

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 2 no. Premises of Multiple Occupation (Use Class 6).

LOCATION: No 3 & 4, St James Street, St. Peter Port.

APPLICANT: Ravenscroft Construction 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: 22/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Architects - 2462 01.01 & 03.01B

Application Ref: FULL/2024/1652

Property Ref: A201090000+A201100000

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 22/01/2028 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/2024/1652
Property Ref: A201090000+A201100000
Valid date: 01/10/2024
Location: No 3 & 4 St James Street St. Peter Port Guernsey GY1 2NZ
Proposal: Change of use from Offices (Use Class 16) to 2 no. Premises of Multiple Occupation (Use Class 6).

Applicant: Ravenscroft Construction 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

Site Description:

The application site comprises a pair of mid-terrace, 4-storey buildings on the south side of St James Street and located within the St Peter Port Main Centre and Conservation Area as designated in the Island Development Plan (IDP). The site is flanked by protected buildings to the east and west.

The building contains a single flat on the second and third floors of No.4 St James Street, and the remainder of the accommodation (extending to some 395 sq m gross floor area) was last used as a commercial office.

Relevant History:

FULL/2022/1600	Install replacement windows.	Granted 21/09/2022
FULL/2020/0800	Change of use from offices (Use Class 16: Administrative Office) to create 3no. flats (Residential Use Class 2) and 1no. multiple occupation maisonette (Residential Use Class 6)	Granted 01/12/2020
PAPP/1999/0133	Vary works previously approved to create office accommodation	Granted 09/02/1999

Existing Use(s):

Residential Use Class 2: Flats
Administrative, Financial and Professional Services Use Class 16: Administrative Office

Brief Description of Development:

Planning permission is sought to change the use from Office (Use Class 16) to two premises of Multiple Occupation (Use Class 6).

During the course of consideration the application was deferred to seek additional information to address concerns raised by the Office of Environmental Health and Pollution Regulation (OEHPR) and Building Control. Revised plans and additional information have been received to satisfy previous concerns, including confirmation that each room will be occupied by a single occupant, resulting in a maximum occupancy of 11 across the two buildings.

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

MC2: Housing in Main Centres and Main Centre Outer Areas

MC4(A): Office Development in Main Centres

GP4: Conservation Areas;

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

Representations:

None

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 4th January 2025 stated the following:

"I have reviewed the proposed plans for the above premises. 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. So that I may provide a detailed response I should be grateful if the applicant could provide details of the following;

- *Maximum number of occupants in each sleeping room*
- *Total number of occupants in each dwelling (maximum)*
- *The number of ovens, cooking rings, sinks and amount of workspace in the kitchen*
- *Where domestic waste will be stored*
- *How adequate ventilation will be provided to bedroom 2.*

I should like to draw the applicants attention to

<https://www.qov.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.

I would be grateful if these issues are considered during the determination of this application."

Following deferral of the application and the receipt of the additional information requested, OEHPR was reconsulted and stated the following:

"I have reviewed the amended plans for change of use to class 6 which were received by post on 15th January and I do not wish to raise any objections to the proposals.

I would be grateful if these issues are considered during the determination of this application."

Summary of Issues:

The main issues in deciding this application are:

- The principle of the development
- Residential amenity
- Highway safety and capacity

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Principle of development

Residential use of the property is acceptable in principle and has been previously approved under application FULL/2020/0800 to create 3no. flats (Residential Use Class 2) and 1no. multiple occupation maisonette (Residential Use Class 6). More recently permission has also been granted in 2022 to change the use of the premises from office use to two dwellings (ref: FULL/2022/0352) and that permission remains extant and expires on 27th March 2025. The principle of the development is therefore acceptable.

Impact on the Conservation Area

The site is within a Conservation Area. It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

No external alterations are proposed as part of the scheme and no harm would be caused to the surrounding Conservation Area.

Residential amenity

The proposed accommodation comprises a mix of good-sized bedrooms, some of which include en-suites with showers and some that would make use of shared shower rooms and bathrooms. All residents would have access to shared kitchens and communal living areas. The Office of Environmental Health and Pollution Regulation raise no objections to the proposed facilities for the stated number of occupants.

Although no private amenity space has been provided, situated within a Main Centre Inner Area and close to the amenity spaces offered (such as Candie Gardens circa 170m from the site), the lack of private amenity space alone would not be a reason to refuse planning permission. Overall, the proposal is likely to provide a satisfactory living environment.

Due to the distance and the position of the property to neighbouring residential properties, the proposal is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Highway safety and capacity

No off road car parking or bicycle parking has been provided as part of the scheme and given the constraints of the site, there is no space available to provide such.

However, the site is situated in a sustainable urban location within a Main Centre Inner Area within walking distance of the shops and services provided in town and various car parks and locations that provide on-street car parking, and bicycle parking. Situated close to main bus routes the site is accessible by other more sustainable means of transport than the motor car. Considering the above the proposal would not cause any detriment to highway safety and complies with the provisions of Policy IP7.

Other issues

Bin stores have been provided in suitable locations and confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would not impact on any Protected Buildings, trees, monuments or on any SSS's.

Date: 22/01/2025

