

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 of 3 flats and 1 bedsit (Use Class 2) to a House of Multiple Occupancy (Use class 6), install 1st floor window to east and south (rear) elevations and alteration to fenestration, demolish extension, erect single storey extension to rear elevation and erect single storey outbuilding/Manager's accommodation to east boundary.

LOCATION: 3 Vauvert Terrace, Vauvert, St. Peter Port.

APPLICANT: PAI Ltd

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: 08/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7682-02 B1B, B2B, B3B

Application Ref: FULL/2022/2267

Property Ref: A202230000

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.

Expiry Date: This permission will cease to have effect on 07/06/2026 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/2022/2267
Property Ref: A202230000
Valid date: 09/12/2022
Location: 3 Vauvert Terrace Vauvert St. Peter Port Guernsey GY1 1NQ
Proposal: Change of use of 3 flats and 1 bedsit (Use Class 2) to a House of Multiple Occupancy (Use class 6), install 1st floor window to east and south (rear) elevations and alteration to fenestration, demolish extension, erect single storey extension to rear elevation and erect single storey outbuilding/Manager's accommodation to east boundary.

Applicant: PAI Ltd

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.

OFFICER'S REPORT

Brief Description of the site:

The property known as '4 Vauvert Terrace' is a four storey Victorian town house which is only very slightly set back from and faces west onto Vauvert. The attached neighbours are to the north and south, a play school across the road to the west and a junior school to the east beyond the garden. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/2263 - Change of use of 3 flats and 1 bedsit (Use Class 2) to a House of Multiple Occupancy (Use class 6), install 1st floor window to east and south (rear) elevations and alteration to fenestration – Withdrawn 01/06/23.

Existing Use(s):

Residential use class 2: flats.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

GP4: Conservation Areas
GP8: Design
GP9: Sustainable Development

Consultations:

The Office of Environmental Health and Pollution Regulation.
13th December 2022

'Please note I have considered applications FULL/2022/2263 and FULL/2022/2267 together as although they cover changes to the building in two phases, I need to consider the property and how it will be used as accommodation as a whole.'

I have a number of concerns about the proposals, primarily in relation to the space and facilities that will be provided to the residents for cooking and eating, the size of the bedrooms and the lack of communal space, therefore I recommend refusal of both applications.

I should like to draw the applicants attention to <https://www.gov.gg/housingstandards> which details the current minimum standards for rental accommodation. It should be noted that the States of Guernsey passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation. The applicant is advised to consider the applications in relation to future legal requirements, and I would be happy to discuss any proposed amendments to the submitted plans.'

30th March 2023

'I have reviewed the revised proposed plans for change of use to an HMO which were received by email on 30th March and I do not wish to raise any objections to the proposals.'

Conclusion/Brief comment:

This application is to demolish the existing rear extension and erect a larger single storey extension to the rear elevation and erect a single storey outbuilding/managers accommodation to the east boundary. The application is also for a change of use from three flats and one bedsit (Use Class 2) into a House of Multiple Occupancy (Use Class 6), and the installation of two windows at first floor and some other alterations to the fenestration.

Initially there were two applications one for the rear extension and outbuilding and the other for the change of use, but the Authority could not approve one without the other, so the two were amalgamated into one application.

Also, at first there were too many rooms for the amount of common space in the property and some of the rooms were undersized. The application was deferred to allow the agent and Environmental Health to have a discussion and for the plans to be amended. The number of rooms have been reduced and those left are all above the Guernsey Technical Standard size of 6.5sqm.

The proposed single storey rear extension will now house a much larger kitchen/dinner with a lounge area, which will accommodate all of the occupiers, with additional cooking facilities and appliances, and an area other than the bedrooms as common amenity space.

The proposals achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding conservation area, nor will it have any impact on either of the immediate neighbours.

The new outbuilding is single storey and will be located at the bottom of the garden. It is considered to be of an appropriate size and mass and is not considered to have any detrimental impact to the character and appearance of the surrounding conservation area, nor will it have any impacts on the immediate neighbours private amenity spaces.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 08/06/2023

