

**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 from retail to form part of an existing residential unit (Residential Use Class 1) (Retrospective).

**LOCATION:** 5 Lower Vauvert, St. Peter Port.

**APPLICANT:** Mr V Priore

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:** 07/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** JG Architecture 2148 02.01.

**Application Ref:** FULL/2021/1858

**Property Ref:** A305310000

**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 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 06/10/2024 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](http://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](mailto: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/2021/1858  
**Property Ref:** A305310000  
**Valid date:** 07/09/2021  
**Location:** 5 Lower Vauvert St. Peter Port Guernsey GY1 1LZ  
**Proposal:** Change of use of ground floor from retail to form part of an existing residential unit (Residential Use Class 1) (Retrospective).  
**Applicant:** Mr V Priore

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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 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.

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**OFFICER'S REPORT**

**Brief Description of the site:**

The property known as '5 Lower Vauvert' is a three storey mid-terrace early 19<sup>th</sup> century building which has comprised of a ground floor retail unit and accommodation above. The property faces east directly onto Lower Vauvert, the adjoining properties are to the north and south. The property is located within the St

Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

**Relevant History:**

There is no relevant history pertaining to this application.

**Existing Use(s):**

Retail use class 10: general retail – Ground floor  
Residential use class 2: flat – Upper floors.

**Assessment:** *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

**Policies considered most relevant:**

MC2 – Housing in Main Centres and Main Centre Outer Areas  
MC6 – Retail in Main Centres  
GP4 – Conservation Areas  
GP5 – Protected Buildings (Setting)

**Conclusion/Brief comment:**

This application is for a change of use of the ground floor from retail (use class 10) to form part of the residential unit above, combining the retail unit and flat to become a single residential dwelling (use class 1).

Policy MC2 supports new housing in the Main Centres as long as the proposals accord with all other relevant policies.

Policy MC6 states that beyond the Core Retail Areas, but within the Main Centres, the Authority will support and encourage new retail development while also offering flexibility for existing retail uses to change to other uses where this supports the policy objective of ensuring the Main Centres are retained and enhanced as focal points for a range of uses that contribute positively to their vitality and viability.

This application is for a change of use and not for any kind of development, therefore there will be no physical changes to the fabric of the building and so the proposals are considered to comply with policies GP4 and GP5.

The adjoining property to the north changed the ground floor use to residential in 2007 and the change has not affected the vitality of the area, however, the change of use was assessed with the previous Urban Plan.

The property is not located within the Core Area of St Peter Port and therefore a change of use can be considered.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

**Recommendation:**

Grant with Conditions



**Date:** 07/10/2021

