

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 section of ground floor from retail (general retail use class 10) to two flats (residential use class 2).

LOCATION: 4 New Road, St. Sampson.

APPLICANT: AWS Properties

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: 11/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture - 2044 01.01, 03.01 and 03.02.

Application Ref: FULL/2021/2195

Property Ref: B002730000

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 fence to the retail amenities and dividing the gardens for units 1 and 2 along with the access gate to flat 2 shall be installed prior to the first occupation of either of the units of residential accommodation hereby approved.

Reason - To secure the satisfactory appearance of the completed development and to preserve the privacy of the occupiers of the development

5.Prior to the commencement of any work in connection therewith, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details hedge planting including planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) details of the planters to be installed to the southwest elevation of the approved development.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to enhance the outlook and living environment of future occupiers.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to enhance outlook and the living environment of future occupiers of the development.

Expiry Date: This permission will cease to have effect on 10/11/2024 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

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/2021/2195
Property Ref: B002730000
Valid date: 01/10/2021
Location: 4 New Road St. Sampson Guernsey GY2 4QE
Proposal: Change of use of section of ground floor from retail (general retail use class 10) to two flats (residential use class 2).

Applicant: AWS Properties

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 - To secure the satisfactory appearance of the completed development and to preserve the privacy of the occupiers of the development

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Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to enhance outlook and the living environment of future occupiers of the development.

OFFICER'S REPORT

Site Description:

4 New Road is a terrace property with two shopfronts situated at ground floor and residential accommodation above over two floors served by PVCu sash windows. The retail unit(s) are currently vacant and being used for storage. A service access to the flats and rear yard area is situated to the south of the building and provides access to the rear of the site where the southwest and southeast boundaries are enclosed by a granite wall. The King's Centre is located to the south of the site with first and second floor windows (many obscure glazed) facing the application site. Windows in the southwest and southeast elevation of 4 New Road are shielded by metal bars.

PVCu windows and doors exist at ground and first floor level in the northeast elevation of the building facing the 1.8m high fence which marks most of this boundary. A first floor balcony exists on site facing east towards adjoining flats where external staircases provide access to the upper floors. A yard area to the east of the building is currently laid to gravel.

The site is located in the Main Centre, Harbour Action Area, Core Retail Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

Retail
Flats

Brief Description of Development:

The application relates to the partial change of use of the ground floor of 4 New Road from retail to two units of residential accommodation. The scheme proposes alterations to ground floor fenestration to the southwest, southeast and northeast elevations.

The scheme proposes the formation of one, one bedroom flat and one, two bedroom flat. Each flat has been allocated external amenity space to the east of the site to be enclosed by the existing fence and wall and with the inclusion of a hedge.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas
MC6: Retail in Main Centres
MC10: Harbour Action Areas
GP4: Conservation Areas
GP8: Design
GP9: Sustainable Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use, impact of alterations on the amenities of adjoining occupiers and the future living environment of future occupiers of the residential accommodation proposed.

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.

The proposed change of use is minor and inconsequential and would not prejudice the outcome of a Development Brief for the Harbour Action Area and its implementation in line with the requirements of Policy MC10.

Policy MC6 outlines that within the Core Retail Areas, change of use away from retail at ground floor level will only be acceptable where the proposed new use will maintain and enhance the vitality and viability of the Core Retail Area. The application has been accompanied by a supporting letter that outlines that the retail unit is to be subdivided to create two smaller but functional units incorporating a services area and associated amenities. Attention is also drawn to the fact that the site has already attracted interest from a small business to rent one of the smaller units that would be created through this development. The introduction of residential accommodation to the rear of the site would not see the wholesale loss of retail from the site and residential accommodation in this location is not uncommon. The residential units would maintain the vitality and viability of the Core Retail Area in accordance with the aims of Policy MC6.

Policy MC2 supports proposals for new housing in Main Centre Outer Areas provided, where they are able to accommodate a variety of dwellings, they provide an appropriate mix and type of dwellings. The scheme relates to the provision of a one bed and a two bed flat which demonstrates compliance with Policy MC2.

The scheme proposes minor changes to the ground floor fenestration of the building in connection with its residential use which will not be highly visible outside the site. The proposed alterations are in keeping with the building and would conserve the character and appearance of the Conservation Area in line with the aims of Policy GP4, GP8 and GP9 of the Island Development Plan.

The provision of ground floor residential accommodation in the Main Centre makes efficient use of land where larger retail units are not in demand which addresses the

aims of Policy GP8 b. Given the existing and proposed boundary treatments on the site the proposed alterations to fenestration have considered the health and well-being of surrounding occupiers and will not result in an unacceptable loss of privacy to surrounding buildings in accordance with Policy GP8 d.

Consideration has been given to the layout of the proposed accommodation to offer a reasonable living environment for future occupiers of the units proposed. The primary living accommodation has been situated to the northeast of the building with outlook over private amenity space. The one bedroom unit benefits from the bedroom also facing the garden area associated with the property. Bathroom accommodation has been situated to the southwest of the building facing the alleyway around the site which has the most limited outlook. Unit 2, as the larger unit, has been afforded the larger area of amenity space as the unit may be occupied by a family. Outlook from the two bedrooms will be limited given the proximity of the windows to the boundary wall to the southeast however, on balance this is considered satisfactory and the scheme does indicate external changes/landscaping to enhance the amenity space and living environment of future occupiers when consideration Policy GP8 d. and e. Such external changes and soft landscaping can be controlled by planning condition. Although the Planning Service would not wish to be unduly prescriptive in terms of external planting proposed the provision of soft landscaping and a pleasant external amenity space to serve future residents is appropriate and therefore details of site landscaping is a matter to be controlled by condition in this case.

The residential units proposed will be in a highly sustainable location, within walking distance of local amenities when considering Policy GP9. The site does not have the opportunity to offer off-road parking however, this is not required through Policy IP7 of the Island Development Plan and the sustainable location of the site is such that on-site parking is not necessary.

As ground floor, single level units of accommodation the scheme offers accessibility within the apartments for people of all ages and abilities. As a conversion scheme however, it is not possible to provide level access between the street and development and as a result the scheme only satisfies the aims of Policy GP8 f. in part but this alone would not be sufficient to warrant the refusal of planning permission.

Although limited in size the accommodation could be altered to meet the changing needs of occupiers, for example, the replacement of baths with showers/wet room and meet the aims of Policy GP8 g.

In view of the above it is recommended that planning permission is granted for the proposed development subject to a condition relating to external landscaping and the erection of the boundary fences/access gate shown on the application drawings.

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: 11 November 2021