

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: Subdivide dwelling (residential use class 1) to 2 flats (residential use class 2) (retrospective).

LOCATION: Mandalay, 5 Piette Road, St. Peter Port.

APPLICANT: Ms L Hillion

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: 11/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech drawing no: LH-22-1061-01A.

Application Ref: FULL/2022/0312

Property Ref: A107890000

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 10/04/2025 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/2022/0312
Property Ref: A107890000
Valid date: 02/02/2022
Location: Mandalay 5 Piette Road St. Peter Port Guernsey GY1 2BT
Proposal: Subdivide dwelling (residential use class 1) to 2 flats (residential use class 2) (retrospective).

Applicant: Ms L Hillion

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 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.

OFFICER'S REPORT

Site Description:

5 Piette Road is a mid-terrace two and a half storey dwelling with mansard roof. Windows and the door in the front elevation are PVCu. On-street parking is available to the front of the site in Piette Road.

The site is located in the Main Centre Outer Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

None recent and relevant.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the subdivision of Mandalay into two flats. The ground floor providing a one bedroom unit of accommodation whilst the first and second floors providing a four bedroom flat. The application is retrospective as the work has already been carried out.

The application as originally submitted did not clearly identify how all areas of the building/site would be used (by one flat or other or communally). The application was therefore deferred to seek clarification.

The revised plans confirmed that the ground floor flat has conservatory access into the rear garden whilst the upper floor unit does not benefit from external amenity area. Space is shown within the garden for a single bicycle parking space to serve unit 1 with a second cycle space shown under the internal staircase to serve unit 2.

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

Island Development Plan policies:

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

Representations:

None.

Consultations:

Building Control - The current building as mentioned in the description has historically contain 2 flats for a number of years, 25 plus, and is therefore

uncontrolled and not enforceable by BC. BC, cannot currently do or enforce anything unless building works with a Building Licence takes place.

The layout of the flats appears okay however, the lounge on the ground floor has no ventilation and therefore mechanical ventilation would need to be provided to that room. There could be also problems with GTS Part G G7 for minimum room and space sizes for flats as well as potential Fire and Sound issues under GTS Part B and E.

Summary of Issues:

The key issues in this case relate to the principle of the change of use from one dwelling to two flats and the future living environment of occupiers of the building.

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 MC2 makes provision for additional units of residential accommodation in this location which provides a gateway for the proposed development provided the proposals accord with the aims of all other relevant policies in the Island Development Plan.

There are no external alterations proposed therefore the impact of the change of use will not have a detrimental impact on the character and appearance of the Conservation Area nor on the amenities of occupiers of surrounding dwellings.

Being located in a residential area the subdivision of the property will not introduce a new or inappropriate use that would conflict with the adjoining residential properties and the scheme considers the health and well-being of occupiers of neighbouring properties.

Turning to the health and well-being of occupiers of the development, the scheme offers satisfactory living accommodation for occupiers. Outlook from the lounge rooms is somewhat limited given the size of the windows serving the accommodation and the position of the two-storey extension to the rear however this alone would not be sufficient to warrant the refusal of planning permission. The accommodation is served by natural light and ventilation in line with the aims of the IDP. Whether the scheme accords with current Building Regulations cannot influence the outcome of the planning application.

Particularly in relation to the first/second floor unit, there would be scope for occupiers to reconsider the indicated layout of accommodation, if desired, which demonstrates that the accommodation is flexible and able to respond to needs over time. At ground floor level, there may also be scope to extend to the rear also providing scope for more flexible accommodation.

Although the development does not provide good access to and within the building for people of all ages and abilities it is acknowledged that this is an existing building and situation. The ground floor accommodation is on a single level which does offer an element of accessible accommodation in relation to Policy GP8 f.

The site is well positioned in relation to access to bus services and facilities such as Admiral Park and the centre of St Peter Port. The scheme is sustainable in terms of its location. The provision of off-road parking is not possible in this case and nor is it considered necessary given the location of the site and the requirements of the Parking Supplementary Planning Guidance. The provision of cycle parking (some covered, both secure) would offer occupiers the opportunity to travel by alternative modes of transport in line with the aims of the IDP.

In view of the above it is recommended planning permission is granted for the retrospective subdivision of the building into two flats.

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: 08 April 2022