

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: Raise roof ridge height and alter garage/store to create a dwelling house.

LOCATION: Wayleave, Candie Store, Candie Road, St. Peter Port.

APPLICANT: Walter Property 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: 23/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. - T10-10765-S1-01, 02 & 03A.

Application Ref: FULL/2024/0908

Property Ref: A114140000

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 development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented.

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

5. No development shall begin on site until details of the method of construction and facing materials for the extended west elevation wall has been submitted to and agreed in writing by the Authority. The works shall then be completed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

Reason - To ensure that the detailed design of the development is satisfactory and to protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 23/07/2027 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 footings trenches dug for this development.

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 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/2024/0908
Property Ref: A114140000
Valid date: 05/06/2024
Location: Wayleave Candie Store Candie Road Candie Road St. Peter
Port Guernsey GY1 1UP
Proposal: Raise roof ridge height and alter garage/store to create a
dwelling house.
Applicant: Walter Property 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).

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 development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented.

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

5. No development shall begin on site until details of the method of construction and facing materials for the extended west elevation wall has been submitted to and agreed in writing by the Authority. The works shall then be completed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

Reason - To ensure that the detailed design of the development is satisfactory and to protect the reasonable amenities of neighbouring residents.

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 footings trenches dug for this development.

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

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to extend and convert the garage/store to create a one bedroom dwelling. The proposal includes raising the height of the west boundary wall by 0.6m and forming a new mono-pitched roof, clad with reclaimed clay rooftiles. The roof would contain high level rooflights and there would be a 4m wide void over a proposed winter garden.

The site borders the western side of Brothers' Cemetery and is accessed from a private road leading from Candie Road. It comprises a long narrow lean-to building, measuring 26m long x 4.4m wide and is roofed off a wall forming the garden wall to a house to

the west of the access road. The north elevation wall is set back some 4.5m from the private access road and contains a garage door. The wall at the southern end is brick and contains a pedestrian door leading onto Rue des Freres.

The site is within the St Peter Port Conservation Area and Main Centre Inner Boundary.

Relevant History:

24/04/2010 – FULL/2010/0945 - Permission granted to extend and alter existing store and change of use to a one bedroom dwelling.

Existing Use(s):

Garage/store

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Policy MC2: Housing in Main Centres and Main Centre Outer Areas
Policy MC5(C): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas - Change of Use
Policy GP4: Conservation Areas
Policy GP8: Design
Policy GP9: Sustainable Development
Policy IP6: Transport Infrastructure and Support Facilities
Policy IP7: Private and Communal Car Parking

Consultations:

States Archaeologist, 26/06/2024

"I would like to make some brief comments about this proposal, primarily in relation to the location of the site immediately adjacent to the Brothers' Cemetery.

The evidence of historic maps, including the Duke of Richmond survey of 1787 and a plan relating to the re-foundation of Elizabeth College dating from 1824 (see image to the left, with the development site marked as 'Shed Store' towards top left), suggests that the western boundary of the cemetery has not significantly altered over this time: in other words, it is unlikely that burials extend beneath the structure which is the subject of this proposal. However it is difficult to be absolutely certain

on this point as the early maps are not accurate enough to make judgements to just a few metres. For that reason I would like to recommend a watching brief on any footings trenches dug for this development.

The condition of the wall which makes the boundary with the cemetery is quite poor and it will presumably need repair. It would be useful to emphasize the need for developers to take particular care not to damage the vaults which are located very close to the wall.

There are also a couple of storage boxes immediately adjacent to the which contain the gardening equipment used in the cemetery; I would be grateful if the developers could contact me to arrange their removal when required”.

Conclusion/Brief comment:

The site is not located along the inter-harbour route and therefore Policy MC5(C) supports the loss of the existing storage use where the proposed use contributes positively to the vitality and viability of the Main Centre.

In terms of its design and visual impact, increasing the ridge height, inserting rooflights, creating a void for the winter garden and the minor alterations to fenestration will have little impact on the appearance of the building. The use of the building for residential purposes is compatible with surrounding uses and the proposal would conserve the character and appearance of the Conservation Area, in accordance with Policy GP4.

The proposed dwelling substantially exceeds the Guernsey Technical Standards minimum internal space standards and exceeds the best practice minimum internal space standards which are published on the Authority’s website. The detached nature of the bedroom from the living area with no weather protection between the two is unusual but the layout of the dwelling does enable south facing glazing to serve both the bedroom and the living area, with banks of rooflights providing further daylight. The siting and layout of the dwelling with high blank walls to the east and west elevations results in a limited outlook. Privacy for the dwelling would be adequate. The dwelling includes 2 small external courtyards of limited quality but the site is located in close proximity to communal open space such as at Candie Gardens and the overall access to external amenity space is appropriate for the size and nature of the dwelling that it would serve.

The application site is within the St Peter Port Main Centre and involves the conversion of a building within a historic and developed area. It is not therefore expected that the levels of amenity would be as high as for other dwellings in less developed areas and a residential development on this site would not be expected to achieve high standards against all the amenity considerations. Despite the deficiencies of the proposed dwelling in some aspects, on balance, the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

No windows would face towards neighbouring properties and the use of the site for residential purposes and the modest increase in the height of the west boundary wall is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

One on-site car parking space is provided which is adequate to serve a dwelling of this size and nature within the Main Centre. No provision for bicycle storage is shown but there would be scope to create bicycle storage, for example either internally by altering the store and cloakroom or by installing a bike barn within the external courtyard to the south of the site. Details of the bicycle storage can be dealt with by condition. The use of the site as a one bedroom dwelling is unlikely to result in any significant impact on road safety and traffic management and provided that appropriate bicycle storage is created the proposal accords with the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance and Policies IP6 and IP7.

The States Archaeologist highlights the potential for burials to extend beneath the site and recommends a watching brief on any footings trenches dug for this development, this can be dealt with by attaching a note to the decision notice.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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 the application is approved.

Recommendation:

Grant with Conditions



Date: 22/07/2024

