

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: Variation to previously approved plans for change of use of upper floors from residential and bar to create 7 flats (Use Class 2) and ancillary retail facilities (Use Class 10), replace link, roof covering and windows, install rooflight and create roof terrace at 2nd floor level, remove external staircase and internal alterations (Protected Building) - Reduce number of flats to 6, demolish external staircase and internal alterations.

LOCATION: 38 High Street, St. Peter Port.

APPLICANT: Kirkwood Properties 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: 27/01/2025

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

Drawing Nos: Tyrrell Dowinton Architects - 2160 01.01, 03.01D, 03.02F, 03.03D, 03.04D, 03.05D, 03.06D, 03.07C, 03.08C, 03.09A, 03.10B, 03.11C, 03.12A & 03.13B

Application Ref: FULL/2024/1978

Property Ref: A200290000

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 on or before 24/09/2026.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2022/1746.

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 the removal of the panel between the communal staircase and the lobby to Flat 2, an elevation of the proposed replacement treatment shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the special interest of the protected building.

5.Prior to installation of any guarding to windows, details of the design, materials of construction and fixings to the building shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the special interest of the protected building.

6.The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 25/09/2023, issued under planning application reference FULL/2022/1746, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 24/09/2026 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/2024/1978
Property Ref: A200290000
Valid date: 19/11/2024
Location: 38 High Street St. Peter Port Guernsey GY1 2JU
Proposal: Variation to previously approved plans for change of use of upper floors from residential and bar to create 7 flats (Use Class 2) and ancillary retail facilities (Use Class 10), replace link, roof covering and windows, install rooflight and create roof terrace at 2nd floor level, remove external staircase and internal alterations (Protected Building) - Reduce number of flats to 6, demolish external staircase and internal alterations.

Applicant: Kirkwood Properties 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 on or before 24/09/2026.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2022/1746.

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 the removal of the panel between the communal staircase and the lobby to Flat 2, an elevation of the proposed replacement treatment shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the special interest of the protected building.

5. Prior to installation of any guarding to windows, details of the design, materials of construction and fixings to the building shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the special interest of the protected building.

6. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 25/09/2023, issued under planning application reference FULL/2022/1746, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

OFFICER'S REPORT

Site Description:

The application site comprises an historic building with linked annex to the rear located on the west side of the High Street. The main building is arranged over four floors, with a basement, whilst the link is two storeys and the annex three. The rear section of the first floor, within the annex, is accessed only via a staircase at the rear of the ground floor shop, whilst the remainder of the upper floors are accessed from the alley which runs along the north side of the building.

The ground and first floor of the building frontage on to the High Street have been altered to form shop fronts, whilst the upper floors retain the original façade.

The site is located within the St Peter Port Core Retail Area, Conservation Area and Main Centre Inner Area in the Island Development Plan. The whole of the main part of the building and link feature is protected, however the annex itself is not.

Relevant History:

FULL/2022/1746 Change of use of upper floors from residential and bar to create 7 flats (use class 2) and ancillary retail facilities (use class 10), replace link, roof covering and windows, install rooflights and create roof terrace at 2nd floor level, remove external staircase and internal alterations. Approved 25/09/2023

Existing Use(s):

Ground floor: Retail Use Class 10 (general retail)

First floor: Part Retail Use Class 11 (bar) Part Retail Use Class 10 (general retail - store)

Second and third floors: Residential

Brief Description of Development:

Permission is sought to vary the previous application for the creation of 7 flats and ancillary retail facilities at the site, reducing the number of units from 7 to 6 and undertaking the following alterations:

- First floor:
 - o Installation of corridor within retail storage area;
 - o Infill door between rear communal staircase and Flat 2;
 - o Form lobby to Flat 2.
- Second floor:
 - o Alter layout to Flat 4, including provision of lobby and installation of stairs;
- Third floor:
 - o Alter Flat 6 to bedsit;
 - o Infill external door;
 - o Installation of stairs;
 - o Alter layout of Flat 7 to become an extension of Second Floor Flat 4;
- Fourth floor:
 - o Omit habitable accommodation;
 - o Removal staircase and infill void;
- Removal of external fire escape.

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

MC2 Housing in Main Centres and Main Centre Outer Areas

MC6 Retail in Main Centres GP4 Conservation Areas

GP5 Protected Buildings

GP8 Design

GP9 Sustainable Development

Representations:

None received.

Consultations:

The Office for Environmental Health and Pollution Regulation comment as follows:

I have reviewed the variation to previously approved proposed plans for change of use of the upper floors of the above property to create six flats and ancillary retail facilities.

I am concerned about noise from the retail unit and the impact that this could have on residents of the proposed flats. I would therefore recommend that the following condition is attached to any consent granted for this application:

- Construction work shall not commence until a scheme for protecting the residential units above the retail/commercial units, has been submitted and approved by the Authority. All works which form part of the scheme shall be completed in accordance with the approved details before any part of any of the residential units are occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines / achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the internal ambient noise standard within BS8233:2014 to protect the residential unit from noise, and the results of the test submitted to and approved by the Authority.

Summary of Issues:

Alterations to the mix and types of units proposed;
Amenity of the units proposed;
Impacts on the protected building.

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 current approval for this site was for the creation of 5 flats and 2 bedsits. The current application proposes to omit the accommodation within the fourth floor of the main building, which previously formed the living accommodation for Flat 7 and

the bedroom accommodation for Flat 6, and to then amalgamate the third floor accommodation for Flat 7 with Flat 4 below, and to reduce Flat 6 to a bedsit. This would alter the accommodation provided to 3 flats and 3 bedsits. This change is proposed due to fire safety concerns relating to the provision of accommodation on the fourth floor and the difficulty in overcoming those concerns given the protected status of the building. In this case, the reduction in the number of units is a justifiable and reasonable proposal.

The proposal would improve the quality of the accommodation associated with Flat 4. Whilst the floorspace associated with Flat 6 would be reduced, the bedsit created would be comparable with that previously accepted on the first and second floors.

In respect of the fabric of the protected building, the impacts would not be significantly worse than under the previous approval. Full details of the proposed new entrance to Flat 2 should however be required by condition. The Building Licence indicates a potential requirement for guarding to windows, and it is recommended that a condition be applied requiring details of any such guarding.

Upgrading of the first floor to provide appropriate sound separation would be managed under the Building Regulations.

The proposal would otherwise remain acceptable in respect of all other relevant planning policies.

The proposal complies with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 24/01/2025