

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 floor and part of 1st floor from offices to create 3 residential units (Use Class 2) and associated works.

LOCATION: 26, Gategny Esplanade, St. Peter Port.

APPLICANT: Poly Properties & Investments Limited

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: 05/11/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/09/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd - JGA/2538 02.01, 02

Application Ref: FULL/2025/1552

Property Ref: A109970000

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 works hereby approved for alterations to fenestration in connection with the approved change of use shall be fully completed before the approved units of accommodation are first brought into use and the areas of infilling shall be rendered prior to the residential units being occupied.

Reason - In the interests of residential amenity and to preserve the character and appearance of the Conservation Area.

5.The 1m high fencing hereby approved shall be installed to in accordance with the approved plans prior to the unit to which the fencing relates is first occupied and shall thereafter be retained at all times.

Reason - In the interests of residential amenity.

6.Prior to the occupation of any part of the development hereby approved the secure and covered cycle parking shown on the approved plans shall be provided and shall thereafter be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

Expiry Date: This permission will cease to have effect on 04/11/2028 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/2025/1552
Property Ref: A109970000
Valid date: 30/09/2025
Location: 26 Gategny Esplanade St. Peter Port Guernsey GY1 1WR
Proposal: Change of use of ground floor and part of 1st floor from offices to create 3 residential units (Use Class 2) and associated works.

Applicant: Poly Properties & Investments Limited

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).

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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 works hereby approved for alterations to fenestration in connection with the approved change of use shall be fully completed before the approved units of accommodation are first brought into use and the areas of infilling shall be rendered prior to the residential units being occupied.

Reason - In the interests of residential amenity and to preserve the character and appearance of the Conservation Area.

5. The 1m high fencing hereby approved shall be installed to in accordance with the approved plans prior to the unit to which the fencing relates is first occupied and shall thereafter be retained at all times.

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OFFICER'S REPORT

Site Description:

26 Gategny Esplanade faces east and it situated on the immediate back of pavement. It is a three-storey hipped roof building with render exterior and sash windows to the front façade. There is an extension to the rear of the building along with a number of outbuildings on the site. The rear area is given over to parking which is accessed via an adjoining site.

The site is located in a Main Centre, Conservation Area and Archaeological Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

Offices

Flats

Brief Description of Development:

The ground and part of the first floor of the building is currently used as office accommodation and the scheme proposes the change of use of these offices to three units of residential accommodation.

1. One bedroom ground floor flat (yellow on the plans) accessed via an existing internal hallway which serves other, existing apartments. Comprising a double bedroom, shower room, open plan kitchen, living and dining room with a storage room. An area of defensible space is proposed to the front of the proposed unit marked by a 1m high fence and providing a space for refuse storage
2. One bedroom ground floor flat (green on the plans) accessed via the existing front door from Gategny Esplanade. The accommodation comprises an entrance hallway, open plan kitchen, living and dining area to the front, an inner hallway and shower room with double bedroom and dressing room to the rear. An area of defensible space is proposed to the front of the proposed unit marked by a 1m high fence and providing a space for refuse storage
3. Two bedroom maisonette (blue on the plans) with a utility/bootroom to the rear along with a double bedroom, shower room and a kitchen diner on the ground floor and a lounge and second double bedroom with ensuite bathroom at first floor level. An area of defensible space is proposed to the front of the proposed unit marked by a 1m high fence and providing a space for refuse storage

Alterations to fenestration to the rear of the building are proposed in connection with the change of use. A timber cycle store is also proposed to the rear of the site, beyond unit 1 offering storage for two cycles per unit. The scheme does not incorporate any off-road parking provision.

The application has been accompanied by accompanied by a Design Statement which seeks to address the relevant planning policies in this case.

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

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

Annex I: Amenities

Bicycle Parking Advice Note

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the change of use away from office accommodation, the principal of providing additional units of residential accommodation in this location and the amenities of future occupiers of the proposed flats.

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.

Policy MC4(A) allows for the change of use of office accommodation where the floor area is less than 250sqm which is the case here. Policy MC2 supports housing development in Main Centre locations such as this where the proposals accord with all other relevant policies and where able, a mix of dwellings/unit sizes are provided, this scheme proposes one and two bedroom units which accords with Policy MC2 and also the States Strategic Housing Indicator which highlights a need for one and two bedroom units. The site is not located within an area of Important Open Land and MC2 c. is not relevant in this case

As the proposal would see an existing building reused this would represent efficient and effective use of land in line with Policy GP8 criterion b. It should be noted however, that the objective to build at high densities must be balanced against, and will not override, the need to create acceptable living environments.

