

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: Convert 1st and 2nd floors from offices to 6 additional flats
(Use Class 2).

LOCATION: Lyric House, New Street, St. Peter Port.

APPLICANT: Fairdaniel Investments 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: 25/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 3285-DR-10B, 11 & 12.

Application Ref: FULL/2024/0931

Property Ref: A201010000

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 25/06/2027 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/2024/0931
Property Ref: A201010000
Valid date: 23/05/2024
Location: Lyric House New Street St. Peter Port Guernsey GY1 2PQ
Proposal: Convert 1st and 2nd floors from offices to 6 additional flats (Use Class 2).

Applicant: Fairdaniel Investments 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.

OFFICER'S REPORT

Brief Description of the site:

The application comprises a four storey building on New Street, St Peter Port. The building includes covered car parking at ground floor with two floors of office accommodation above. The third floor is already in residential use, containing three flats.

Permission is sought for a change of use of the first and second floors of the building from office to form 6 x flats (4 x two bedroom and 2 x one bedroom). No operational development is proposed.

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

Relevant History:

N/A

Existing Use(s):

18 General Office

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:

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

Conclusion/Brief comment:

On the basis of the information provided, the existing building would comprise a single planning unit, and the accommodation would exceed 250sqm. Policy MC4(A) 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.

In this case, the application includes details regarding the unsuccessful marketing of the offices for 3 years despite competitively priced rent, flexibility and incentives offered. The accommodation would also be identified as tertiary within the Office Audit 2020, despite recent refurbishment, the internal configuration and low floor to ceiling heights are unsatisfactory. The information provided is considered adequate to address the requirements of policy and acceptable in relation to Policy MC4(A).

Policy MC2 would support the change of use of the accommodation for residential purposes. The proposed accommodation would exceed the requirements of the Guernsey Technical Standards and the recommended best practice guidelines set out in the UK's DCLG space standards. Some rooms would be served by limited but adequate fenestration as the position of the building between two neighbouring properties and topography to the rear means that there are no windows to the south elevation, or the rear elevation at first floor level. Windows to the north elevation look out onto an internal courtyard and are adjacent to the neighbouring building. This means that none of the proposed bathrooms, utility rooms or internal hallways have windows and it is likely to have some impact on amenity, due to the depth of the building, for example, the kitchen/diner proposed for Flat 6 has no windows. Other rooms proposed, such as the kitchen/dining/living area to Flat 3 are relatively deep (8m) and served by only two windows with relatively poor outlook/levels of light received. The proposed room sizes are generally large in order to ameliorate this.

Whilst no external space is available, this is common in the Main Centre location. One car parking space for each flat is provided in the application, but in locations such as this, within the Main Centre Outer Area and with good access to facilities and public transport, the provision of parking is not however a requirement. The proposal would therefore be acceptable under Policy IP7 (Private and Communal Car Parking). Covered cycle storage and bin stores is also provided within the ground floor area.

Whilst the nature of any overlooking impact may change from that that existed when the building was in use as an office, it is not considered that any such impact would be so substantially different or greater that permission could be refused on that ground alone.

The application does not propose any alterations to the exterior of the building, and there would therefore be no adverse impact on the character or visual amenity of the area.

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.

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: 18/06/2024

