

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 commercial premises to create 2 dwellings with associated works and erect wall to west (roadside) boundary.

LOCATION: Donkey Divers, Route De L'Ancrese, Vale.

APPLICANT: Mrs E Collas

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: 04/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MAT Limited: 23-286-01A, 02B, 03A & 04A.

Application Ref: FULL/2023/2216

Property Ref: C017010000

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. No dwelling hereby approved shall be occupied until details of the sheds/bike stores and revised details of the access to the bike store for unit 2 has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

5. No stone shall be brought onto site until details showing the means of construction and bonding of the stone wall along the front (west) roadside boundary, including details of the type and colour of stone and the method of pointing, have been submitted to and agreed in writing by the Authority. No dwelling hereby approved shall be occupied until the front (west) roadside boundary has been completed in accordance with the agreed details.

Reason - To conserve and enhance the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 04/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building may be used by bats or other wildlife for roosting and nesting. It is recommended that the building is inspected accordingly prior to any building works and additional measures may also need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg.

To limit the potential impact of light pollution on wildlife within the adjoining Site of Special Significance, it is recommended that external lighting is avoided or kept to a minimum.

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/2023/2216
Property Ref: C017010000
Valid date: 21/11/2023
Location: Donkey Divers Route De L'Ancrese Vale Guernsey
Proposal: Convert and alter commercial premises to create 2 dwellings with associated works and erect wall to west (roadside) boundary.

Applicant: Mrs E Collas

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. No dwelling hereby approved shall be occupied until details of the sheds/bike

stores and revised details of the access to the bike store for unit 2 has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

5. No stone shall be brought onto site until details showing the means of construction and bonding of the stone wall along the front (west) roadside boundary, including details of the type and colour of stone and the method of pointing, have been submitted to and agreed in writing by the Authority. No dwelling hereby approved shall be occupied until the front (west) roadside boundary has been completed in accordance with the agreed details.

Reason - To conserve and enhance the character and appearance of the Conservation Area.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building may be used by bats or other wildlife for roosting and nesting. It is recommended that the building is inspected accordingly prior to any building works and additional measures may also need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg.

To limit the potential impact of light pollution on wildlife within the adjoining Site of Special Significance, it is recommended that external lighting is avoided or kept to a minimum.

OFFICER'S REPORT

Site Description:

The site comprises of a 1½ storey pitched roof building orientated gable end to the highway with a single storey extension to the rear. The site is situated to the east of L'Ancrese Road with parking to the rear of the building. The site is within the Vale Church Conservation Area and is Outside of the Centres and is adjacent to the L'Ancrese Site of Special Significance.

Relevant History:

None

Existing Use(s):

Retail

Brief Description of Development:

Planning permission is requested to convert and alter retail premises to create two, two bedroom dwellings and erect wall to west (roadside) boundary.

The application is accompanied by a structural report.

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

Policy OC1: Housing Outside of the Centres
Policy OC4: Retail Outside of the Centres
Policy GP1: Landscape Character and Open Land
Policy GP2: Sites of Special Significance
Policy GP4: Conservation Areas
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP16(A): Conversion of Redundant Buildings
Policy IP6: Transport Infrastructure and Support Facilities
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation was received on behalf of La Société Guernesiaise which highlights that buildings of this type can be used by roosting bats particularly when a property is located within a variable landscape with habitats such as farmland or woodland nearby. La Société Guernesiaise recommend that the existing building, in particular the roofspaces, is inspected for current or recent use by bats by a suitably qualified person prior to any building works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. La Société Guernesiaise recommend that an informative note to highlight the above is included in the decision notice.

In addition La Société Guernesiaise highlight the environmental impact of light pollution on wildlife particularly when such pollution is introduced into a landscape such as this one where existing sources of artificial light are relatively sparse and it is noted that the site is adjacent to the L'Ancrese Site of Special Significance. La Société Guernesiaise recommend that an informative note to highlight the above

and to encourage external lighting to be avoided or to be kept to a minimum is included in the decision notice.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of residential conversion.
2. Whether the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.
3. The impact of the development on the character and appearance of the Conservation Area.
4. The impact on the amenities of neighbouring residents.
5. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

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 OC1 provides scope for the conversion of existing redundant buildings to dwellings Outside of the Centres provided that specific criteria as set out in Policy GP16(A) are met.

Policy OC4 supports the change of use away from comparison and convenience retail uses where the proposal accords with other relevant policies of the Island Development Plan. Information has been submitted which indicates the recent history of the retail units and the characteristics of the site which limit its potential use for retail purposes. Whilst the information submitted is limited, considering the support given by Policy OC4 to the change of use away from comparison and convenience retail uses Outside of the Centres, the information submitted is sufficient to demonstrate that the existing retail use is no longer required or capable of being used for retail purposes.

The structural report notes that varying degrees of subsidence is evident but it concludes that remedial repair to the masonry wall could very likely be undertaken as part of redecoration works and the formation of the new door opening. No other structural defects are identified and it is concluded that additional loadings to the foundation are unlikely to cause an issue. The revised plans have omitted originally proposed extensions to the rear and at first floor level and only limited alterations to

fenestration are now proposed. Overall the information submitted is sufficient to demonstrate that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.

The row of cottages to the south fronting onto Le Douit Lane are protected buildings. The proposed use of the building as 2 dwellings and the minor alterations to fenestration would have no adverse effects on the setting of the neighbouring protected buildings. The existing building is not of either architectural or historic interest and is not considered to be a building of character that makes a positive contribution to the character and appearance of the area. No extensions are proposed, the proposed dwellings and their associated curtilage would be confined to the existing curtilage and would have no adverse effects on the character and openness of the landscape. The site is bounded to the north, east and south by neighbouring residential properties however, the positioning of fenestration and relationship with neighbouring properties is unlikely to result in any unacceptable adverse effects on the amenities of the neighbouring residents.

The proposed dwellings would exceed minimum internal space standards as set out under the Building Regulations but do not meet the best practice minimum internal space standards which are published on the Authority's website for a 2 bedroom dwelling for 3 people over 2 floors (proposed 62sqm and 66sqm, best practice 70sqm). Both of the proposed dwellings are dual aspect and would benefit from adequate levels of daylight and sunlight and would have adequate privacy. The dwellings would have a good outlook over L'Ancrese Common. Whilst the private gardens are of limited size and quality, when combined with the access to the public open space at L'Ancrese Common, the provision of outdoor space would be adequate for the type and nature of the dwellings that they would serve. Overall despite some deficiencies, particularly regarding the limited internal space, the proposed dwellings are likely to provide a satisfactory living environment.

The proposal to erect a low granite wall along the front (west) roadside boundary will enhance the character and appearance of the Conservation Area.

Ample car parking would be provided for both dwellings. Sheds/stores are indicated for bicycles which could provide sufficient secure covered bicycle storage. However, there are concerns about the access to the unit 2 bicycle store due to the potential for a parked car to block the access to the garden. Revised details for the access to unit 2 and details of the bicycle stores will be required but this can be dealt with by condition.

To address the comments raised on behalf of La Société Guernesiaise, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012 and to recommend that external lighting is avoided or kept to a minimum. Provided that external lighting is avoided or kept to a minimum, the change of use of the site from retail to residential is unlikely to have

any adverse effects on the special interest of the L'Ancrese Site of Special Significance.

The ground floor plan indicates alterations to the surfacing of the car parking areas on adjacent properties to the south (labelled cottage 1 and 2). These properties are outside of the application site boundary and do not form part of this application.

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.

It is recommended that the application is approved.

Date: 02/04/2024