

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 1st floor level to flat (Use Class 2), raise roof ridge height and alterations to fenestration.

LOCATION: Furniture Finds, La Route Des Capelles, St. Sampson.

APPLICANT: Mr D Walker

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: 03/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Direct Architectural Solutions - 1459-SK-04B

Application Ref: FULL/2024/1492

Property Ref: B00985A000

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 commencement of any work in connection therewith a scheme showing the provision to be made for covered and secure cycle parking within the parking area shown for the residential unit hereby approved shall be submitted to and approved in writing by the Authority. The flat hereby approved shall not be occupied until the agreed scheme has been fully implemented.

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

Expiry Date: This permission will cease to have effect on 03/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In relation to condition 4, your attention is drawn to the published Planning Advice Note 11 - Bicycle Parking, which is available to view online: <https://gov.gg/CHttpHandler.ashx?id=177499&p=0>

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/2024/1492
Property Ref: B00985A000
Valid date: 20/09/2024
Location: Furniture Finds La Route Des Capelles St. Sampson Guernsey GY2 4GJ
Proposal: Change of use of 1st floor level to flat (Use Class 2), raise roof ridge height and alterations to fenestration.

Applicant: Mr D Walker

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.

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

INFORMATIVES

In relation to condition 4, your attention is drawn to the published Planning Advice Note 11 - Bicycle Parking, which is available to view online: <https://gov.gg/CHttpHandler.ashx?id=177499&p=0>

OFFICER'S REPORT

Site Description:

The application site consists of an existing retail business located to the north of the junction between La Route des Capelles and Les Houges Magues Road. The property is a single storey unit with the gable fronting onto the road, set lower than the road with steps and railings to the front. There are residential properties adjoining the site with a nearby convenience store and Hautes Capelles Primary School to the south. An area of hardstanding exists to the side of the property providing off-road parking leading to a side access door. There are ground floor windows in both side elevations facing onto the neighbouring residential properties.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice has been sought in this case regarding the change of use of the existing building into two flats. Comments were made in relation to the potential for overlooking to occur from the proposed dormer windows, residential amenity (occupiers and neighbours), whether the building is of sound and substantial construction capable of conversion, access to amenity space and parking provision, the need for cycle parking along with the matter of access for all.

FULL/2014/3373 – Convert retail premises into two units of residential accommodation – granted – this included a minor change to the roof height similar to that now proposed.

PAPP/2007/1767 - Extend and convert retail premises into two units of residential accommodation – granted

Existing Use(s):

10 General retail

Brief Description of Development:

The application relates to the extension and change of use of Furniture Finds in order to provide a self-contained flat at first floor level. A new door would be installed in the side elevation of the building providing an independent access to the proposed accommodation which would comprise an open plan living and dining room to the front with kitchen, study and WC more centrally positioned and with a bedroom, en-suite bathroom and dressing room provided to the rear.

The extension proposed relates to alterations to the roof, to raise it by c. 375mm in order for habitable accommodation to be formed. The submission confirms that the new pitched roof line sits 150mm below the parapet to the existing main front (south) elevation.

The application has been accompanied by a Structural Survey and information that seeks to address the requirements of Policy GP9. The recommendations of the Structural Survey are not all clearly shown on the proposed application drawings (section drawings refer to changes to the roof and first floor construction but not precisely how this will be achieved).

The submission also highlights the previous planning permissions (pre-IDP) for the change of use of the building to residential and the nearby church hall conversion scheme.

The application was deferred in order to seek amendments to the level of alteration/number of rooflights proposed due to concerns raised in relation to residential amenity and the extent of alteration required in connection with the conversion of the upper floor of the building to a residential unit.

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

OC4: Retail Outside of the Centres
OC1: Housing Outside of the Centres
GP16(A): Conversion of Redundant Buildings
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking

Representations:

One letter of representation has been submitted commenting on the application and raising the following points:

- Overlooking and loss of privacy from the proposed residential accommodation
- No consent is given to the use of the adjoining property for any scaffolding or other temporary structures that may be necessary as part of the development proposals

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the impact of external alterations on the character and appearance of the locality and on residential amenity along with the health and well-being of future occupiers of the development.

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.

Although permission has previously been granted for the change of use of this building in its entirety, to form two flats, these previous applications were assessed against previous Development Plans, with the 2014 scheme considered against the Rural Area Plan which has now been superseded by the Island Development Plan. As a result there has been a material change in the policies against which an application must be assessed.

The proposal would not result in the loss of an existing retail unit as the ground floor shop, with associated storage at basement level, would be retained. There would be a change of use of the first floor storage area, accessed via a new internal staircase, to a unit of residential accommodation (Residential Use Class 2). Policy OC4 supports the change of use away from comparison and convenience retail and, in so far as a retail store associated with an existing retail unit would be lost, the scheme accords with Policy OC4.

Policy OC1 relates to Housing Outside of the Centres and makes provision for the creation of new dwellings only through the conversion of an existing redundant building (or the subdivision of an existing dwelling which is not applicable here). The proposal in this case would relate to the conversion of the roofspace accommodation, above a shop, to a residential flat which would accord with Policy OC1. In this regard the scheme would also comply with GP16(A) criteria b.

There are various policy criteria that must be satisfied to comply with Policy GP16(A). The submission has not specifically sought to address that the accommodation is no longer required or capable of being used for its current or last known purpose. Nonetheless, it is acknowledged that with other storage available the loss of the roofspace accommodation would not undermine the usability of the retained retail unit. Furthermore, it is acknowledged that retail operations evolve over time and potentially there will be a reduced need for retail storage, thereby reducing the need for storage on site which could demonstrate compliance with the first part of GP16(A) a.

