

**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:** Demolish existing buildings, erect 3-storey building, courtyard and internal alterations. (Protected Building).

**LOCATION:** 57 Le Bordage, St. Peter Port.

**APPLICANT:** Holy Trinity Church Trust

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:** 07/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Tyrrell Dowinton Associates: 2132/03.02C, .03C, .04C, .05C, .06C, .07B, .08B, 09B.

**Application Ref:** FULL/2023/2206

**Property Ref:** A400670000 + A400640000

**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 the hereby approved extensions being constructed, full details of the timber wall cladding and stone work, including the type, colour, texture, and method of laying, shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - the full details of the wall cladding and stonework is required to ensure that the character and appearance of the Conservation Area is conserved, and the special interest of the protected buildings is preserved.

5. Prior to installation, finished samples and/or full specifications of planters, paving, ramp handrail, and metal gates/railings, shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected buildings is preserved.

6. Prior to installation, specifications for the Juliet balconies shall be agreed in writing with the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the character and appearance of the Conservation Area is conserved.

7. Prior to the hereby approved extensions being constructed, full details of the means by which; the new extension would be affixed to the walls of 20 Mansell Street, and the railings/gates would be affixed to Bordage Stores, shall be submitted to agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected building, and adjacent protected building is preserved.

8. Prior to the hereby approved extensions being constructed, large-scale section drawings (1:20 scale) of the eaves/roof junction between the extension and the roof of the main Church building, and the projecting walls to the south of the building, shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected building is preserved and the character and appearance of the Conservation Area is conserved.

9. Prior to commencement of the development, a large-scale section drawing (1:20) showing the means by which the southern windows of the Church would be blocked shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected building is preserved.

10. Prior to the hereby approved extension being brought into first use, full details of the landscaping scheme, including the species of plants and height when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the species and height of new plants are appropriate in the interests of visual amenity and to assimilate the development into the Conservation Area.

11. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the hereby approved extension being brought into first use, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and to assimilate the development into the Conservation Area.

12. Notwithstanding the revised drawings submitted, an updated Site Location Plan and Block Layout Plan shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - the Site Location Plan and Block Layout Plan has not been updated as part of the revised scheme to take into account the roof form and eaves details.

**Expiry Date: This permission will cease to have effect on 07/08/2027 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

**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](http://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](mailto: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/2023/2206  
**Property Ref:** A400670000 + A400640000  
**Valid date:** 22/11/2023  
**Location:** 57 Le Bordage St. Peter Port Guernsey  
**Proposal:** Demolish existing buildings, erect 3-storey building, courtyard and internal alterations. (Protected Building).  
  
**Applicant:** Holy Trinity Church Trust

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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.

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12. Notwithstanding the revised drawings submitted, an updated Site Location Plan and Block Layout Plan shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - the Site Location Plan and Block Layout Plan has not been updated as part of the revised scheme to take into account the roof form and eaves details.

## **INFORMATIVES**

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

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## **OFFICER'S REPORT**

### **Site Description:**

The application site, known as 57 Le Bordage, lies to the south-east of Holy Trinity Church and consists of a number of buildings, including a residential flat, retail

unit/stonemason's yard and an outside courtyards. Holy Trinity Church includes an ancillary café and meeting rooms. The site is located north of Le Bordage.

The buildings are positioned perpendicular to Le Bordage and are separated between one another by external courtyards. The scale, forms and masses of the building are also different.

The site is partially bounded by Holy Trinity Church and a two storey building to the north, and three storey buildings to the east.

The Holy Trinity Church is recognised as a protected building.

The site is situated in the St Peter Port Main Centre, Conservation Area and a Regeneration Area as defined in the Island Development Plan. The building is also located within the St Peter Port Regeneration Areas Development Framework.

**Relevant History:**

|                |                                                                                                     |                        |
|----------------|-----------------------------------------------------------------------------------------------------|------------------------|
| PREA/2023/1189 | Demolish existing buildings and erect new buildings as extension to church                          | Pre-application advice |
| PREA/2021/1495 | Demolish property and erect extension to Trinity Church.                                            | Pre-application advice |
| HAPP/2005/2997 | Demolition of existing halls to the south of the church and replacement with a new community centre | Granted                |

**Existing Use(s):**

Mixed use site - residential flat, retail unit and ancillary stonemason's yard.

**Brief Description of Development:**

Planning permission is sought to demolish two buildings and erect a replacement 3 storey building with an associated courtyard, and to make internal alterations to the protected building.

The replacement building will serve as an extension of the existing community facility. The agent has set out in their letter of 17<sup>th</sup> October 2023 that the proposed building will provide the following improved facilities:

- Additional and adaptable meeting rooms to respond to different functions and user groups.
- Additional toilets, including accessible toilets on each floor level.
- A new lift to improve access to all floors in the community centre.
- A secondary means of escape to the rear (east) of the building.
- A new café facility on the ground floor.

- An improved and larger kitchen facility to serve refreshments for the church services and food and beverages for the new café.
- An external courtyard accessed from the café and staircase.

