

**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 from storage/distribution (use class 22) to residential dwelling (use class 1). Alter roof to create balcony at 2nd floor level to south-west elevation. Install rooflights, flue, cladding and alteration to fenestration (partially retrospective).

**LOCATION:** L'Atelier, 21 Vauvert, St. Peter Port.

**APPLICANT:** Mr & Mrs C Staples

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:** 01/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Brian Martel 4164.02. 01, 02, 03 & 04.

**Application Ref:** FULL/2022/0679

**Property Ref:** A302970000

**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.All the first and second floor windows in the southeast elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3, or equivalent, and shall thereafter be retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

**Expiry Date: This permission will cease to have effect on 31/05/2025 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](http://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](mailto: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/2022/0679  
**Property Ref:** A302970000  
**Valid date:** 19/04/2022  
**Location:** L'Atelier 21 Vauvert St. Peter Port Guernsey GY1 1NE  
**Proposal:** Change of use from storage/distribution (use class 22) to residential dwelling (use class 1). Alter roof to create balcony at 2nd floor level to south-west elevation. Install rooflights, flue, cladding and alteration to fenestration (partially retrospective).

**Applicant:** Mr & Mrs C Staples

**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. All the first and second floor windows in the southeast elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3, or equivalent, and shall thereafter be retained in perpetuity.

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## **OFFICER'S REPORT**

### **Site Description:**

L'Atelier is a mid-terrace property situated to the north of Vauvert.

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

### **Relevant History:**

Pre-application advice was sought in this case.

FULL/2021/1317 - Demolish lean-to extension and chimney. Replace roof and dormer window, install rooflights and alterations to fenestration – granted

### **Existing Use(s):**

22 storage/distribution (authorised)  
01 dwellinghouse (unauthorised)  
02 flat

### **Brief Description of Development:**

The application relates to the change of use of part of 21 Vauvert from storage and distribution to a dwelling along with the partial demolition of the second floor of the building to form a balcony at second floor level, the installation of rooflights, flue (2.5m high) and cladding and alterations to fenestration (infilling a ground floor window, partially infill one window and enlarge a second window at first floor level and infilling a window at second floor level). The application is partially retrospective as the change of use of part of the building to a unit of residential accommodation has already been implemented.

Access to the accommodation would be via a shared front door from Vauvert (shared with the frontage accommodation), along an internal corridor access to a courtyard area, to be divided to offer amenity space for the existing front unit and a front door/access to the rear unit.

As proposed, the scheme would provide a cinema room/bedroom on the ground floor along with a hallway providing access to internal accommodation comprising a bathroom, bin/cycle store and gym. A small yard/amenity area is offered to the rear of the building, enclosed by a wall and adjacent to car parking associated with adjoining developments.

Two bedrooms and bathrooms are proposed on the first floor served by windows on the gable ends. Existing window openings in the side elevation of the building are indicated to be retained but the windows replaced with non-opening and obscure glazed windows. The second floor offers an open plan living, kitchen, dining area incorporating the partial demolition of the second floor to create an enclosed terrace contained by the existing walls of the building and with a new 1.8m high glazed balustrade proposed. The existing window openings in the side elevation of the building are shown to be retained but the windows replaced and to be non-opening and obscure glazed.

**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

MC5(C): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas - Change of Use

GP4: Conservation Areas

GP8: Design

GP9: Sustainable development

IP6: Transport infrastructure and support facilities

**Representations:**

None.

**Consultations:**

None.

**Summary of Issues:**

The key issues in this case relate to the principle of the proposed change of use and the future living environment of occupiers of the proposed dwelling along with the amenities of surrounding residents.

## **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 site is not located on the inter-harbour route and the proposed change of use away from storage and distribution to a unit of residential accommodation in a predominantly residential street would contribute positively to the vitality and viability of the Main Centre of St Peter Port in accordance with Policies MC5(C) and MC2 of the Island Development Plan.

The scheme incorporates a limited number of external alterations that would not be highly publicly visible from outside the site given the tight-knit development in this area. The works represent a high standard of design that would respect the local built environment and preserve the character and appearance of the Conservation Area and meets the aims of Policies GP8 and GP4 of the Island Development Plan.

The scheme has been designed to offer future occupiers adequate daylight to internal accommodation. The provision of an external terrace and yard does offer elements of external amenity space however this is somewhat contrived given the reliance on a high privacy screen to manage the potential for mutual overlooking between residential properties. Nonetheless, given the central and sustainable location of the site, with ready access to local services and amenities (parks, beaches etc.), the terrace as proposed would not warrant the refusal of planning permission and the scheme therefore accords with Policy GP8 and GP9 of the Plan.

Given the cheek by jowl arrangement of buildings, an element of mutual overlooking between dwellings currently exists. Windows in the side elevation of the building, serving bedroom 1 and 2, would be obscure glazed however, as these rooms are served by other windows in the gable end, the accommodation would be provided with a satisfactory level of outlook having regard to the health and well-being of occupiers. The proposed alterations to L'Atelier will not result in an unacceptable increase in the potential for mutual overlooking and loss of privacy to either the occupiers of surrounding dwellings or the occupiers of the dwelling that is the subject of this application in accordance with Policy GP8 and GP9 of the Plan.

As the scheme relates to the conversion of an existing building it is not possible to provide accessible accommodation throughout. The limited number of steps across the ground floor and potential to offer a ground floor bedroom does however, demonstrate how the scheme can offer access to ambulant disabled and can offer an element of flexible accommodation despite the constraints of the site in line with Policy GP8.

The provision of cycle storage within the building meets the aims of Policy IP6.

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.

In view of the above, it is recommended planning permission is granted for the proposed development.

### **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:** 01 June 2022