

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: Refurbish existing dwelling and change of use of part of building from retail to residential accommodation (Residential Use Class 1) with associated amenity space, parking, fencing and infill gateway. Replacement roof including rebuild chimney stack and replacement windows and doors (Protected Building).

LOCATION: 8-10 Mansell Street, St. Peter Port.

APPLICANT: Ideal Furnishings Ltd

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: 29/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne S87-10494-S1-01A, 02A, 03A, 04 & SK5

Application Ref: FULL/2021/1554

Property Ref: A400580000

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 removal of the existing roof, a written specification and sample of the replacement roof tiles and ridge tiles shall be submitted to and agreed in writing by the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To ensure that the detailed design of the development is satisfactory and to preserve the special interest of this protected building.

5.Notwithstanding the submitted details, no new windows and doors shall be installed before 1:20 scale elevation and 1:5 scale section details, including horizontal and vertical sections to show their position in reveal, have been submitted to and agreed in writing by the Authority. The windows shall match as closely as possible the detailing of the existing windows, shall have structural glazing bars, and no horns, and the development shall be completed only in accordance with the agreed details.

Reason - To ensure that the detailed design of the development is satisfactory and to preserve the special interest of this protected building.

6.Notwithstanding the submitted details, the lower part of the first floor door opening in the north elevation shall be blocked and rendered to match the finish of the surrounding wall, and the cill shall be repositioned in line with the cills to the window openings on either side.

Reason - In the interests of the special character and appearance of the protected building.

Expiry Date: This permission will cease to have effect on 28/10/2024 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/2021/1554
Property Ref: A400580000
Valid date: 06/08/2021
Location: 8-10 Mansell Street St. Peter Port Guernsey GY1 1HP
Proposal: Refurbish existing dwelling and change of use of part of building from retail to residential accommodation (Residential Use Class 1) with associated amenity space, parking, fencing and infill gateway. Replacement roof including rebuild chimney stack and replacement windows and doors (Protected Building).

Applicant: Ideal Furnishings Ltd

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 removal of the existing roof, a written specification and sample of the replacement roof tiles and ridge tiles shall be submitted to and agreed in writing by the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To ensure that the detailed design of the development is satisfactory and to preserve the special interest of this protected building.

5. Notwithstanding the submitted details, no new windows and doors shall be installed before 1:20 scale elevation and 1:5 scale section details, including horizontal and vertical sections to show their position in reveal, have been submitted to and agreed in writing by the Authority. The windows shall match as closely as possible the detailing of the existing windows, shall have structural glazing bars, and no horns, and the development shall be completed only in accordance with the agreed details.

Reason - To ensure that the detailed design of the development is satisfactory and to preserve the special interest of this protected building.

6. Notwithstanding the submitted details, the lower part of the first floor door opening in the north elevation shall be blocked and rendered to match the finish of the surrounding wall, and the cill shall be repositioned in line with the cills to the window openings on either side.

Reason - In the interests of the special character and appearance of the protected building.

OFFICER'S REPORT

Site Description:

The site consists of a traditional two storey terraced building situated to the south of and fronting onto Mansell Street. The building is derelict with boarded up ground floor fenestration along Mansell Street. The exterior of number 10 Mansell Street (PB 742) and the whole of number 8 Mansell Street (PB 736) are protected buildings. The application is described as the redevelopment of 8 and 10 Mansell Street however the works appear to be confined to number 10 Mansell Street.

The site is within the St Peter Port Main Centre Inner Area, Conservation Area and the Mansell Street/Le Bordage Regeneration Area.

Relevant History:

13/05/2021 - PREA/2021/0627 – Pre-application advice regarding refurbish and convert to residential unit (protected building).

Existing Use(s):

Residential use class 1

Retail use class 10

Brief Description of Development:

Planning permission is requested to refurbish an existing dwelling and to change the use of part of the building from retail to residential accommodation (Residential Use Class 1) with associated amenity space and parking separated by a 1.8m high timber fence to the rear (south) of the building. The works involve replacing the roof, rebuilding a chimney and installing replacement timber doors and windows.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy MC6: Retail in Main Centres

Policy MC11: Regeneration Areas

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of the development is acceptable.
2. The impact of the development on the special interest of the building.
3. Design and impact of the development on the character and appearance of the Conservation Area.
4. The impact of the development on the amenity of people living in the area.

5. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
6. Parking and access issues.

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).**

As set out in paragraph 9.3.3 of the Island Development Plan, the Regeneration Areas have been identified as areas where a co-ordinated, focused and positive approach to development could attract inward investment to provide economic, social and environmental improvements for the benefit of the community. Development within these areas will be required to accord with all the relevant Island Development Plan policies but will also be guided by a Development Framework (paragraph 9.3.4).

