

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 Industrial building into 10 flats (residential use class 2) with associated parking, external alterations and landscaping. (Revised Plans).

LOCATION: Valnord Warehouse, Valnord Road, St. Peter Port.

APPLICANT: Ms F Haskins, Mr P Whittam & Ms N Elton

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: 12/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton 2120 03.01A, .02, .03, .04, .05A, .06A & .08.

Application Ref: FULL/2021/2271

Property Ref: A305760000

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. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material(s) to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

5. Unit 4 shall not be first occupied until the 1.2m high fence has been erected and attached to the southern boundary wall in the position shown and in accordance with the details provided on drawing Ref: 03.08. The fence shall remain as such thereafter.

Reason - To protect the reasonable amenities of neighbouring residents.

6. The planting/landscaped buffer along the southern boundary shall be planted/completed 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.

7. The storage areas provided for each residential unit and the communal bike store shall be retained for the use of each unit and shall not be removed, unless permission in writing has previously been given by the Authority.

Reason - to ensure that adequate cycle and storage provision is maintained on site for the purposes of the occupiers in accordance with the requirements of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 11/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of any doubt the windows in unit 4 serving the living room and bedroom 2 shall be fitted with clear glazing (shall not be obscure glazed) to provide an element of outlook for the occupiers of the unit.

Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

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/2021/2271
Property Ref: A305760000
Valid date: 04/11/2021
Location: Valnord Warehouse Valnord Road St. Peter Port Guernsey GY1 1DU
Proposal: Convert Industrial building into 10 flats (residential use class 2) with associated parking, external alterations and landscaping. (Revised Plans).
Applicant: Ms F Haskins, Mr P Whittam & Ms N Elton

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).

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. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material(s) to be used have been submitted to and

agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

5. Unit 4 shall not be first occupied until the 1.2m high fence has been erected and attached to the southern boundary wall in the position shown and in accordance with the details provided on drawing Ref: 03.08. The fence shall remain as such thereafter.

Reason - To protect the reasonable amenities of neighbouring residents.

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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.

7. The storage areas provided for each residential unit and the communal bike store shall be retained for the use of each unit and shall not be removed, unless permission in writing has previously been given by the Authority.

Reason - to ensure that adequate cycle and storage provision is maintained on site for the purposes of the occupiers in accordance with the requirements of the Island Development Plan.

INFORMATIVES

For the avoidance of any doubt the windows in unit 4 serving the living room and bedroom 2 shall be fitted with clear glazing (shall not be obscure glazed) to provide an element of outlook for the occupiers of the unit.

Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

OFFICER'S REPORT

Site Description:

The application site comprises Valnord Warehouse, a large detached granite building situated at the junction of Valnord Road and Valnord Hill. The property is currently occupied and used by a carpet supplier and clothing manufacturer. The property has a small car parking area situated to the east. Surrounding the site the area comprises residential properties to the north, east, south and southwest, with open land to the west.

The site is situated within a Main Centre Inner Boundary, and a Conservation Area as designated in the Island Development Plan.

Relevant History:

The proposal has been the subject of pre-application advice

Existing Use(s):

Storage and distribution

Brief Description of Development:

Planning permission is sought to convert the existing building into 10 residential flats with associated external alterations, parking and landscaping.

The proposal will comprise a car parking, bicycle storage and a designated storage unit for each flat at ground floor, with the upper three floors consisting of a mixture of one and two bedroom flats, all contained within the existing footprint of the building. Alterations to the property are required including the removal of the existing first floor structure (internal alteration) the removal of both the pitched roof to the warehouse and flat roof to the west. New pitched roofs will be installed with natural slate finishes to match the existing property.

During the course of consideration, the application was deferred to address issues relating to the layout of the carparking and impact on neighbour amenity. Revised plans were received on the 14th February to address these issues (assessed in detail below).

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

Island Development Plan Policies:

- MC2: Housing in Main Centres and Main Centres Outer Areas;
- MC5(C): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – Change of Use
- GP1: Landscape Character and Open Land
- GP4: Conservation Areas
- GP8: Design;
- GP9: Sustainable development;
- IP7: Private and communal parking
- IP9: Highway Safety, Accessibility and Capacity

Representations:

In total 3 letters of representation have been received from the occupiers of neighbouring properties objecting to the proposal. The grounds for objection are summarised as follows:

- Loss of views from Valnord House;
- Alterations to the flat roof adjacent to Valnord House and views from any windows in this extension could affect privacy;
- Overlooking and privacy issues particularly from the proposed first floor windows which will overlook the properties along Victoria Terrace;
- Associated traffic movements causing harm to highway safety;
- Parking for visitors will be on the streets which is already over-crowded;
- Construction traffic and how this will be managed;
- Two parking spaces should be provided for each dwelling;

Following receipt of the revised plans the application was readvertised and two further letters of representation were received. The grounds for objection are summarised as follows:

- No amendments have been made to the north elevation so the amenity of properties along Victoria Terrace will still be compromised;
- No provision is made for persons with mobility issues and particularly those in wheelchairs, which applies equally to residents and visitors.

