

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 ground floor from shop to flat (Protected Building).

LOCATION: 1 Tower Hill, St. Peter Port.

APPLICANT: Mr S Boughey

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: 04/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2349 03.01

Application Ref: FULL/2023/0756

Property Ref: A402500000

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 03/08/2026 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/2023/0756
Property Ref: A402500000
Valid date: 24/05/2023
Location: 1 Tower Hill St. Peter Port Guernsey
Proposal: Convert ground floor from shop to flat (Protected Building).

Applicant: Mr S Boughey

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

Site Description:

The property located on the southern side of Tower Hill. It contains a shop, with shopfront at ground floor level with flats above.

No 3 Tower Hill, immediately adjacent, is a building of similar form also incorporating a shop front at ground floor level, has extant permission to be converted into a flat (FULL/2022/1322).

To the east up the hill is a building converted to flats; to the west is a building of similar height and form incorporating a shop front at ground floor level.

1 Tower Hill is a protected building located in a conservation area. The property is located within the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

Neighbouring site-

FULL/2022/1322 – Convert and alter ground floor from shop to flat (Protected Building).

Existing Use(s):

10 General retail (ground floor)

Brief Description of Development:

This application is for a change of use of the ground floor from a retail unit to a one-bedroom flat for residential use, with no external alterations proposed.

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

MC2: Housing in Main Centres and Main Centre Outer Areas

MC6: Retail in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Representations:

Two letters of representation have been received, the contents of which have been summarised:

- No bath/shower proposed – *Officer note- this was resolved through amended plans to re-order the internal space.*
- The floor area means it is only suitable for 2 occupants
- The area is often messy and the restoration of No 1 Tower Hill would help improve the quality of the local environment
- Revised plan shows no washbasin in the bathroom.

Consultations:

N/A

Summary of Issues:

Principle of development

Impact of the proposal on heritage assets

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).**

The principle of conversion of the ground floor to an additional unit of accommodation is acceptable in policy terms as Policy MC2 supports conversions to residential use within main centres. Policy MC6 also allows for the change of use away from retail outside the Core Retail Area, where the proposal supports the objective of ensuring the Main Centres remain socially and economically attractive and viable. The proposal is acceptable in this regard as the residential use is considered to support this objective.

Policies GP4 & GP5 reflect the statutory duty to preserve and enhance the special quality of the character and appearance of the surrounding Conservation Area and the special interest and setting of Protected Buildings.

The proposed works involve internal alterations only with no changes to the exterior of the building. The interior is partition lined, and proposed works will have no significant effect on the fabric of the building, and the special interest of the protected building will be preserved. The proposed changes are not considered to have any impacts on the Conservation Area, as there are no external changes proposed and the shop front will be retained.

The amenity of the flat would be limited, the floor area of 39m² is only just within the minimal space standards specified in Part G of the Guernsey Technical Standards for two occupants (35m²), with limited light and ventilation particularly to the kitchen and bathroom. There is no parking, outdoor amenity space, bin or bike storage. However, the property lies within the Main Centre of St Peter Port, where outdoor amenities are within close proximity which, in part, compensates for the lack of internal space. The flat will also be sustainably located close to public transport links and public car parks

The absence of a washbasin from the bathroom, as noted in a letter of representation received, is likely to be resolved by building regulation requirements as there is sufficient space for a washbasin to be fitted.

The proposed changes are not considered to impact on any neighbour amenity and there are similar units of accommodation within the area.

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.

In summary, the proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions. Although the standard of amenity enjoyed by the occupants would be limited, on balance, it is considered that the amenity standards are acceptable in the Main Centre location and finding a new use for this protected building assists in balancing the concerns.

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: 03/08/2023