

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 former forecourt shop to dwelling (Residential Use Class 1), install dormer window and rooflights to west (rear) elevation, internal and fenestration alterations (Protected Building).

LOCATION: Le Bourg, Rue Des Auberts, Forest.

APPLICANT: Paul Langmead Window Services

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: 04/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects - 6271-01A

Application Ref: FULL/2023/0320

Property Ref: H00241A000

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 development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

5.No development shall begin on site until details of the proposed methods of ventilation, extraction, supply of services and removal of waste water have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the proposed works do not have an adverse impact on the special interest of the protected building.

6.Prior to the commencement of work on the dormer window, details and a sample of the proposed cladding and finish to the dormer cheeks and roof shall be submitted to and approved by the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development and that the development respects the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 03/05/2026 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/2023/0320
Property Ref: H00241A000
Valid date: 23/02/2023
Location: Le Bourg Rue Des Auberts Forest Guernsey GY8 0BW
Proposal: Change of use of former forecourt shop to dwelling (Residential Use Class 1), install dormer window and rooflights to west (rear) elevation, internal and fenestration alterations (Protected Building).

Applicant: Paul Langmead Window Services

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.

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OFFICER'S REPORT

Site Description:

The application site is a mixed use site, with the building located to the south of the site formerly comprising a garage with ancillary shop and office and an independent dwellinghouse. The northern part of the site contains two large storage buildings.

The site is bounded by residential properties to the north and south, and across the road to the east, with open land in use as allotments located to the west.

The whole of the exterior of the building known as Le Bourg, including the existing dwelling, former shop and office, and the roadside wall extending 8m north of the dwelling, is protected. The glazed lean-to attached to the north-east gable of the dwelling, and the workshops located to the north of the site, are excluded from the listing.

The site is located within the Forest Local Centre in the Island Development Plan. The southern part of the site, including the protected features but excluding the workshops, forms part of the Forest Church Conservation Area.

Relevant History:

FULL/2020/2404 Partially demolish, extend and convert workshop to create dwelling, demolish workshop and erect 2 dwellings, create access and parking. Refused 23/12/21.

FULL/2022/1178 Change of use of workshops for storage purposes. Approved 13/09/2022.

Existing Use(s):

Dwelling: Residential Use Class 1

Remainder of site: Sui generis – Mixed use falling outside of the use classes, comprising a former garage, workshops, ancillary shop and office.

Brief Description of Development:

Permission is sought for a change of use of the former forecourt shop to a dwelling (Residential Use Class 1), including the installation of a dormer window and rooflights to the west (rear) elevation, internal and fenestration alterations.

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

LC2	Housing in Local Centres
LC5	Retail in Local Centres
GP4	Conservation Areas
GP5	Protected Buildings
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking

Representations:

One letter of representation received raising the following points:

- Any foul water drainage, ie cesspit, soakaway, pipework, diggings, may affect the well (small building opposite archway) which is the only water supply for the adjacent property;
- There is no on site parking;
- The dormer window is not in keeping with the roof type/style, rooflights would be more suited.

Consultations:

None undertaken.

Summary of Issues:

Principle of change of use away from the existing use;
Principle of change of use to residential;
Impact on the special interest of the protected building;
Impact on the character of the Conservation Area;
The amenity of the proposed unit;
Impact on neighbour amenity;
Provision of parking & cycle storage.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

A change of use of the former garage forecourt, ancillary shop and office would comprise the loss of a convenience retail type use, and would be considered under Policy LC5. That policy would allow for the change of use away from convenience retail only where it would not result in the loss of essential facilities which would have a negative effect on the sustainability and vitality of the Local Centre.

As noted above, the site formerly comprised a mix of linked uses, including a former garage forecourt, workshops, ancillary shop and office. The petrol forecourt and associated shop ceased trading in 1991/1992 as the forecourt was no longer capable of meeting the necessary regulations. A change of use of the workshops has recently been approved, to a storage use, with no evidenced requirement for an associated retail element. The change of use of the retail element would not therefore impact on the operational capacity of the application site.

In respect of the wider Local Centre, this is well served by existing facilities, with the adjacent Forest Stores and two petrol forecourts. Given the limited floorspace and constrained layout of the building at the application site, together with the existing provision for retail within the Centre, it is not considered that the change of use would have a negative effect on the sustainability and vitality of the Local Centre.

The proposed change of use would result in the creation of a single new residential unit, appropriate to support the Local Centre without negatively affecting the Main Centres and would be supported by Policy LC2.

The proposed alterations would have no adverse impact on the special qualities of the protected building, or on the character of the Conservation Area, in accordance with Policies GP4 & GP5, and meeting the statutory duties in respect of protected buildings and Conservation Areas. Details of the proposed cladding to the dormer cheeks and how the kitchen and bathroom will be ventilated, how services would be supplied and wastewater discharged should however be provided prior to the commencement of development.

In respect of the amenity of the proposed unit, it is noted that the primary windows serving the living space would be looking out on to an “underpass” shared by at least two other residential units, storage buildings and adjacent land. This arrangement would be likely to result in some disruption to the new dwelling from passing vehicles, poor outlook and some reduction in light to the main living area. Alterations to address these issues, such as alterations to the size of the apertures, or installation of a film or curtain, might provide some mitigation of these issues, however could result in other forms of compromise to the unit. On balance, the extent of impact is not considered to be of such significance to warrant refusal of the application, given that options exist which the occupant could undertake to remedy the issues should it be desirable. It is also noted that the property would not benefit from external amenity space, however, given the proximity to other facilities and the coast, this is not considered to be a reason to refuse the application.

The accessibility and adaptability of the proposed accommodation is constrained by the existing built form and protected status of the building. It is however noted that new stairs are to be fitted to meet Building Control standards.

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

The proposal indicates two parking spaces for the new unit, to the rear of the building. It is not however clear what parking would be retained to serve the existing dwelling. Whilst the provision and division of parking on the site is not entirely clear, there is sufficient space on the site to provide some parking for all uses. Furthermore, given the location within a Local Centre and therefore proximity to Services and bus routes, parking provision for the new unit is not a requirement. On this basis it is considered that lack of clarity in respect of parking allocation is not a significant issue in this case, and it is not necessary to defer the application to require additional information.

Cycle storage is referenced but no details are provided. Details of this storage could however be required by condition, and this provision should be carefully considered to ensure no adverse impacts on the setting of the protected building.

The proposed change of use and associated works would have no adverse impacts on the amenity of adjacent residential properties. Any drainage or utility supply works associated with the proposed works would be controlled under the Building

Regulations, or in conjunction with the relevant supplier, and would not fall within the remit of a planning application.

On balance, the proposal would meet the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 28/04/2023