Consultations:

None

Summary of Issues:

- Whether the loss of industry and the principle of residential development is acceptable in this location;
- Design and impact of the development on the character and appearance of the Conservation Area
- Impact on neighbour amenity;

- Whether the proposal would provide a good living environment for future occupiers;
- Road safety, traffic management and parking.

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.

Whether the loss of industry and the principle of residential development is acceptable in this location

Policy MC5(C): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – Change of Use supports the change of use of industrial or storage and distribution uses to other uses, or for the redevelopment for alternative uses where:

- a) The alternative use contributes positively to the vitality and viability of the Main Centre; and
- b) In the case of industrial and storage and distribution uses located along the inter-harbour route, the proposal demonstrates that the existing property is no longer required for the authorised use, no longer meets user requirements and it can be proven that it has been actively marketed for a period of 12 consecutive months with no interest shown.

For the purpose of Policy MC5(C) the conversion of the building to provide residential units would positively contribute to St Peter Port Main Centre and would comply with the criterion (a). The property is not located along the inter-harbour route and therefore criterion (b) would not apply.

Policy MC2: Housing in Main Centre and Main Centre Outer Areas; supports proposals for housing development provided that: they are in accordance with all other relevant policies of the Island Development Plan (IDP); and where able they provide an appropriate mix and type of dwellings.

In respect of the mix and type of housing proposed, the preceding text (which carries equal weight) states that, where new housing proposals can accommodate a variety of dwellings, it will normally be expected that the mix and type of dwellings is reflective of the demographic profile of households requiring housing. To establish this housing requirement, the text sets out a list of documents produced by the States of Guernsey relating to this issue, including the most recent Housing Needs Study or any subsequent amended or revised document provided by Housing.

The Guernsey Housing Market Review published by KPMG in 2017 provides an analysis of the local housing stock in the Island and identifies the additional housing requirement for the period 2014-2021. That report identifies an additional requirement for 1, 2, and 3 bedroom houses.

The Guernsey Annual Residential Property Stock Bulletin provides statistics on the Island's existing housing stock. Applying the findings of the 2019 bulletin to the requirements identified in the KPMG report, it is clear that the additional housing requirement remains for 1-3 bedroomed properties, with an emphasis on 2-3 bedrooms.

The proposal includes five one and five two bedroom apartments spread over three floors of the building and therefore meets the identified housing requirements.

Based on the above the loss of industry and the provision of the residential flats as proposed complies with the provisions of the IDP.

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

The site is within a Conservation Area. It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Policy GP8 seeks to ensure that new development within conservation areas, achieves a particularly high standard of design and makes an effective use of land whilst respecting the character of the local built environment. Development should also give consideration to the amenities of occupiers and surrounding neighbours, provide accessibility for all and offer flexible and adaptable accommodation.

The character of the area comprises terraced type properties of varying sizes to the south, east and north with open fields to the west. The application site comprises a pre-1900 construction industrial building of granite wall and slate roof construction. Attached to the north elevation is a two storey flat roof extension which appears to have been constructed during the 1970's.

The proposed residential dwellings will all be contained within the existing footprint of the building. External alterations are proposed, which involve: the removal of the flat roof on the two storey extension to the north elevation and its replacement with a lean to roof, to re-clad the two storey extension in timber composite cladding, the insertion of additional fenestration and a replacement slate roof covering for the building which includes the insertion of velux rooflights.

The external alterations proposed are in-keeping with the design and general appearance of the existing property. The new fenestration in the east elevation is designed to follow a symmetrical pattern in-keeping with the character of the property. The alterations to the two storey flat roof extension would improve this aspect of the building. However, to ensure that the extension is appropriately detailed to respect the surrounding area, a condition should be included on any permission for details and a sample of the material to be submitted for approval.

The bin store area will be screened from the surrounding area by a large granite wall to the west and by a timber fence which is proposed to be erected to the east.

Given that the footprint of the building takes up the majority of the site there is limited space available for landscaping. As part of the scheme however, landscaping has been provided in the form of suitable hedges and trees along the southern boundary and hedges and planters to the east elevation. Given the confines of the site the landscaping proposed is considered to be acceptable in this urban location.

As a whole the proposal achieves a high standard of design and it would conserve the character and appearance of the Conservation Area, in accordance with Policies GP1, GP4 and GP8.

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

Objections received on the application relate to the impact of the proposal and particularly views from the windows in the north facing elevation overlooking properties and garden areas along Victoria Terrace. Whilst it is noted that the proposal will increase activity on site and that windows in this elevation will serve habitable accommodation, located to the rear of the properties along Victoria Terrace (along the southern boundaries) are garages, outbuildings, sheds or car parking areas. A separation distance greater than 10m (which is generally considered acceptable in densely populated urban areas such as this) will be maintained between the proposed windows and the private amenity/garden areas of the adjacent properties to the north. At this distance any harm would not be so substantial to warrant the refusal of permission.

