

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 retail units to 1 flat (Residential Use Class 2) and associated works.

LOCATION: 15/17 Lower Vauvert, St. Peter Port.

APPLICANT: Hawthorn 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: 26/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects: 6217-01D.

Application Ref: FULL/2023/1639

Property Ref: A302700000 + A302710000

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 hall window in the east elevation facing the external staircase shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained in perpetuity.

Reason - To preserve the privacy of the occupiers of the residential flat hereby approved.

Expiry Date: This permission will cease to have effect on 25/10/2026 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/2023/1639
Property Ref: A302700000 + A302710000
Valid date: 22/09/2023
Location: 15/17 Lower Vauvert St. Peter Port Guernsey
Proposal: Change of use of retail units to 1 flat (Residential Use Class 2) and associated works.

Applicant: Hawthorn Limited

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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equivalent) and shall thereafter be retained in perpetuity.

Reason - To preserve the privacy of the occupiers of the residential flat hereby approved.

OFFICER'S REPORT

Site Description:

15 and 17 Lower Vauvert is an end of terrace property. The property is three storeys in height with shop fronts/display windows at ground floor level. An external staircase is situated to the rear of the building in Back Street where a number of existing upper floor flats exist.

The site is located in the Main Centre, Archaeological Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2021/2316 - Change of use from two retail units to two flats/bedsits (Residential Use Class 2) – refused due to the health and well-being of future occupiers (privacy and impact of external staircase).

Pre-application advice was sought in this case.

Existing Use(s):

10 general retail

Brief Description of Development:

The application relates to the change of use of two retail units to one, two bedroom flat. The scheme proposes to remove the existing shop windows and doors and to replace these with sliding sash windows and an entrance door. An open plan lounge, kitchen and dining area is proposed with windows facing Lower Vauvert and Back Street and two bedrooms (one double and one single/study) with windows facing Lower Vauvert. An inner hallway will have a window facing onto the external staircase to the rear. A refuse/cycle store is to be accommodated within the apartment just inside the rear access door into Back Street.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

MC6: Retail in Main Centres

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development and the future living environment of occupiers along with the impact of the change of use on residential amenity (privacy).

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy MC6 relates to retail in the Main Centre and permits a change of use away from retail where it supports the objective of ensuring the Main Centres remain attractive focal points for economic and social activity. The application relates to the change of use of two retail units away from the main High Street and where a variety of uses can be found. The change of use would see the ground floor of 16 and 17 Lower Vauvert brought back into use rather than remaining empty which does little to increase the appeal of this part of the Main Centre. By introducing a flat in this location there is the opportunity for occupiers to benefit from the sustainable location of the accommodation, with easy access to services and facilities thereby supporting economic and social activities in the Centre.

Policy MC2 makes provision for additional residential accommodation within the Main Centre. The site is not situated on Important Open Land and the

accommodation is not of sufficient size to offer a variety and mix of residential units therefore criteria b. and c. are not relevant. An assessment of the scheme against other relevant policies is considered in more detail below.

The external alterations proposed have been designed taking into account the external appearance of the building and the pattern of fenestration to the windows above. These alterations would respect the local built environment and conserve the character and appearance of the Conservation Area in accordance with Policies GP4, GP8 and GP9. The proposed changes to fenestration will offer a greater degree of privacy to the future occupiers of the flat. Although there remains no defensible space between the windows and public footpath the more conventional/domestic window arrangement is not dissimilar to many other residential properties found in Town. The scheme is considered to address the aims of Policies GP8 and GP9 of the IDP.

As proposed the primary accommodation and bedrooms would have aspect/outlook onto Lower Vauvert and the accommodation would benefit from good levels of sunlight and daylight. The layout of accommodation is such that there would not be unacceptable overlooking from the external staircase to the rear of the building and given that this window now serves a hallway area it could be conditioned to be obscure glazed to improve the privacy for future occupiers.

The insertion of non-loadbearing partition walls means that there would be scope for alterations to be made to the interior of the building at a later date in order to respond to the changing needs of occupiers. Although there would be stepped access into the building the accommodation would be on a single level to provide accessibility for people of all ages and ability (GP8 f. and g.).

The scheme does not offer any external amenity space for use by future occupiers however, the site is located within a short distance of the sea front, beaches, bathing pools etc. This would offer access to amenity space for leisure and recreation purposes. The retention of the large windows serving the ground floor accommodation, sunlight and daylight to the space has given consideration to the health and well-being of future occupiers (GP8 d.).

The change of use proposed will not result in unacceptable overlooking or loss of privacy to the occupiers of any surrounding buildings (GP8 d. and GP9).

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

In view of the above it is recommended permission is granted.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 25/10/2023