Policy MC11 (Regeneration Areas) sets out that *“where there is not an approved Development Framework for the Regeneration Area, or where a proposed development is of a minor or inconsequential nature, proposals will be supported provided that the development:*

- a. Would not prejudice the outcomes of the Development Framework process; or*
- b. Would not inhibit the implementation of an approved Development Framework; and*
- c. In all cases accords with all relevant policies of the Island Development Plan”.*

In this case, a draft Development Framework covering the three Town Regeneration Areas was published in early May 2021 for public consultation. The draft Development Framework has taken into account initial stakeholder and community engagement, and supports an increase in residential use in the Regeneration Areas as an approach to increasing vitality.

Whilst this application has been submitted prior to the approval of the Development Framework, taking into consideration the reasonably advanced stage of the draft Development Framework, and that it involves the refurbishment of an existing dwelling, it is unlikely that the proposal would conflict with criteria (a) and (b) of Policy MC11.

Policy MC6 is broadly supportive of a change of use from retail to residential as this would support the vitality and viability of the Main Centre in this case. In addition, Policy MC2 would provide support for a change of use to residential. As a result, there are no objections to the principle of the use of the entire building as a dwelling.

The application includes a Statement of Significance, which includes a study of all of the buildings listed under reference PB742. It provides a study of 10 Mansell Street, but does not go into detail. Following a request for further information to establish the special interest of specific features of the building, the agent has submitted a window and door schedule and details of the existing roof covering. In addition, revised plans include the replacement of a previously proposed aluminium door with a timber door and the installation of replacement 6-over-6 windows.

The external doors vary in age, quality and condition, and the majority are to be replaced. One part-glazed, 6-panel door appears to be historic, and is to be refurbished and reused elsewhere within the building in order to improve daylight and ventilation. The schedule shows that some of the windows are modern replacements whilst others are historic and possibly original. Both elevations include historic and modern windows. Those original windows that are proposed to be replaced are of high special interest and their removal would result in a large effect to the overall special interest of the protected building.

The agent explains that the historic windows should be replaced based on the cost of repair (which cannot be considered under Policy GP5) as well as thermal and acoustic insulation (both of which can be considered under Policy GP5). Due to the effect of repairing some windows and replacing others in the same elevation and how this will affect the overall appearance of the building; and as the application site is within a Regeneration Area and Policies GP5 and MC11 seek to provide greater flexibility in order to deliver social and economic benefits within these areas, on balance the principle of removing the existing historic windows could accord with Policy GP5. However, this is subject to precise details of all proposed replacement windows (and doors) being provided in advance of their installation, something which can be controlled by way of condition.

The agent has submitted information which demonstrates the roof covering is a modern concrete tile. Therefore, subject to suitable replacement tiles and ridge tiles being specified, there are no objections to the removal of the existing roof covering. Details of the replacement tiles can be dealt with by condition.

The outbuilding to the rear which is to be demolished appears to be a late 20th century building. It therefore has little special interest and the effect of its removal on the overall special interest of the protected building would be low. The demolition and rebuild of the existing chimney with a lead tray would have a negligible effect on the overall special interest of the protected building.

The refurbishment and restoration of this derelict building is proposed to be carried out in a manner which would be sympathetic to the special interest of the protected building and would conserve and enhance the character and appearance of the Conservation Area, in accordance with Policies GP4 and GP5.

The use of the entire building for residential purposes is compatible with surrounding uses. Whilst there is the potential for some privacy/intervisibility issues

between first floor windows on this site and the neighbouring property on the opposite side of Mansell Street, this would be similar to the existing situation and is not an uncommon relationship within this historic fine grained urban setting. The use of the entire building for residential purposes is unlikely to result in a material adverse effect on the amenities of neighbouring residents.

With regards to the standard of the living environment, the health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwelling would substantially exceed the Guernsey Technical Standards minimum internal space standards and it would exceed the best practice minimum internal space standards which are published on the Authority's website. The dwelling would be dual aspect and would have a sufficient level of daylight/sunlight with an outlook over Mansell Street. The dwelling would include some deficiencies, such as privacy at ground floor level onto Mansell Street, limited quality outdoor space and proximity to the car park serving the adjacent retail premises. However, it would be an enhancement compared to the existing residential unit and as a whole the proposed dwelling is likely to provide a satisfactory quality of residential environment for future occupiers within this urban setting, in accordance with Policy GP8.

There would be space within the rear courtyard to provide secure covered bicycle storage and the provision of 1 car parking space would accord with the maximum parking standards set out in the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance 2016.

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 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: 29/10/2021