

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 part of ground floor office to flat/bedsit (Residential Use Class 2).

LOCATION: The Studio, 13 Victoria Road, St. Peter Port.

APPLICANT: Mr R Carvell

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: 26/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6495/A/1

Application Ref: FULL/2024/1935

Property Ref: A304540000

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. The external door and fanlight above shall be replaced in accordance with the approved plans prior to any occupation of the unit hereby approved.

Reason - To ensure an adequate living environment for the occupiers of the unit.

Expiry Date: This permission will cease to have effect on 26/02/2028 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/2024/1935
Property Ref: A304540000
Valid date: 19/11/2024
Location: The Studio 13 Victoria Road St. Peter Port Guernsey GY1 1HU
Proposal: Change of use of part of ground floor office to flat/bedsit
(Residential Use Class 2).
Applicant: Mr R Carvell

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.

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).

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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. The external door and fanlight above shall be replaced in accordance with the approved plans prior to any occupation of the unit hereby approved.

Reason - To ensure an adequate living environment for the occupiers of the unit.

OFFICER'S REPORT

Site Description:

The site is located on the south side of Victoria Road and comprises a 2½ storey mid terraced building constructed in 1988 in a Georgian style with rendered elevations.

Permission was granted in October 2012 to change the use from commercial use to 7 residential units, retaining a commercial office unit on the ground floor. This work has been completed and the current application relates to the ground floor commercial unit.

The site is located within a Conservation Area in the St Peter Port Main Centre Outer Area in the Island Development Plan.

Relevant History:

FULL/2012/1791 Change of use from commercial to 7 residential units. Approved 24/10/2012

FULL/2014/0993 Change of Use of ground floor from commercial to residential use. Refused 06/05/2014 for the following reasons:

The proposed unit would be single aspect with a sole north facing ground floor window which would provide inadequate natural light to the proposed unit and which, in the summer months, would be further affected by the buildings opposite; in addition the absence of any internal lobby off the road would be likely to give rise to privacy and amenity issues and add to the unacceptability of the accommodation for residential purposes; the proposal as submitted would not therefore provide a satisfactory living environment and standard of accommodation and would be contrary to the intentions of criterion c) of Policy HO4 of the adopted Urban Area Plan.

PREA/2024/1151 Pre-application enquiry regarding change of use from commercial to residential use noting that the previous reasons for refusal would have to be addressed.

Existing Use(s):

Administrative, Professional and Financial Services Use Class 16

Brief Description of Development:

Permission is sought for change of use of part of the ground floor office to a flat/bedsit (Residential Use Class 2). To facilitate the change of use it is proposed to replace the existing door with a partially glazed door with openable fanlight above.

In support of the application the following points are made:

- The premises has been marketed as an office without success. Agents note that there is no requirement for such a small space in this location;
- Agents cite a demand for bedsits in this location;
- The door has been amended to provide additional light and ventilation to the unit;
- Provision of external amenity spaces for bedsits is not common in Town, nor do the remainder of the units in the block benefit from such space;
- The unit would have good access to public open space;
- There is good provision of on street parking;
- The floor area would exceed the requirements of a bedsit under the Building Regulations.

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

MC4(A)	Office Development in Main Centres
MC2	Housing in Main Centres
GP4	Conservation Area
GP8	Design
GP9	Sustainable Development
IP7	Private and Communal Car Parking

Representations:

None received.

Consultations:

None undertaken.

Summary of Issues:

The amenity of the unit created.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**

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

The existing office space is less than 250sqm and change of use away from the existing use would therefore be supported under Policy MC4(A).

Policy MC2 supports change of use to residential in this case, provided that all other relevant policies are met.

Parking provision is not a requirement in this Main Centre location.

External alterations are limited to replacement of the existing door, which would have no adverse impacts on the character of the Conservation 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.

The floor space of the proposed unit would be 29m², in excess of the floor space requirements for a bedsit under the Guernsey Technical Standards. The floor space would be served by one window, the lower half of which is currently obscurely glazed, and a further window set within the external door with fanlight above. For reasons of privacy, it is likely that this window would also be at least partially obscurely glazed by any occupant. All fenestration is single aspect in a northerly direction. Outlook from the unit would be poor, on to parked vehicles, where not prevented by obscure glazing. Light within the unit would be low and it is likely that electric lighting would be required at all times of day, however this is likely to fall just within the lower bounds of what could be considered acceptable for habitable accommodation. There is no private amenity space associated with the unit, however this is commonly accepted within the Main Centre area and the unit does benefit from a small buffer area between the windows and the public pavement. It has been confirmed that the unit could achieve adequate ventilation in respect of the Guernsey Technical Standards. Taking into account the above, the amenity of the proposed unit would be undeniably low, however, on balance, it is considered to be within acceptable tolerances and would not warrant refusal of the application. Any decision issued should however be conditioned to ensure the alterations to the door and fanlight above are undertaken prior to any occupation of the unit.

Date: 24/02/2025