

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 of building from offices to create 9 apartments and associated works (Protected Building).

LOCATION: Borough House, Rue Du Pre, St. Peter Port.

APPLICANT: Mr P Gouveia

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: 22/11/2024

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

Drawing Nos: A7 Design - 24-1568 PD/01, PD/02, PD/03, PD/04 & PD05.

Application Ref: FULL/2024/1690

Property Ref: A406270000

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 22/11/2027 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/2024/1690
Property Ref: A406270000
Valid date: 10/10/2024
Location: Borough House Rue Du Pre St. Peter Port Guernsey GY1 1EF
Proposal: Change of use of building from offices to create 9 apartments and associated works (Protected Building).

Applicant: Mr P Gouveia

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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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.

OFFICER'S REPORT

Brief Description of the site:

The site is located between Park Street and Rue de Pre and comprises a substantial 4.5 storey building with additional basement level. The site is located within the Main Centre Inner Area and Conservation Area, it is also a Protected Building.

The application proposes the conversion of the offices to residential accommodation comprising of 8 x two-bedroom flats and 1 x one bedroom flat.

Relevant History:

FULL/2019/0311- Replace sliding sash window with casement window on south elevation (Protected Building)

FULL/2019/0127- Replace door to main entrance and install handrails on south elevation (Protected Building).

Existing Use(s):

16 Office - admin

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

GP5 – Protected Buildings

GP8- Design

GP9- Sustainable Development

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 exceeds 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.

The information provided in the covering letter states that out of the 10 office suites, only 2 are currently tenanted and will become vacant in the next 2-3 months. It details that the building has been upgraded significantly within the past 10+ years with significant investment to upgrade the offices, kitchens, and toilets. Despite this, many of the suites have remained untenanted and efforts made by Lovells Estate Agents for numerous years have proved unsuccessful. Lovells have confirmed they “do not receive enquiries for new tenancies and haven’t for many months, years in fact, and certainly no viewings/any serious interest”. The application confirms that Suites 1 & 2 are currently occupied but will not extend the lease and are due to be vacated Dec 2024. Suites 7 & 8 have been unoccupied for the last 9 years, suites 3,9 and 10 have been vacant for 7 years, suites 5 and 6 have been empty for 3.5 years and the remaining Suite 4 has been vacant for 6 months.

Further refurbishment works which were planned have not been undertaken, as without incoming rental, they have not been viable. Despite being recently upgraded, the building provides 10 small suites which were previously occupied by small businesses, since Covid many smaller businesses are now sharing collaborative spaces in new modern commercial dwellings or working from home.

The smaller units within Borough House therefore do not provide satisfactory standards of accommodation, which is evidenced by the unsuccessful marketing and levels of vacancy. It is also noted that the accommodation has been identified as tertiary within the Office Audit 2020, despite the Main Centre location.

In the context of this particular site, the information provided is considered adequate to address the requirements of policy. In light of the above the change of use away from office is considered to meet the terms of Policy MC4(A).

Policy MC2 would support the change of use of the accommodation for residential purposes. The proposed accommodation provides a suitable mix and type of dwellings in accordance with the latest States Strategic Housing Assessment, would exceed the requirements of the Guernsey Technical Standards and the recommended guidelines set out in the nationally described space standards by DCLG. All units have at least dual outlook, some have triple, and are served by reasonable to good levels of fenestration as the position of the building adjacent to the neighbouring property means that there are only windows to the east, west and south of the building at ground and first floor. This could have some impact on amenity, due to the depth of the building, however, the appropriate design and layout, along with an additional ground floor window for one flat, ensures that the amenity is acceptable, and the open plan kitchen/dining/living room sizes are generally generous. The flats are accessible, set over a single level, with level thresholds, and the lift ensures access for all abilities.

Whilst no external space is available, this is common in the Main Centre location. No car parking spaces are provided in the application, except for the penthouse occupants who have two spaces. In locations such as this, within the Main Centre and with good access to facilities and public transport, the provision of parking is not a requirement. The proposal would therefore be acceptable under Policy IP7 (Private and Communal Car Parking). Covered cycle storage and lockers are provided within the site area.

Whilst the nature of any overlooking impact to neighbours properties 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 proposes some physical works, including the thermal upgrade of the roof and dormers with natural slate finish, and replacement of all existing aluminium windows with new black aluminium double glazing. The existing timber front doors are to be replaced with aluminium double-glazed doors in black, with new bifold doors and black powder coated aluminium railings to the west elevation at ground floor. A aluminium louvred door will replace the existing door to the east elevation. These alterations are considered acceptable in relation to Policies GP4 and GP5, the use of materials and design of the sash windows proposed respects the historic interest of the Conservation Area and Protected Building. There would 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. It is noted that some internal alterations may be required to install additional lobby areas to comply with fire regulations, along with a sprinkler system due to the height of the building.

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: 21/11/2024

