

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 Church Hall (Public Amenity Use Class 19) to residential dwelling (Use Class 1). Remove section of wall to create pedestrian access.

LOCATION: St. Andrew Church Hall, Rue Des Morts, St. Andrew.

APPLICANT: Constables Of St Andrew

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: 27/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Hunt Brewin: 17049.02.01a, 02, 03a, 04 & 05a

Application Ref: FULL/2024/1821

Property Ref: K003310000

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, details of covered and secure cycle parking shall be submitted to and agreed in writing by the Authority,. The dwelling 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, in line with the aims of Policy IP6.

5.Within four weeks of the new access being formed, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To preserve the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 27/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In relation to condition 4, attention is drawn to the published Advice Note: Bicycle Parking (AN11) which provides information relating to meeting the needs for cycle parking: <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/2024/1821
Property Ref: K003310000
Valid date: 15/11/2024
Location: St. Andrew Church Hall Rue Des Morts St. Andrew Guernsey
GY6 8UT
Proposal: Change of use of Church Hall (Public Amenity Use Class 19) to
residential dwelling (Use Class 1). Remove section of wall to
create pedestrian access.
Applicant: Constables of St Andrew

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. Prior to the commencement of any work in connection therewith, details of covered and secure cycle parking shall be submitted to and agreed in writing by the Authority,. The dwelling 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, in line with the aims of Policy IP6.

5. Within four weeks of the new access being formed, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To preserve the character and appearance of the Conservation Area.

INFORMATIVES

In relation to condition 4, attention is drawn to the published Advice Note: Bicycle Parking (AN11) which provides information relating to meeting the needs for cycle parking: <https://gov.gg/CHttpHandler.ashx?id=177499&p=0>.

OFFICER'S REPORT

Site Description:

The existing building is two-storeys in height with a granite exterior and slate style roof.

The site is located Outside of the Centres, within the Agriculture Priority Area, Conservation Area and Archaeological Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

19 Church hall

Brief Description of Development:

The application relates to the change of use of the church hall at St Andrews to a dwelling. The application drawings indicate that a bedroom and study/dining room (or possibly a further bedroom) would be provided on the ground floor along with a shower room and storage. An existing gravelled amenity area and parking space would also be provided. The demolition of a section of wall to provide pedestrian access/maintenance right of way is also proposed. At first floor level a kitchen and lounge/dining room is proposed in addition to an en-suite bedroom. A fire escape door exists in the side elevation of the building at first floor level.

The interior of the building is shown to be lined with insulated plasterboard with new internal partition walls proposed in connection with the new use. No external alterations are proposed.

The submission sets out that the building is no longer required by the church/parish as a church hall or to offer Sunday school facilities etc. because the nearby former St Andrews School has been purchased by the parish and is used to perform functions associated with the church. Confirmation has been provided that the building was extended and renovated in the 1980s with no evidence of structural damage or instability as such the alterations and changes proposed to the structure are very limited.

The drawings do not make specific reference to the provision of secure and covered cycle storage but the supporting letter sets out that cycle parking can be provided either in the car parking area or with the gravel amenity space. Confirmation is also provided that the development has been designed to comply with the current Building (Guernsey) Regulations 2012.

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

OC1: Housing Outside of the Centres
OC2: Social and Community Facilities Outside of the Centres
GP4: Conservation Areas
GP5: Protected Buildings (setting)
GP7: Archaeological Remains
GP8: Design
GP9: Sustainable Development
GP16(A): Conversion of Redundant Buildings
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking

Representations:

One letter of representation has been submitted raising the following points:

- Supports the application in principle but only on the basis that provision is made through the planning permission and sale of the Barn for a WC and access improvements in the church
- Highlights inaccurate statements in the submission
- Provides further information regarding the development of the Barn
 - Recent research has identified that the property was conveyed to the Constables of St Andrews in 1909 to enable an extension to the churchyard and it is not unreasonable to assume that the building and land was either part of the ancient glebe or part of the curtilage of the Rectory, before its conveyance
 - The barn was developed by the church in the 1980s/90s to create a church hall after the previous hall was sold
 - The location of this building was advantageous for the congregation for Sunday School and general church use (including WC facilities)
 - Funds for the extension and other works came from the sale of the previous hall and other, generous donations – not provided by the ratepayer or parishioners of the parish
- The barn is in good condition and its value are the result of investment by the congregation, the possibility of it being converted for residential use would not have been a realistic option if it not for this previous investment
- In 2015 the Barn was in occasional use for social events, Sunday School and WC facilities for the church, it was used as a pre-school facility during the week and weekday use by the church declined due to the practicalities and needs of the pre-school
- Patterns of work with children has changed however, so that any children coming to services at the church remain in the church rather than moving to a separate space
- Access to the WC in the Barn became impossible for mid-week services when it was used by the pre-school
- With the support of the Parochial Church Property Management Board, the Rector and churchwardens prepared plans to install a WC in St Andrew's church along with access improvements to the church, the second phase is to provide social facilities within the church. This work has been approved by the DPA (planning and building control)
- The Rector and churchwardens, and the management committee have agreed that the Barn is "no longer an essential building" it is not correct to say that that facilities are now adequately provided for in nearby premises (former St Andrews School), the school is beneficial to the parish but this cannot compensate for the lack of WC facilities adjacent to the church
- The loss of WCs, an essential amenity adjacent to the church, without adequate compensation to enable the construction of a WC and cesspit at the church would have a highly undesirable consequence for the church, preventing its safe and effective function

Consultations:

None.

