

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 House of Multiple Occupation (Use Class 6) to create 3 flats (Use Class 2), internal and fenestration alterations. (Revised scheme). (Protected Building).

LOCATION: Le Chateau, Victoria Road, St. Peter Port.

APPLICANT: Vestageld Limited

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: 29/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2323/02.01B & /02.02A.

Application Ref: FULL/2023/1285

Property Ref: A303790000

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.Prior to removal of the existing doors, large scale drawings (at an appropriate scale, such as 1:20 elevations and 1:5 sections) of all new and replacement doors shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - The drawings submitted are not an appropriate scale. Further information is needed to ensure that the special interest of the protected building is preserved.

5.For the avoidance of doubt, the joinery of the archway between the proposed lounge and kitchen of Flat 2 shall be retained in situ.

Reason - The archway positively contributes to the special interest of the protected building, it must be retained to ensure that this detail is preserved.

6.For the avoidance of doubt, the existing door to the proposed first floor en-suite and its associated joinery on the hallway side shall be retained in situ.

Reason - The existing door and joinery positively contributes to the special interest of the protected building, it must be retained to ensure that this detail is preserved.

7.For the avoidance of doubt and prior to installation, details of the means of lining the hallway walls shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - The drawings submitted are unclear. Further information is needed to ensure that the special interest of the protected building is preserved.

8. For the avoidance of doubt and prior to their installation, details of the routes, position and external appearance of all new drains, vents and extractors shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - The drawings submitted are unclear. Further information is needed to ensure that the special interest of the protected building is preserved.

Expiry Date: This permission will cease to have effect on 28/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that you contact the Authority should the applicant wish to; alter any window openings, alter the ground floor ceilings, or alter the ground floor structure following investigative works.

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/2023/1285
Property Ref: A303790000
Valid date: 04/08/2023
Location: Le Chateau Victoria Road St. Peter Port Guernsey GY1 1HY
Proposal: Change of use of House of Multiple Occupation (Use Class 6) to create 3 flats (Use Class 2), internal and fenestration alterations. (Revised scheme). (Protected Building).

Applicant: Vestageld Limited

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).

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Reason - The drawings submitted are unclear. Further information is needed to ensure that the special interest of the protected building is preserved.

INFORMATIVES

It is recommended that you contact the Authority should the applicant wish to; alter any window openings, alter the ground floor ceilings, or alter the ground floor structure following investigative works.

OFFICER'S REPORT

Brief Description of the site:

Le Chateau is a detached 2.5 storey building of distinctive design and character located on the north-east side of Victoria Road. The whole of Le Chateau is a protected building. It is within the St Peter Port Conservation Area as designated in the Island Development Plan (IDP) Proposals Map.

The ground floor is recognised as a House in Multiple Occupation (HMO) as it is split into 5 bedsits, with two shared bathroom facilities. The first floor is comprised of a two-bedroom flat.

Le Chateau, Maple Villa, Ampthill and the steps form a significant and important functional group within the area. Le Chateau and Maple Villa were built as a pair and in appearance and character remain so.

Planning permission is sought to change the use of the house of multiple occupation (residential use class 6) to create 3 flats (Residential use class 2). A number of internal and fenestration alterations are proposed to facilitate the change of use. The application has been submitted off the back of a former application (FULL/2022/1217) which was recently withdrawn.

A Statement of Significance has been provided which sets out the agent's assessment of the value of some elements of the building and certain elements of the ground floor but does not cover the first floor or consider impact and effect.

The application was deferred as concerns were raised over the paving to the front of the building, the relocation of doorways in the ground floor hallway, and further information was requested in respect of a number of other aspects of the proposal.

The agent has confirmed the retention of the existing stone patio to the front of the premises. The agent has provided justification for the position of the doorways on the ground floor hallway noting that the relocation of these doors is fundamental to the desired layout of the proposal. Additional information has also been submitted to clarify that the existing joinery from the original doors being removed, are to be retained for re-use within the new openings.

It is also noted that alterations to the ground floor ceilings may be necessary for Building Control requirements, although the existing ceilings have been boarded over therefore any new lining will have no worse impact than the existing arrangement.

Relevant History:

FULL/2022/1217	Convert house of multiple occupancy (Use Class 6) to 3 residential flats (Use Class 2) (Protected	Withdrawn
PREA/2021/2653	Alteration to fenestration and Internal layout to convert ground floor to create 2 flats (Protected	Pre-application
FULL/2014/3201	Erect single storey pitched roof extension (rear elevation) and install window (side elevation).	Granted
FULL/2014/1853	Erect a conservatory at rear of dwelling (Protected Building).	PPREF
PAPP/2007/3417	Extend and alter dwelling to form lodging house	PMTGCD
HAPP/2007/1152	Alter and extend dwelling to provide three flats.	HPMTGTD

Existing Use(s):

Residential use class 6 (house of multiple occupation) – ground floor.

Residential use class 1 (flat) - first floor

Assessment: *(Tick as appropriate)*

no representation
 accords with policy
 within curtilage
 design acceptable

✓
✓
✓
✓

visual amenity acceptable
 no material neighbour impact
 traffic not affected

✓
✓
✓

Policies considered most relevant:

MC2 Housing in Main Centres and Main Centre Outer Areas
 GP4 Conservation Areas
 GP5 Protected Buildings
 GP8 Design
 GP9 Sustainable Development

Conclusion/Brief comment:

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Policy MC2 allows for new housing in the Main Centres and Main Centre Outer Areas provided that it accords with all relevant IDP policies, and accommodates an appropriate mix and type of dwellings, where possible.

According to the measurements on the ground floor plan, the bedrooms provided for Flat 1 and Flat 2 meet the GTS Part G requirement as regards minimum size for a

single person (7m²), but not for a double bedroom (12m²). These rooms are currently used as bedsits.

When taking into account the building from an holistic perspective, the change of use from 5 bedsits to 2 flats on the ground floor is acceptable under Policy and would contribute to the vitality of the Main Centres. Most importantly, the proposal will improve the quality of the amenities and standard of accommodation currently afforded to the occupiers at ground floor level.

In addition, there will be no effect on the amenities of neighbouring residents or the character or appearance of the Conservation Area by virtue of the change of use. Consequently, the proposal is compliant with Policy MC2, GP4, and GP8.

In light of the amendments secured, the proposal will harm the special interest of the building, although the harm caused is outweighed by the reasonable aspirations of the property owner to alter the premises (Policy GP5). It is however necessary and reasonable to attach appropriate conditions in respect of; retention of certain joinery details, details of new and replacement doors, means of lining the hallway walls, and details of new drains, vents and extractors, in order to preserve the historic elements of the building which positively contribute to its overall special interest.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 24/11/23