

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 ground and first floor from retail (Use Class 10) to residential flat (Use Class 2).

LOCATION: 13b Vauvert, George Street, St. Peter Port.

APPLICANT: Lakeside Holdings

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: 09/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A4 proposed ground floor, and 1st floor proposed and Block Plan (6223-01/A/2)

Application Ref: FULL/2024/0235

Property Ref: A303050000

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. This permission confers no consent for the replacement of existing windows, doors or the existing shopfront. These works would require the submission of a separate planning application.

Reason - For the avoidance of doubt and in the absence of detailed drawings relating to this aspect of work.

5. No development shall begin on site until detailed scaled plans drawn at 1:50 scale of the proposed layout and alterations have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of proposed features. This condition is imposed to make sure that the development is of satisfactory design and does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 09/09/2027 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/2024/0235
Property Ref: A303050000
Valid date: 16/02/2024
Location: 13b Vauvert George Street St. Peter Port Guernsey GY1 1NF
Proposal: Change of use of ground and first floor from retail (Use Class 10) to residential flat (Use Class 2).
Applicant: Lakeside Holdings

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. This permission confers no consent for the replacement of existing windows, doors or the existing shopfront. These works would require the submission of a separate planning application.

Reason - For the avoidance of doubt and in the absence of detailed drawings relating to this aspect of work.

5. No development shall begin on site until detailed scaled plans drawn at 1:50 scale of the proposed layout and alterations have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of proposed features. This condition is imposed to make sure that the development is of satisfactory design and does not have any adverse impact on the character of the area.

OFFICER'S REPORT

Brief Description of the site:

The site is located on the corner of Vauvert and George Street. A shop front exists at ground floor level with the first-floor exterior having a painted render finish. A mansard roof exists above this with two flat roof dormers facing south. Top hung windows are installed in the front elevation. A mix of residential and commercial premises exist in the vicinity of the application site. The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan.

Planning permission is sought for the change of use of the ground and first floor from retail, with retail store above, to a unit of residential accommodation (Residential Use Class 2: Flat). The ground floor is shown to be laid out as an open plan kitchen/living room with stairs leading to the first floor providing a bedroom and shower room.

The initial covering letter that accompanied the submission set out that the retail unit has been advertised for rent for several months at below market value without interest. The letter also makes reference to "in regards to the frontage a structural engineer will draw accurate plans for Building Control". The original plans make reference to a replacement first floor window but without further details.

It is noted that the application drawings are very basic but given that internal measurements and labelled layouts have been provided the submission provides sufficient detail to enable the assessment of a planning application. The drawings will not however, provide a sufficient level of detail to be assessed as part of any Building Control application.

The application was deferred and the applicant confirmed in writing that the ground floor shopfront/front door would be replaced but despite multiple requests drawings relating to the replacement shopfront and window were not forthcoming. Without

this information a full assessment of the replacements cannot be undertaken and therefore do not form part of the consideration of this application.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

Retail

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

MC6: Retail in Main Centres

GP4: Conservation Area

GP8: Design

GP9: Sustainable Development

Consultation:

Building Control - The plans/sketches submitted are not clear and not sufficient for a Building Control submission as further information regarding the works will need to be provided to satisfy the requirements of the Building (Guernsey) Regulations 2012. In principle, the change of use from retail to residential flat would be dealt with on submission and during the plan assessment procedure.

There is a possibility that the existing glazing is in excess of 25% permitted glazing and it is likely the glazing would need to be reduced or a target U calculation would need to be provided to include the upgrade of the thermal elements (walls, floors, roof, glazing) to meet the L1 requirements for change of use.

The room sizes will need to comply G7 requirements, accurate measured plans would be required.

Conclusion/Brief comment:

The IDP supports the change of use away from retail outside the Retail Core where the proposal would contribute towards the Main Centre remaining an attractive

focal point for economic and social activity. New residential development is also supported in this location.

The site is located away from the retail core and although there are some commercial premises in the locality the primary use of surrounding properties is residential. The change of use proposed will see a currently vacant building brought back into use. Furthermore, residential development in this central and sustainable location, within easy distance of shops and other amenities will support the vitality and viability of the Main Centre.

The proposed residential use is compatible with the uses surrounding the site and will not result in overlooking and loss of privacy to surrounding residential neighbours. With the existing shop front in situ there would be little in the way of defensible space between the proposed living accommodation at ground floor level and passers-by in the street however, this is not an uncommon arrangement in central locations such as this and would not of itself warrant the refusal of planning permission.

The proposed residential unit would benefit from adequate aspect/outlook and sunlight/daylight. Although there is no open space provision on site this central location is within easy distance of services and public open space available for use by the occupiers. The sketch drawings confirm that the size of the proposed unit would meet the current Building Regulations but would fall short of the best practice DCLG space standards published on the gov.uk website. The different amenity objectives must be balanced with the objective of seeking to make maximum use of urban developments. Overall, considering all the amenity considerations of Annex I the scheme would satisfactorily consider the health and well-being of occupiers in line with Policy GP8.

Although no on-site cycle parking is provided, nor is it likely that it could readily be provided within the existing building, nonetheless, the site is situated in a sustainable location, with availability to public cycle stands in the local area.

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.

It is recommended that permission is granted for the principle of change of use of the building only. For the reasons set out elsewhere in this report, this permission confers no approval for the replacement of existing windows, doors or the existing shopfront which would require separate permission. Detailed scaled plans of the proposed layout and alterations should also be required prior to the development being commenced (and will be required for a Building Control application in any event) and a suitably worded condition is recommended.

Recommendation:
Grant with Conditions



Date: 09/09/2024

