

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: Convert and alter existing building to create a dwelling and widen vehicle access.

LOCATION: Topaz House, Le Grand Bouet, St. Peter Port.

APPLICANT: Mr N Ciotti

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 08/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7408-01/C1, /C2 & /C3.

Application Ref: FULL/2023/0361

Property Ref: A104250000

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.The ground floor window in the east elevation serving Bedroom 2 shall have a minimum cill height of 1.8m above finished ground floor level and shall be retained at that height at all times. No changes shall be made to that window nor shall any additional windows be inserted in this elevation.

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

5.The first floor window in the east elevation serving the dining area shall have a minimum cill height of 1.8m above finished first floor level and shall be retained at that height at all times. No changes shall be made to that window nor shall any additional windows be inserted in this elevation.

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

6.The obscure glass screen enclosing the terrace hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and that screen together with the screen walls shall be erected to a cumulative height of 1.8m above finished terrace level prior to the terrace being brought into use. The wall and screen shall thereafter be retained at all times.

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 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/2023/0361
Property Ref: A104250000
Valid date: 08/03/2023
Location: Topaz House Le Grand Bouet St. Peter Port Guernsey
Proposal: Convert and alter existing building to create a dwelling and widen vehicle access.

Applicant: Mr N Ciotti

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.

4. The ground floor window in the east elevation serving Bedroom 2 shall have a minimum cill height of 1.8m above finished ground floor level and shall be retained

at that height at all times. No changes shall be made to that window nor shall any additional windows be inserted in this elevation.

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

5. The first floor window in the east elevation serving the dining area shall have a minimum cill height of 1.8m above finished first floor level and shall be retained at that height at all times. No changes shall be made to that window nor shall any additional windows be inserted in this elevation.

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

6. The obscure glass screen enclosing the terrace hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and that screen together with the screen walls shall be erected to a cumulative height of 1.8m above finished terrace level prior to the terrace being brought into use. The wall and screen shall thereafter be retained at all times.

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

OFFICER'S REPORT

Site Description:

The application site comprises a light industrial building set amongst the high density residential ribbon development along the south side of Le Grand Bouet.

The site is bounded by residential properties to the west, east and south, and across the road to the north.

The site is located within the St Peter Port Main Centre Outer Area in the Island Development Plan.

Relevant History:

Letter dated 01/09/1993 confirming use as Light Industry. No subsequent application for a change of use.

Existing Use(s):

Industrial Use Class 24: Light Industry

Brief Description of Development:

Permission is sought for a change of use of the light industrial building to form a two bed dwelling with integral garage. The proposal includes alterations to the existing apertures to the front (north), side (east), and rear (south) elevations and the demolition of the rear section of roof to form a first floor terrace.

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

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
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

None received.

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 character of the 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 from light industrial to residential as proposed would maintain the vitality and viability of the Main Centre, and would address current housing requirements, in accordance with Policies MC2 and MC5(C).

The proposed alterations would have no adverse impact on the character of amenity of the surrounding area.

In respect of the amenity of the proposed unit, the upper floor would receive appropriate levels of daylight and sunlight, and would be served by limited external amenity space. The amenity of the lower floor bedroom would be poor, however light would be received from the rooflights in the terrace, in addition to the high level window, and adequate ventilation could be achieved. On balance, taking into account the above and the use of the room as a second bedroom, the amenity of the proposed unit is not considered to be so poor as to warrant refusal of the application.

The accessibility and adaptability of the proposed accommodation is constrained by the existing built form, however the primary accommodation is all on a single level, albeit at first floor.

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. Given the constraints associated with conversion, and the limitations of this site in particular, it is not reasonable to require further details of sustainable design in this case.

The proposal indicates the provision of a single parking space within the integral garage, with the existing aperture to the front of the building enlarged to 2.4m and the roadside pillar removed to facilitate access. The proposed garage would have poor visibility, with sightlines in the direction of oncoming traffic being obscured by the adjacent building, vehicles would have to manoeuvre on the road to access the garage due to the absence of on-site turning, and it is likely that vehicles exiting the garage would have to cross into the path of traffic on the far side of the road. There are therefore road safety concerns regarding the access. It is however noted that the garage is existing and the proposal would not therefore result in greater road safety concerns than the existing situation. On balance therefore the provision of an integral garage is acceptable.

There is sufficient space within the proposed garage to provide cycle storage.

In respect of neighbouring properties, the existing building extends to the property boundaries. The current proposals would result in a decrease to the bulk of the building, and would not include any fenestration to the west elevation. That proposed to the south elevation is at first floor level and set back from the boundary, with any potential views of neighbouring properties screened by the terrace enclosure. The proposed first floor roof terrace would be enclosed by the existing walls forming the external envelope of the building, with the addition of privacy

screens above to achieve a cumulative height of 1.8m above terrace level, and this can be controlled by condition. The provision of screening as proposed would prevent overlooking of adjacent properties and the provision of external amenity space would be consistent with the use of adjacent land, and would not give rise to significant additional impact on amenities.

Five large windows currently exist in the east elevation at first floor level, facing over the adjacent property. One of those windows is in the section of building to be demolished, one will be infilled, two will be altered to high level and one reduced in size and obscurely glazed. The alterations to these windows would significantly reduce overlooking of the neighbouring property. Given the position of the windows relative to the private amenity space and windows on the adjacent property, it is only however necessary to control the alterations to the southernmost of the windows in the east elevation, which serves the dining area, by condition.

There are two existing apertures at ground floor level, facing into the private amenity space of the adjacent property. Those apertures are currently blocked up, however this appears to be a temporary measure and there is no history of approval for that work. The proposed development would infill the existing apertures, retaining one high level window to serve the ground floor bedroom. Whilst this would have some impacts on the amenity of the adjoining property, taking into account the presence of existing apertures, the reduction in fenestration at first floor level and the limited size and high level nature of the proposed window, it is considered, on balance, that any impact is not sufficient to warrant refusal of the application. The height of that window should however be controlled by condition.

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

Date: 04/05/2023