The building will also be served by a lift making it accessible for all users and will have a means of escape stair to the rear (east) of the building.

It is noted that existing residential unit (flat) above the retail unit has been unoccupied for the last 3 years, and that the existing accommodation is in extremely poor condition and is accessed via a staircase that is non-compliant with current building standards. In addition, the agent has raised other concerns regarding the inflexibility of the floor layout, does not feature a bathroom, with WC and bath provision facilities split within different rooms, is not heated, is damp and would require major refurbishment to upgrade to modern standards.

The application has been supported by a Site Waste Management Plan, although there is no requirement to do so under Policy GP9.

The application was initially deferred as additional information was requested to; demonstrate an understanding of the special interest of the protected building and its setting (Policy GP5), as well as other design aspects of the proposal, including the detailing of the gables, eaves, projecting walls to the front, fenestration, Juliet balconies and cladding. Some concerns were also raised with regards to the effect of the development on neighbour amenity.

In response, the agent has switched the stair core and conservatory around, with the stair core nearest to Le Bordage, and the lean-to single storey conservatory towards the north boundary in attempt to overcome the reasons for refusal. Other more minor alterations have been amended to take into account the comments set out in the deferral.

The application was further deferred over the detailing of the gables and eaves which needed further consideration. The agent has submitted revised plans which has incorporated a traditional eaves detail and excluded the proposed parapets to the front and side of the extension. A new window has also been incorporated to the front of the building.

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

|      |                                                                             |
|------|-----------------------------------------------------------------------------|
| MC3  | Social and Community Facilities in Main Centres and Main Centre Outer Areas |
| MC6  | Retail in Main Centres                                                      |
| MC11 | Regeneration Areas                                                          |
| GP4  | Conservation Areas                                                          |
| GP5  | Protected Buildings                                                         |
| GP7  | Archaeological Remains                                                      |
| GP8  | Design                                                                      |
| GP9  | Sustainable Development                                                     |

GP12 Protection of Housing Stock.

St Peter Port Regeneration Areas Development Framework.

**Representations:**

**Original drawings:**

The Authority received a letter of representation from one party. Grounds for representation principally related to the following issues:-

- Potential damage to a neighbouring property/foundations.
- Loss of light to a neighbouring window.
- Discrepancy in the drawings submitted through the surveying process.
- Finished levels of external courtyard and potential for flooding/and dampness.

The Authority also received an e-mail in support of the application.

**Revised drawings:**

- Potential damage to a neighbouring property/foundations.
- Distance between ramp and neighbouring property may cause damp problems.

**Consultations:**

None.

**Summary of Issues:**

- Whether the loss of the residential unit (flat) is acceptable.
- Whether the loss of the retail unit is acceptable.
- Whether the design of the proposed development is acceptable and will not adversely affect the character and appearance of the Conservation Area
- Whether the special interest of the protected building and the setting of adjacent protected buildings will be preserved:
- The impact of the development on neighbour amenity.

**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).**

Policy and legal context:

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

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.

Whether the loss of the residential unit (flat) is acceptable:

The agent has stated in their covering letter that the first floor, one-bedroom apartment has been unoccupied for the last 3 years, the quality of the accommodation is poor and is accessed by a non-compliant staircase. Other issues regarding the layout of the accommodation, sanitation, heating and dampness all lead to the conclusion that it is not fit for modern standards.

Paragraph 19.13.4 of Policy GP12 (Protection of Housing Stock) states that:

*“There may also be exceptional circumstances where a site or building is needed to meet an important essential social or community requirement that would override the presumption against loss of existing residential accommodation. There may also be situations where allowing the displacement of housing will facilitate a development with substantial and overriding economic and/or social benefit to the Island which may be considered acceptable providing that replacement housing, of an appropriate type, is located on a suitable alternative site in accordance with the relevant policies of the Island Development Plan.”*

Policy GP12 goes on to state that:

*“The loss of existing housing, or of a building designed for residential use but presently vacant, will only be supported where:*

*a. it can be demonstrated that the accommodation is substandard by virtue of its size, location, form of construction or means of access to it and there is no*

*reasonable way of upgrading the accommodation to provide satisfactory living conditions; or,*

*b. the site or building is needed to meet an important essential social or community requirement; or,*

*c. the displacement of housing will facilitate a development with substantial and overriding economic and/or social benefit to the Island and where the replacement housing is of an appropriate type, and is located on a suitable alternative site, in accordance with the relevant policies of the Island Development Plan.”*

In this case, the agent has satisfactorily demonstrated that the existing residential flat is substandard and is not reasonably capable to achieve modern standards by upgrading the accommodation. In addition, the proposed extension to Trinity Church would have important and overriding social and community benefits that would in this particular case sufficiently outweigh the loss of the residential apartment.

Consequently, the proposal accords with Policy GP12.

Whether the loss of the retail unit is acceptable:

Policy MC6 (Retail in Main Centres) states that:

*“Beyond the Core Retail Areas, change of use away from retail will be permitted where it supports the objective of ensuring the Main Centres remain attractive focal points for economic and social activity.”*

The application site is located outside of the Core Retail Area and given that the proposed use would represent a physical extension and ancillary use of Trinity Church that is likely to have substantial social and community benefits, such change of use away from retail provision is supported.

