

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Change of use from two retail units to two flats/bedsits (Residential Use Class 2).

LOCATION: 15 & 17 Lower Vauvert, St. Peter Port.

APPLICANT: Hawthorn Limited

I refer to the application referred to below received as valid on 08/11/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/04/2022

Drawing Nos: Torode Architecture: 6217-01.

Application Ref: FULL/2021/2316

Property Ref: A302700000 + A302710000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposal does not represent a good standard of design that considers the health and well-being of future residential occupiers given the potential impact on privacy from the pedestrian footway immediately outside the large shop display windows and that outlook from the bedroom of no. 15 would be dominated and impacted by the external staircase serving the upper floor units and would also suffer from a loss of privacy as a result of users of the staircase. The scheme does not meet the aims of Policy GP8 a. and d. of the Island Development Plan.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning

permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/2316
Property Ref: A302700000 + A302710000
Valid date: 08/11/2021
Location: 15 & 17 Lower Vauvert St. Peter Port Guernsey
Proposal: Change of use from two retail units to two flats/bedsits
(Residential Use Class 2).
Applicant: Hawthorn Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal does not represent a good standard of design that considers the health and well-being of future residential occupiers given the potential impact on privacy from the pedestrian footway immediately outside the large shop display windows and that outlook from the bedroom of no. 15 would be dominated and impacted by the external staircase serving the upper floor units and would also suffer from a loss of privacy as a result of users of the staircase. The scheme does not meet the aims of Policy GP8 a. and d. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

15 and 17 Lower Vauvert is an end of terrace property. The site is located in the Main Centre, Archaeological Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

10 general retail

Brief Description of Development:

The application relates to the change of use of two retail units to two flats.

The application was deferred to invite amendments to the scheme to address:

- that the application drawings do not accurately
 - reflect the arrangement of ground floor fenestration to the north and east of the building
 - identify whether the existing fire doors to the rear/east of the building will be retained or replaced with windows
- Concerns relating to the future living environment of occupiers of the two units of residential accommodation proposed because
 - of the retention of the shop display windows to the front of the building affording occupiers of these bedsits with little privacy from people passing by
 - the living environment of the occupiers of 15 Lower Vauvert would be undermined by the bedroom looking out onto the fire escape/access staircase that serves the units above.
- Confirmation that the size of the units would meet the current Technical Standards and that the Standards would be met with regard to:
 - thermal insulation, particularly given the extent of glazing as a percentage of the floor area
 - that one of the bedroom windows for 17 Lower Vauvert could act as a suitable means of escape for the accommodation.

No information to address these matters has been forthcoming.

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation – no objections.

Building Control - The application would need to demonstrate full compliance with the relevant requirements of the regulations. In this instance, unit sizes would need to be confirmed, thermal insulation particularly given the extent of glazing as a percentage of the floor area, and the rear bedroom window of the corner unit would need to be suitable as a means of escape.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development and the future living environment of occupiers along with the impact of the change of use on residential amenity (privacy).

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 MC6 relates to retail in the Main Centre and permits a change of use away from retail where it supports the objective of ensuring the Main Centres remain attractive focal points for economic and social activity. The application relates to the change of use of two retail units away from the main High Street and where a variety of uses can be found. The change of use would see the ground floor of 16 and 17 Lower Vauvert brought back into use rather than remaining empty which does little to increase the appeal of this part of the Main Centre. By introducing flats/bedsits in this location there is the opportunity for occupiers to benefit from the sustainable location of the accommodation, with easy access to services and facilities thereby supporting economic and social activities in the Centre.

Policy MC2 makes provision for additional residential accommodation within the Main Centre. The site is not situated on Important Open Land and the accommodation is not of sufficient size to offer a variety and mix of residential units therefore criteria b. and c. are not relevant. An assessment of the scheme against other relevant policies is considered in more detail below.

The limited external alterations to replace existing, non-opening, shop windows with opening windows to offer ventilation to the internal space would respect the local built environment and conserve the character and appearance of the Conservation Area in accordance with Policies GP4, GP8 and GP9. The scheme does not however, satisfactorily address the future living environment of occupiers of the two units of residential accommodation given the large shop style windows to serve living accommodation, and with no defensible space between the windows and public footpath, would offer little in the way of privacy for future occupiers. Furthermore, the bedroom serving 15 Lower Vauvert would be unsatisfactorily served by outlook onto the fire escape and primary access staircase to the units above contrary to Policies GP8 and GP9 of the IDP.

The size and location of the accommodation provides limited opportunity for flexible accommodation that can respond to the needs of occupiers over time. Nonetheless, the layout of the space could be reconfigured if necessary to meet the changing needs of

occupiers. In both units, the accommodation would be on a single level to provide accessibility for people of all ages and ability (GP8 f. and g.).

The application as submitted has not satisfactorily demonstrated that the accommodation meets the Building Control Technical Standards in terms of accommodation size, insulation and means of escape. It has not been demonstrated therefore, that the scheme represents a good standard of design with regard to Policy GP8 a.

The scheme does not offer any external amenity space for use by future occupiers however, the site is located within a short distance of the sea front, beaches, bathing pools etc. This would offer access to amenity space for leisure and recreation purposes. The retention of the large windows serving the ground floor accommodation provides sunlight and daylight to the space (GP8 d.).

The change of use proposed will not result in unacceptable overlooking or loss of privacy to the occupiers of any surrounding buildings (GP8 d. and GP9).

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Conclusion:

The proposal does not represent a good standard of design that considers the health and well-being of future residential occupiers given the potential impact on privacy from the pedestrian footway immediately outside the large shop display windows and that outlook from the bedroom of no. 15 would be dominated and impacted by the external staircase serving the upper floor units and would also suffer from a loss of privacy as a result of users of the staircase. The scheme does not meet the aims of Policy GP8 a. and d. of the Island Development Plan

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: 22 April 2022