The windows to be installed in the east elevation will face towards a neighbouring property in this direction however given the topography of the site and that a separation distance of circa 13m will be maintained, this aspect of the proposal would not harm residential amenity.

To the south, as initially proposed concerns were raised with regard to the potential to overlook the garden area of the neighbouring property to the rear (1 Valnord Hill) from some of the windows at first floor level in the south facing elevation. In particular the first floor windows serving bedroom 1 of unit 5 and the windows serving the living room and bedroom 2 of unit 4 all situated within close proximity of the neighbouring property.

The application was subsequently deferred to seek amendments. The revised plans have included the installation of a fence inside the existing boundary wall and a dense landscaped buffer is proposed to be installed within the existing planter to improve outlook and to prevent undue overlooking from unit 4. The drawings show that the windows serving the living room and bedroom in the south elevation will be obscure glazed, but the covering letter in support of the application states that obscure glazing was considered but was discounted. Given that the proposed boundary screen will prevent overlooking whilst providing a degree of outlook to the occupiers of the unit, it is not necessary to obscure glaze these windows. An informative should be added to any permission to advise of this.

To prevent overlooking from unit 5 the window in the south elevation (serving bedroom 1) has been omitted and to provide light and ventilation into this room, 2 rooflights are now proposed.

The existing high level windows in the west facing elevation are to be blocked up and velux rooflights are proposed to provide light and ventilation into the rooms of unit 5 only. Views from the velux windows would not harm residential amenity.

The bin storage would be situated at the eastern end of the site and within an enclosed store. The siting and relationship of the bin store with neighbouring properties is unlikely to cause any significant nuisance for neighbouring properties.

Based on the above any detrimental impact on amenity afforded to the occupiers of neighbouring properties as a result of the development proposed would not be so substantial to warrant the refusal of planning permission.

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. Seven of the units will be provided with a high level/quality of outlook from large windows serving habitable rooms such as lounges and bedrooms. Although outlook will be compromised to a degree from the remaining three units (provided for by velux style windows) a sufficient level of daylight/sunlight and ventilation will be provided into the units allowing for a good standard of accommodation. The refusal of permission based on limited outlook for only three units would not be sufficient to warrant refusal of permission.

No private amenity space is provided for as part of the application, however given the limitations of the site and the fact that it is situated within St Peter Port Main Centre and close to public outdoor amenity spaces such as Candie Gardens the refusal of permission based on this would not be reasonable.

With regards to accessibility and the adaptability of the dwellings, an objection has been received relating to the lack of a lift for disabled access. However, the applicant's agent has confirmed that a level access will be provided through each of the entrances into the building. Once within the building an ambulant disabled staircase will be provided to gain access to the upper floors. The layout of the flats will incorporate Lifetime Homes principles including a level threshold to the entrance doors adequate widths of entrance doors and suitable internal configurations. The information submitted is sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

In summary, although there would be some deficiencies, as a whole the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Road safety, traffic management and parking.

Concerns were raised with regard to the initial plans submitted on the basis that the spaces were tight and offered little manoeuvring space to enable a car to enter and leave the site forward facing. The application was deferred to seek revised plans. The revised plans show that a 5m opening is proposed in the east facing elevation of the property to provide a suitable vehicle access point into the ground floor of the premises. The ground floor will comprise 10 allocated car parking spaces (one for each unit), a secured area for cycle parking (sufficient space to accommodate 12 bicycles) and an individual lockable storage area allocated to each unit. Tracking movements have been included on the revised plans to show how vehicles using the car parking spaces closest to the entrance point will be able to safely access and leave the site forward facing.

The site is located in a Main Centre Inner Area as defined in the IDP. The parking provision indicated on the plans supplies 1 space allocated for each dwelling in accordance with the provisions of Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment and therefore complies with Policy IP7 of the IDP.

Although in the letters of representation concerns have been raised from a highway safety perspective regarding the density of the development in what they perceive to be an already overcrowded area, the site is situated in a sustainable urban location within a Main Centre Inner Area where new housing development is encouraged by States-approved planning policy. Furthermore, the IDP recognises that there is a need to make the best and most efficient use of the land where appropriate. The proposal will make effective and efficient use of the site at an

appropriate density in accordance with IDP Policy providing the required levels of parking to create a good living environment for the proposed occupiers.

For the above reasons the proposal would not cause a detriment to highway safety.

Other matters

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is supported by information which sets out how the development has been designed to take into account sustainable design principles and to ensure that the development complies with current Guernsey Technical Standards in terms of thermal performance and air tightness. Taking into account the nature of the development, the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

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; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

The issues raised by the representors with regard to the loss of a view is not a material planning consideration that can be taken into account in the determination of this application.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would not impact on any Protected Buildings, trees, monuments or on any SSS's.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 12/04/2022