Summary of Issues:

- Principle of the change of use proposed
- Future living environment of occupiers
- Effect on residential amenity
- Car and cycle parking provision
- Effect on the setting of protected building(s)

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.

Policy OC2 makes provision for the change of use away from a social and community use to another use where either the existing facility is no longer required or the facility is already adequately provided in the locality (or in or around a Main or Local Centre). The submission sets out that the facility is already adequately provided for, in the former school, and so this building is no longer required for this purpose. The proposal therefore accords with Policy OC2 and GP16(A) a. that the building is no longer required for its current or last known purpose. This would not however, mean that it would not be capable of being used for its last known purpose. It is acknowledged however, that the accommodation is modest in size/modest room sizes and on multiple levels thereby reducing its usability/usefulness for the variety of ancillary functions offered to the community by the Parish/church in terms of being capable of use. As a result, on balance, it is concluded that the scheme does comply with all aspects Policy GP16(A) a. To convert the multi-storey building to an alternative use, thereby bringing an underutilised existing building back into use represents efficient and effective use of land (GP8 b.).

As the proposal relates to the formation of a unit of residential accommodation both OC1 and GP16(A) b. would be met. GP16(A) g. is not applicable as no extension is required or proposed in this case.

Although the application has not been accompanied by a Structural Report the submission does seek to demonstrate that the existing building is of sound and substantial construction. The officer site visit has not highlighted any areas of particular concern in this regard. Furthermore, the scheme proposed would not

require any external alterations to be made to the building nor significant internal alterations and so complies with GP16(A) c.

With no external changes proposed the scheme also addresses GP16(A) e., GP8 a. and c. and GP4 in terms of good design and the impact of the conversion on a building of character and its effect on the character and appearance of the Conservation Area. This also means that the conversion could be implemented without unacceptable impacts on the character and openness of the landscape concerned (GP16(A) f. and GP8 c.) although consideration must also be given to the effect of any secure/covered cycle store that would be appropriate in this case. The proposed alterations to the boundary wall in connection with access provision are minor and accord with the policies and aims of the IDP. A condition would be reasonable in relation to the ends of the new opening to ensure the development is fully completed and does not result in harm to the character and appearance of the Conservation Area.

The proposed change of use, with minimal changes outside the building, will not result in harm to the setting of adjoining protected buildings in accordance with Policy GP5 and GP16(A) d.

The proposal is situated away from residential neighbours and will not result in unacceptable overlooking or loss of privacy to any adjoining occupiers in line with the aims of GP16(A) h., GP8 d. and GP9 of the IDP.

Aspect, outlook, sunlight and daylight to the accommodation, where accommodation is often dual aspect, is good. As addressed above in terms of neighbour amenity, the proposed accommodation will not be unacceptably overlooked in terms of the privacy of future occupiers. In this case access to open space is very limited, with only a small courtyard area available in addition to the parking area (which could be used for external space depending on whether occupiers own a vehicle) but the dwelling would exceed the current Building Regulations for a three bedroom dwelling and would be just below the DCLG best practice advice regarding accommodation standards for a three bedroom, five person dwelling therefore internal space provision is very good.

The drawings do not clearly show a level threshold into the building however, this matter will need to be addressed at the Building Control stage. It is noted that first floor accommodation is accessed by a staircase only and that there are steps internally at both ground and first floor levels. This would likely preclude access for wheelchair users however, the staircase would offer access to the upper floors by ambulant disabled. The existing building presents some barriers to accessibility for people of all ages and abilities but the development brings an underused building back into use and the layout could be adapted at a later date to meet the changing needs of occupiers. The scheme therefore addresses GP8 criteria f. and g.

The different amenity objectives must be balanced and although there is a deficiency in on-site access to external amenity space for what could be utilised as a family dwelling, the good accommodation size and other amenity standards are such that it is concluded this would represent a good standard of design in line with GP8 a. and Annex I of the IDP.

The provision of one off-road parking space would be satisfactory when considering the aims of the IDP regarding parking provision, where Outside of the Centres, each application should be considered on its own merits (IP7). Furthermore, although providing cycle storage within the small amenity area would further curtail its usefulness there would be space around the building, including within the parking area, to accommodate a cycle store and on this basis Policy IP6 would be met. This matter should be addressed by planning condition.

The Planning Service is satisfied that the proposed change of use accords with all relevant policies in the Island Development Plan. Although comments through the public consultation process suggest that discussions have been held between the applicant and Service regarding the loss of WC facilities for the church/alternative provision arrangements this did not form any part of the pre-application discussion. The church does not form part of the application site and when considering the tests that planning conditions must meet there would be no reasonable way for the Planning Service to require the permission for WC and access facilities at the church to be provided in order for the change of use now proposed to be supported. This is ultimately a private, civil matter, that will need to be resolved between the church and other relevant parties.

In view of the above, it is recommended that planning permission is granted for the proposed development.

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 or sites. The effect on Protected Buildings is assessed elsewhere in this report.

Date: 23/12/2024