For the avoidance of doubt, Policy MC3 (Social and Community Facilities in Main Centres and Main Centre Outer Areas) generally supports proposals for the extension of existing social and community facilities provided that it accords with all other relevant policies of the Island Development Plan.

Whether the design of the proposed development is acceptable and will not adversely affect the character and appearance of the Conservation Area:

The application proposes to demolish existing buildings to the north of Le Bordage in order to replace the structures with a 3 storey extension to Trinity Church and an

external courtyard. None of the buildings to be demolished comprise a protected building.

The buildings proposed for demolition, comprises a pair of flat roofed buildings, one single storey and one two-storey linked by a corrugated perspex-covered archway set behind ornate rendered façades, on the north side of Le Bordage. These buildings are not protected. Some of the buildings date from the 19<sup>th</sup> century with newer buildings added before 1938 (from which time the façades originate) and appear to be altered during the 1960s/1970s. They stand amid (with the exception of the modern extension to Trinity Church) protected buildings with often 18<sup>th</sup>/early 19<sup>th</sup> century origins. The agent has provided additional information that helps to demonstrate an understanding of the special interest of the affected protected buildings and/or their settings.

It is regarded that '57 Le Bordage' makes a positive contribution to the Conservation Area, and therefore to accord with Policy GP4 its demolition will only be supported where the replacement building makes an equal or enhanced contribution.

The proposed extension has been carefully designed on the whole as it adopts a form and proportion which reflect those of former warehouse buildings in this part of Le Bordage and are generally acceptable. The contrasting use of render and natural granite on the gable end façade will provide a sense of interest, texture and character to the replacement building whilst achieving a cohesive design.

Consequently, the proposed design in terms of its scale, mass, form, proportion and materiality achieve a high standard of design and therefore accord with Policy GP8.

Although a few details of the design need to be clarified in order to ensure that the replacement building makes an equal or enhanced contribution to the Conservation Area, the proposed development is capable of making an equal or enhanced contribution to the Conservation Area. Further details regarding; the projecting walls, Juliet balconies, stonework and cladding material are however needed, although these elements can be conditioned accordingly to avoid further delays in determining the application.

The inclusion of parapets to the eaves of the replacement building (east and south elevation above the stair core) as shown as part of the original scheme was at odds with the eaves treatment of historic and modern buildings in this part of Le Bordage and therefore did not conserve or enhance the character and appearance of the Conservation Area. The amendments secured satisfactorily addresses this issue and now relates better to the eaves detailing observed within the immediate area of the Conservation Area. Similarly, the incorporation of a new window at first floor level on the front elevation of the building will add a sense of balance to the scheme and improve the solid-to-void ratio of the facade.

A suitable landscaping condition should be attached to help assimilate the development into its urban surroundings to help 'soften' its appearance in the street scene.

Whether the special interest of the protected building and the setting of adjacent protected buildings will be preserved:

The proposal lies within the St Peter Port Conservation Area and would affect a number of protected buildings which enclose the site to north, east and west (including Trinity Church).

With regards to the impact on the special interest of the protected building, and adjacent protected buildings, the proposed development as a whole is considered to be a reasonable aspiration of the property owner for the purposes of Policy GP5 that outweighs the harm caused. Consequently, the proposal will 'preserve' the special interest of the Church and adjacent buildings for the purposes of Policy GP5. It is however necessary and reasonable to attach appropriate conditions in relation to the fixing of the extension to the walls of 20 Mansell Street, fixing of the railings/gates to Bordage Stores, large scale drawings of the eaves and roof junctions of the extension, as well as full details of the ramp and raised areas and materials used for the external courtyard.

On this basis, the proposal accords with Policy GP5 and the Law when considering protected building.

The impact of the development on neighbour amenity:

In light of the amendments secured, the agent has shifted the stair core away from the residential property to the north of the application site and has replaced it with a single storey lean-to conservatory. The resultant effect on the amenities of neighbouring residents is now considered to be limited.

Whilst it is recognised that a development of this scale being close to neighbouring properties is likely to have a negative impact on the amenities of neighbouring residents in terms of overbearing, overlooking and overshadowing when taking into account factors such as the scale of development, orientation and fenestration; the degree of harm in this case is not considered to be so substantial to reasonably justify refusal. In addition, it would be expected in this high density urban environment that any development is likely to adversely affect neighbour amenity to some extent, although the threshold of the impact in this case is not considered to be significant.

Whilst other matters such as damage to neighbouring properties via the construction stage is noted, these are not material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007, and therefore cannot be taken into account.

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. The incorporation of a Site Waste Management Plan is encouraging, although there is no requirement under Policy to require this be conditioned.

Due to the fact that the site is located in an area known for its potential archaeology importance as designated in the Island Development Plan, it is recommended that an informative be attached to the decision to notify the applicant.

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.

**Date:** 30/07/24

