviewed the proposed plans for the above mentioned property to be used for mixed use which were received by email on 2nd May 2024 and there are a number of issues of concern that I must raise.

There is currently limited information available for me to be able to comment on this application. I am concerned about the potential noise impact from the proposed gym space, and potential odour impact from the proposed gym. There is also no reference to operating hours for any aspects of the development. There is no consideration of plant and equipment for the kitchen or gym. Will there be any mechanical plant (e.g. extraction for the kitchen or air handling for the gym) required as part of the development?

I note that the property is predominantly surrounded by commercial entities, however our statutory nuisance provision can extend to impacting commercial premises, albeit there is significant evidence required to demonstrate that a statutory nuisance has occurred. As such, to ensure that this matter is addressed at an early stage, and to avoid the operator/owner bearing potential significant retrospective costs, I would comment that there is currently insufficient information available and request that the applicant seek the advice from an acoustic consultant to ensure that compliance with ProPG: Gym Acoustics Guidance (GAG) can be achieved. This document can be found by following this link <https://www.association-of-noise-consultants.co.uk/wp-content/uploads/2023/03/ProPG-Gym-Acoustic-Guidance-Document.pdf>. Please find attached a list of consultants who may be able to assist and are willing to operate on island. Please note that inclusion on the list does not infer any recommendation by this office.

I note that there is a proposed cafe/kitchen area on the plans, however, no details are included for this space. I would urge the applicant to provide a detailed plan for this area and to contact the Office of Environmental Health and Pollution Regulation to discuss food hygiene requirements prior to installing a commercial kitchen.

Once the applicant has reviewed these comments and provided more detail, I would be happy to review this."

The application was subsequently deferred omitting the proposed gym/fitness area and altering the kitchen/café area to form a seating/waiting area instead. OEHPR was reconsulted on the revised scheme and by letter dated 18th June 2024 stated the following:

"I have reviewed the revised information for the proposed plans for the above mentioned property which were received by post on 29th May 2024 and I do not wish to raise any objections to the proposals."

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:

MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas
MC4(A): Office Development in Main Centres
MC6: Retail in Main Centres
GP8: Design
GP9: Sustainable development

Conclusion/Brief comment:

The application site currently comprises a vacant office at both ground and first floor. Under this proposal, and following deferral of the application, planning permission is sought to change the use of both the ground and first floors to a mixture of uses (Sui Generis Use) comprising general retail (Use Class 10), and health care with ancillary functions (Use Class 18). The principle of the proposal therefore falls to be considered under Policies MC4 (loss of office floorspace) MC3 (new health care floorspace) and MC6 (new retail floorspace).

Policy MC4 supports proposals for the change of use or redevelopment of office accommodation to other uses provided that:

- a) The existing premises provides an unsatisfactory standard of accommodation that cannot be 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 250m².

The current office floorspace comprises an area of circa 460m² and therefore criterion (b) is not relevant and the proposal must be assessed against criterion (a) above. As part of the application evidence has been submitted from a local property consultant confirming that the property has been actively and appropriately marketed for its current office use since it first became first vacant in October 2022. Despite marketing the property in various ways and on various sales platforms, no substantive interest has been shown.

Evidence has also been presented as part of the application to demonstrate that the building has been modified and upgraded with the installation of category 6 data cabling, air conditioning throughout and a lift between the ground and first floors.

Even through the investment, the building has still remained vacant for a 2 year period (despite being actively marketed) and there are no further easily identifiable improvements that could be made to this accommodation to meet market needs. In this instance therefore, the scheme complies with criterion (a) of Policy MC4 and the loss of office is accepted.

The IDP at paragraph 6.2.1 defines health centres and health care facilities as a Social and Community Facility. Policy MC3 supports new social and community facilities where the applicant demonstrates that an existing site or premises in such use within or around the Main Centre concerned is not available and suited to accommodate the particular proposal, including the dual use of premises.

The applicant's agent has submitted a letter (dated 3rd July 2024) which states that 6 local estate agents had been contacted who confirmed that there were no premises currently available for such use including the dual use of premises. The new healthcare floorspace and ancillary functions (pharmacy, treatment rooms etc.) is therefore supported by policy MC3 in this instance.

Policy MC6 supports new convenience and comparison retail provision within Main Centres. The new retail floorspace is therefore supported in this instance.

No external alterations are proposed to the building and the scheme would therefore not harm the character of the surrounding Conservation Area or impact on residential amenity and complies with Policies GP4, GP8 and GP9 in this respect.

Details of signage and any air handling plant have not been included within the application, and an informative note has been included to remind the applicant that permission is also required for such development which would not meet the exemption criteria.

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.

Recommendation:

Grant with Conditions



Date: 04/07/2024

