

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 ground, first and second floor levels from Office to 5 additional flats (use class 2) and associated works.

LOCATION: Legis House, 11 New Street, St. Peter Port.

APPLICANT: Fairdaniel Investment 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: 01/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 3313-DR-001, 100A, 101

Application Ref: FULL/2024/1900

Property Ref: A201000000

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.

4.Prior to first occupation of units 3 and 5 hereby approved the top half of the sash windows in the south facing elevation serving bedroom 1 and the kitchen/dining/living area of both units shall be fixed (i.e. non-openable) and shall be permanently glazed with obscure glass of a minimum industry standard privacy level 3. The windows shall be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5.The communal store on the ground floor shall be retained for such use for the occupiers of each unit and shall not be removed or used for any other purpose, unless permission in writing has previously been given by the Authority.

Reason - To ensure that adequate cycle and storage provision is maintained on site for the purposes of the occupiers in accordance with the requirements of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 30/04/2028 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/2024/1900
Property Ref: A201000000
Valid date: 13/11/2024
Location: Legis House 11 New Street St. Peter Port Guernsey GY1 2PF
Proposal: Change of use of ground, first and second floor levels from Office to 5 additional flats (use class 2) and associated works.

Applicant: Fairdaniel Investment 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.

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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.

4. Prior to first occupation of units 3 and 5 hereby approved the top half of the sash windows in the south facing elevation serving bedroom 1 and the kitchen/dining/living area of both units shall be fixed (i.e. non-openable) and shall be permanently glazed with obscure glass of a minimum industry standard privacy level 3. The windows shall be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. The communal store on the ground floor shall be retained for such use for the occupiers of each unit and shall not be removed or used for any other purpose, unless permission in writing has previously been given by the Authority.

Reason - To ensure that adequate cycle and storage provision is maintained on site for the purposes of the occupiers in accordance with the requirements of the Island Development Plan.

OFFICER'S REPORT

Brief Description of the site:

The application comprises a four storey building on New Street, St Peter Port. The building includes office use over three floors (ground, first and second floors) with the third floor already in residential use, containing a single one bedroom flat.

Planning permission is sought for a change of use of the ground, first and second floor levels of the building from office to five flats (1 x 2 bedroom unit and 4 x 1 bedroom units). Other than the removal of two air conditioning units and the replacement of two roof lights no other 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:

FULL/2010/3153	Install 2 condensing units in first floor roof at rear (west).	Granted 28/10/2010
FULL/2010/0992	Install a replacement air conditioning unit to roofspace	Granted 29/04/2010

Existing Use(s):

Office Use – Ground, first and second floors;
Residential Flat (Use Class 2) – third floor

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 just exceed 250sqm. Policy MC4(A) supports the change of use of 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 more than the required period. The accommodation would also be identified as tertiary within the Office Audit 2020, the internal configuration and low floor to ceiling heights are unsatisfactory. The information provided is considered adequate to address the requirements of policy and is 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 as 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 the topography of the site means that there are no windows to the north elevation, or the rear elevation (west facing) over all of the floors. This results in none of the proposed bathrooms, storerooms or internal hallways having windows, which is likely to have some impact on amenity. However, all of the principal rooms (such as the lounge, kitchens and bedrooms) have sufficient windows to provide outlook and natural light. Whilst outlook and natural light from the units 3 and 5 positioned to the rear of the building is limited, given the central location of the site, this is considered to be adequate and acceptable in this instance. It is also worth noting that the property to the south (Lyric House) which has similar limited outlook and natural light has been granted permission to be converted into flats.

With regard to privacy, as part of the planning application process, an internal inspection of both the application site and the neighbouring property to the south (Lyric House) has been undertaken to enable a full assessment to be made. Although views from the windows in the south facing elevation of flats 3 and 5 will face towards windows in the flats proposed for Lyric House, given the difference in floor levels between the buildings any impact would be limited to a small proportion of the internal floorspace (immediately fronting the window in question in Lyric House) and would not be so substantial to warrant the refusal of planning permission. However, views from windows in the north elevation of Lyric House (which is at a higher level) into the application site are more significant and have the potential to compromise the residential amenities of flats 3 and 5 the subject of this application. To limit the extent of overlooking and reduce any harm to an acceptable level, it is recommended that should planning permission be granted, a condition is included to ensure that the top sections of the sash windows in the south facing elevations serving units 3 and 5 be fixed shut and fitted with obscure glazing. Subject to the suggested condition a satisfactory interrelationship will be provided between the application site and the neighbouring building. Any harm therefore would not be so substantial to warrant the refusal of permission particularly given the confines of the site and its central urban location.

No private amenity space is provided for as part of the application, given the limitations of the site and the fact that it is situated within St Peter Port Main Centre and close to public outdoor amenity spaces the refusal of permission based on this would not be reasonable or justifiable.

Although no car parking has been provided, the site is situated 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. The site is also accessible by other more sustainable means of transport than the motor car. A communal store is provided on the ground floor, which would be suitable for covered cycle storage for each unit. The proposal would not cause any detriment to highway safety and complies with the provisions of Policy IP7.

The size, layout, ground floor facilities of the units and the retention of an existing lift between all floors of the building are sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

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: 24/04/2025

