

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: Convert house in multiple occupation to create 5 flats (residential use class 2), replace and alter roof, external and internal alterations (Protected Building).

LOCATION: 40 Hauteville, St. Peter Port.

APPLICANT: Island Development 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: 01/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7467-01 B1, B2, B3 & B4.

Application Ref: FULL/2021/2206

Property Ref: A407110000

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.Prior to the first occupation of any of the units hereby permitted, the roadside wall and railings shall be completed using materials and a method of construction which match the existing roadside wall.

Reason - In the interests of visual amenity.

5.Prior to the removal of the existing roof covering, a sample of the replacement pantiles and the proposed slates shall be submitted to and approved in writing by the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To ensure that the detailed design of the development preserves the special interest of this protected building.

6.For the avoidance of doubt, no permission is conferred to replace the existing roof structure in it's entirety over the main house.

Reason - The information provided with the application is insufficient to assess whether the replacement of the roof structure is justified and accords with Policy GP5.

7.Prior to works progressing beyond the stripping of the existing main roof covering, a detailed condition report and specification for repair of the roof structure, including detailed drawings as necessary, shall be submitted to and approved in writing by the Authority. The works shall then be completed in accordance with the approved details.

Reason - The information provided with the application does not include full details of the works to the roof structure. This condition is imposed to ensure that the detailed design of the development preserves the special interest of this protected building.

8.No part of the building or development hereby permitted shall be occupied until the bicycle storage has been fully implemented. The storage areas shall thereafter be retained for the provision for cycles 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 30/11/2024 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/2021/2206
Property Ref: A407110000
Valid date: 04/10/2021
Location: 40 Hauteville St. Peter Port Guernsey GY1 1DG
Proposal: Convert house in multiple occupation to create 5 flats (residential use class 2), replace and alter roof, external and internal alterations (Protected Building).

Applicant: Island Development Limited

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).

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 first occupation of any of the units hereby permitted, the roadside wall and railings shall be completed using materials and a method of construction which match the existing roadside wall.

Reason - In the interests of visual amenity.

5. Prior to the removal of the existing roof covering, a sample of the replacement pantiles and the proposed slates shall be submitted to and approved in writing by the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To ensure that the detailed design of the development preserves the special interest of this protected building.

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Reason - The information provided with the application is insufficient to assess whether the replacement of the roof structure is justified and accords with Policy GP5.

7. Prior to works progressing beyond the stripping of the existing main roof covering, a detailed condition report and specification for repair of the roof structure, including detailed drawings as necessary, shall be submitted to and approved in writing by the Authority. The works shall then be completed in accordance with the approved details.

Reason - The information provided with the application does not include full details of the works to the roof structure. This condition is imposed to ensure that the detailed design of the development preserves the special interest of this protected building.

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

OFFICER'S REPORT

Site Description:

The site consists of a traditional end of terrace 3 storey town house situated to the south-east of Hauteville and adjoining Hauteville House (Victor Hugo's House). The whole of the building is a protected building, as are a large number of buildings in the locality. The site is in the St Peter Port Conservation Area and Main Centre Inner Boundary.

Relevant History:

None

Existing Use(s):

Residential use class 6: premises in multiple occupation

Brief Description of Development:

Planning permission is requested to convert the existing building into 5 flats, 3x 1 bed and 2x 2 bed (Residential use class 2). The existing building is currently in use as a house in multiple occupation with 10 units. The proposal includes the replacement of the main roof with clay pantiles, replacing a hipped and flat roof to the rear extension with a hipped roof, the installation of a captain's dormer to the rear, replacing a basement garage door with a window on the front elevation, infilling the vehicular access with a low wall, railings and steps along the front roadside boundary and internal alterations.

The application is supported by a Statement of Significance and a Sustainability Report, both dated September 2021.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of the housing conversion is acceptable.
2. The impact on the special interest of the protected building.
3. Design and impact of the development on the character and appearance of the Conservation Area.
4. The impact of the development on the amenity of people living in the area.
5. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
6. Parking.

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).**

Whether the principle of the housing conversion is acceptable

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in the St Peter Port Main Centre and does not form Important Open Land. As such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to the site provides an appropriate mix and type of dwellings.

Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 and 3 bedrooms. The proposal involves a mix of 1 and 2 bedroom homes. Taking into account the nature of the development (the conversion of a protected building), the size and constraints of the site, the character of the surrounding area and its central town location, it is considered that the proposal provides an appropriate mix and type of dwellings whilst making an effective and efficient use of land.

The impact on the special interest of the protected building

Most of the proposed alterations would have a slight effect on the overall special interest of the protected building. However, two alterations would have a greater effect.

The replacement roof finish would have a large/very large effect. The effect of this alteration would be outweighed by the reasonable aspiration of the property owner

to have a water-tight roof. It is recommended that a condition is added requiring a sample of the proposed pantile to be submitted.

The extent of necessary repairs or whether replacement of the main house roof structure will be required is unknown. This is because the applicant/agent cannot determine whether the roof can be repaired or if its needs to be replaced. The existing roof structure is a mixture of historic roof timbers and modern inserts/repairs. It therefore has some value and should be repaired if possible. However, based on the information submitted with the application it cannot be confirmed if the roof must be replaced and cannot be repaired. Therefore the effect on the overall special interest of the protected building is unknown. Notwithstanding this, in general terms repairs would be justifiable as a reasonable expectation of the property owner and in the longer term interests of sustaining the protected building. This matter can be resolved by conditions precluding wholesale replacement of the roof structure and the submission of a specification for its repair.

Design and impact of the development on the character and appearance of the Conservation Area

The existing building contributes to the character and appearance of the Conservation Area. The alterations to the building will have a negligible effect on that character and appearance and the setting of the adjoining and nearby protected buildings. The infilling of the vehicular access with a wall and railings is likely to enhance the character and appearance of the Conservation Area. The application therefore complies with Policies GP4 and GP5.

The impact of the development on the amenity of people living in the area

The captain's dormer window would replace an existing smaller dormer window. Due to the existing fenestration in the rear elevation and its siting at 3rd floor level, the captain's dormer is unlikely to cause any significant additional privacy issues. The replacement hipped roof on the rear elevation would result in a limited increase to the mass of the extension and would have no adverse effects on the amenities of neighbouring residents.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwellings all exceed the Guernsey Technical Standards minimum internal space standards and units 1, 2, 4 and 5 all exceed the best practice minimum internal space standards which are published on the Authority's website. As a 1 bedroom unit, unit 3 would have adequate internal space but as a 2 bedroom unit it

would fall significantly below best practice minimum internal space standards. All of the units would be dual aspect, including south facing glazing, and would have adequate daylight and sunlight. Privacy levels would be similar to neighbouring properties and would be adequate given its central town location and the character of built development in the area. Other than the basement unit, the outlook from the units would be good, and the site includes a large south facing rear garden. Although there are some deficiencies, the proposed units would be a significant improvement on the existing arrangements and given this central town location they would all provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Parking

No on-site parking is provided but given the nature of the development and the proximity of the site to the shops and services of the St Peter Port town centre, there would be no requirement to provide on-site parking in this instance. Secure and covered bicycle parking is provided and additional bicycle parking could be provided within the rear garden if required. The proposal accords with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

It is recommended that the application is approved.

Date: 01/12/2021