All of the proposed units of accommodation will be contained within the envelope of the existing building with limited alterations proposed. The proposal, including cycle store and fencing, would not harm the character or appearance of the surrounding Conservation Area and accords with the aims of Policy GP4 of the IDP and also respects the character of the local built environment in line with policy GP8 criterion c.

Policy GP8 however requires that the units created consider the health and well-being of the occupiers by means of providing adequate daylight, sunlight and private/communal open space, and directs proposals to be considered against Annex 1 of the Plan: Amenities.

New developments should be planned and built to support the health and well-being of occupants and users and maintain appropriate amenities for those of neighbouring property. Annex I sets out that building at higher densities brings challenges with respect to ensuring reasonable amenities are provided.

Annex I considers sunlight alongside daylight and their ability to enter a building will not, alone, be a determining factor when considering development proposals, providing that other amenities objectives are appropriately addressed. All new developments are encouraged to provide adequate levels of daylight and sunlight to all rooms, or at least principal rooms, gardens, balconies or communal external open spaces; these aspirations are qualified for sunlight by "where possible". This reflects the constraints imposed by aspect relative to the movement of the sun, shading by existing development, and, in the case of converting existing buildings, its physical constraints.

Units 2 and 3 are generally dual aspect (first floor of unit 3 is single aspect) facing east and west whilst unit 1 is single aspect and north facing. Units 2 and 3 will be satisfactorily served by sunlight/daylight with good outlook to the seafront/Glategny Esplanade. Unit 1 is north facing which will affect sunlight to the accommodation but the relationship of the unit to surrounding buildings is such that there will be adequate daylight for the accommodation. Aspect from unit 1 will be across the accessway and hardstanding serving the wider site, with its associated comings and goings, but with an area of defensible space in order to provide separation from the residential accommodation and vehicles etc. accessing the site, on balance in relation to unit 1 the scheme is acceptable. Overall, the scheme does satisfactorily address the matters of sunlight/daylight, aspect and outlook.

The Annex states that development will be expected to be designed with windows an adequate distance apart and / or suitably orientated to ensure that the level of privacy that could reasonably be expected to be enjoyed by an occupier is not adversely affected and that the use of obscure glazing alone to achieve privacy will not, normally, be considered acceptable.

The alterations to fenestration proposed are considered necessary in order to manage the potential for overlooking and loss of privacy between the ground floor flats proposed. The layout of accommodation as proposed also assists in further reducing the impact of occupiers of unit 3 accessing their property on the amenities of occupiers of unit 2 where the bedroom, rather than living room/kitchen area, being situated towards the rear of the property. Unit 1, as outlined above, is single aspect and so, to a degree, may be affected by the comings and goings on the site but will not be adversely affected in terms of loss of privacy from other residential units within the building.

The Annex states that the value of external open space becomes increasingly important in higher density development with all development having safe and convenient access to it. Each unit has a small area of external space available to provide a degree of protection from other uses/activities on the site and to offer individual refuse storage. The site is also in close proximity to the sea front, public open spaces and other facilities which will provide occupiers with access to open space. There would be provision of space within the apartments for a tumble drier in lieu of external space for clothes drying (utility or storage space) and on balance access to external open space is considered satisfactory in this case.

The three proposed flats exceed Part G of the Building Regulations and the DCLG space standards which represent best practice offering good internal space provision for future occupiers.

Two units will be on a single level when considering the matter of accessibility. Although unit 3 is over two floors the staircase would offer access to the upper floors by ambulant disabled. The existing building presents some barriers to accessibility for people of all ages and abilities. The layout of the units proposed could also be adapted at a later date to meet the changing needs of occupiers (e.g. grab rails in WCs/bathrooms, installation of hoists provided bedroom and bathroom ceilings are constructed in an appropriate manner and careful and appropriate siting of service controls) and in the balance the scheme therefore addresses GP8 criteria f. and g.

The change of use proposed will not result in unacceptable harm to the amenities of occupiers of surrounding buildings in accordance with Policy GP8.

The site will not be served by any off-road parking and is located in a highly sustainable location, within walking distance of local services and facilities. The scheme incorporates secure, covered cycle storage in line with the aims of Policies IP6 and IP7 of the IDP.

In view of the above it is recommended permission is granted for the development with conditions relating to:

- The completion of works to fenestration
- The provision of the areas of defensible space for each unit
- The provision of the cycle storage shed

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; any possible fall-back position by way of extant planning permissions or exempt

development; 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 have no adverse impact on protected trees, buildings or sites.

Date: 04/11/2025

