

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: Install replacement windows (Protected Building).

LOCATION: Town Mills, Rue Du Pre, St. Peter Port.

APPLICANT: Milltowers 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: 21/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2118 03.01B & 03.02B.

Application Ref: FULL/2022/0079

Property Ref: A406440000

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.

Expiry Date: This permission will cease to have effect on 20/04/2025 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/2022/0079
Property Ref: A406440000
Valid date: 29/12/2021
Location: Town Mills Rue Du Pre St. Peter Port Guernsey GY1 1LT
Proposal: Install replacement windows (Protected Building).
Applicant: Milltowers 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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The building known as 'Town Mills' was initially built as a warehouse in the early 1800's, it has since been refurbished to become office development. The site lies to the east of Rue de Pre, just south of Trinity Square. The site is located within the St Peter Port Main Centre and Town Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Administrative, financial, and professional services use class 16: administrative office.

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:

MC4(A): Office Development in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Conclusion/Brief comment:

This application is to install replacement windows. Removing the single paned timber sash windows and replacing them with aluminium windows with inward opening casements in the bottom section of the window. Initially the proposed glazing had different proportions to the existing, which was not considered to respect the protected building.

The application was deferred, and the proposed glazing now replicates the existing '6 over 6' glazing proportions, will still be fabricated in aluminium and will still have inward opening casements.

Before the building was converted and refurbished in the 1980's/90's the windows were mostly '6 over 6' pane timber sliding sash with horns in the Victorian style. All the windows in the current building date from the 1980's-90's and are poor quality softwood which has become rotten and does not perform well. Therefore, the principle of replacing them under GP5 is acceptable.

Policy GP5 is concerned with assessing the impact on the overall special interest of the building and balancing this against the benefits as defined in the policy. In this case the building has always had timber sliding sash windows with Georgian style glazing bars, and the historic windows were replaced 'like for like' by the existing windows. Therefore, even though the windows are replacements in poorer quality materials they still have special interest as they replicate what was there previously and the original design of the buildings. Changes would obscure the original design of the buildings and harm the special interest.

The Conservation Note 11: Windows and Doors states that the Planning Authority *'will support the principle of their replacement. The replacement window or door offers an opportunity to enhance the protected building.... Where windows or doors are historic but neutral to overall special interest we may seek that the material, method of opening and, in the case of a window, configuration is appropriate to the overall architectural or traditional interest of the building. Double glazing will be acceptable.'*

Some of the windows in the building are large, over 2m in height, and the sliding sash mechanism makes opening the large windows very difficult, especially as the windows are recessed in deep reveals. Altering the method of opening in this instance is considered acceptable, as the overall proportions of the windows and glazing will be maintained, and the windows will be openable. Since the pandemic natural ventilation is considered an important element, which is high on any prospective tenant's list of requirements.

The change in material from timber to aluminium is not considered to be out of keeping in the area, as several commercial buildings, all of which are protected, have aluminium windows. Borough House and Park Place being two examples.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:



Grant with Conditions

Date: 21/04/2022