An application must however, also demonstrate that a building is not capable of being used for its current or last known purpose (i.e. retail storage associated with a retail unit). The retail unit is currently vacant therefore the requirements of a retail operator are unknown and simply because it is not required for use by the current retail occupiers does not clearly demonstrate that there would not be a need for storage area for a different retail occupier. Given that basement storage would remain however, on balance, it is concluded that the scheme does comply with Policy GP16(A) a.

The application has been accompanied by a Structural Report to address the requirements of criteria c., that a building must be of sound and substantial construction and capable of conversion without extensive alteration or rebuilding. The report has highlighted problems with the existing roof due to insufficient triangulation as lateral spread has occurred and sets out that the roof "in its current state is not structurally stable". The works to address this could be "extensive ... dependent on the condition of the timbers" and notes that even with these works there would be a "deformed roof profile". The conclusion in relation to the roof is that it is beyond reasonable repair.

The submission sets out that as the changes are needed to achieve the head height necessary for first floor habitable accommodation the east and west walls will be raised. When, again, considering the roof structure, the report notes that this approach means that it will no longer be possible to tie the pitched rafters at floor level and so the pitched roof will need to be supported by a new ridge beam or purlins.

In view of the findings of the report the submission proposes the replacement of the existing roof structure, the finished roof covering is confirmed as slate on the application drawings. The application submission has deemed that the replacement of the existing roof structure is necessary as it would not be economical to repair the

existing roof. The scheme also raises (by between 350mm and 375mm) the eaves and ridge height of the building in order to form habitable accommodation, without this there would be no scope for the proposed residential (or other habitable accommodation).

As a non-domestic building there are exemption rights relating to re-roofing (Class 4 of the Land Planning and Development (Exemptions) Ordinance which permits the replacement of an existing roof, including an increase in height of up to 300mm. The proposals must therefore, be considered on the basis of the further increase of 50 – 75mm. In this case a minor departure from GP16(A) c. has been requested which can be accepted here in light of the fall-back position offered by the current exemption rights.

In addition to the replacement roof the scheme proposes other alterations comprising infilling a first floor gable window, installing a new entrance door in a new opening and new rooflights and dormers to both roofslopes. The dormers and rooflights will be in a new roof structure on raised walls and has been addressed in the Structural Report although the other works have not. These other external works would not have a significant impact on the integrity of the existing structure. Internally, strengthening is proposed to the first-floor structure to deal with the increased loading of a residential use. It is assumed that insulation and appropriate fire protection measures would also be required although this has not been specifically addressed in the submission. As amended, the number of new insertions in the proposed roof would not represent extensive alterations to the building and overall, having regard to the minor departure request, the scheme accords with GP16(A) c.

The external alterations to the building, installing rooflights, dormers and a door and infilling a gable window represent a good standard of design that respect the character of the local built environment. By introducing residential accommodation at first floor level the scheme also seeks to make more efficient and effective use of the building in terms of the aims of Policy GP8. The alterations to the building will not result in overshadowing or loss of light to the occupiers of adjoining residential properties in line with the aims of Policies GP8 and GP9.

The residential accommodation would be served by a staircase only which would likely preclude access for wheelchair users however, the new staircase would provide access to the residential accommodation by ambulant disabled. The existing building presents some barriers to accessibility for people of all ages and abilities but the layout of the proposed accommodation could be adapted at a later date to meet the changing needs of occupiers and in the balance would see an underused building brought back into use. The scheme therefore addresses GP8 criteria f. and g.

The proposed lounge dormer to the west roofslope would face across the parking area towards an adjoining residential development. There would be sufficient distance separation to ensure that this dormer would not result in unacceptable overlooking to the occupiers of this neighbouring building. Oblique views only of the

neighbouring garden at La Fougere would be possible from the proposed west facing dormer.

The two dormers facing east would face across the frontage parking area of the neighbouring dwelling, The Nook and Thornton House, and the potential for overlooking would remain within acceptable limits.

The number of new rooflights proposed along the length of the roof facing The Nook and Thornton House has been reduced. Whilst the scheme could increase the perception of overlooking and loss of privacy, as amended, the proposals ensure that the potential harm remains within acceptable limits. The application drawings confirm that the rooflight in the study will be at 1700mm above the finished first floor level in order to mitigate the impact on residential amenity so a condition to reconfirm this fact is not deemed necessary.

Two rooflights are proposed to serve the bedroom accommodation and these would be situated facing the covered parking area and side elevation of The Nook. Using rooflights as the primary means of aspect and outlook to serve accommodation does not generate the highest standard of amenity but it is acknowledged that the different forms of residential amenity must be balanced (Annex I). In this case the internal space provision exceeds the Guernsey Technical Standards and would meet the DCLG nationally described space standards which are considered best practice.

Overall, the accommodation would be served by good levels of sunlight and daylight with good aspect and outlook for the living room area of the development. Aspect and outlook from the remainder of the accommodation would be more restricted being served by rooflights only. Being a first-floor flat and given the relationship of the building to its neighbours, the proposed accommodation will not be unacceptably harmful to the amenities of future occupiers. The scheme does not offer access to external open space but is within accessible distance of the Vale Recreation Ground and North Field football pitches and on balance access to external open space is considered satisfactory.

The accommodation meets the amenity requirements of Annex I and, in this case, the bedroom served only by rooflights is considered satisfactory when considering good design and GP8.

The provision of one off-road parking space accords with the aims of the IDP and associated parking standards. It is noted that there is no provision included with the application for secure and covered cycle storage as required by IP6 although this could be accommodated within the frontage parking area and details of which and the implementation of cycle parking can be managed by condition.

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: 29/11/2024

