

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 from General Retail (Use Class 10) to Art Gallery. Replacement section of roof covering, install new/replacement rooflights, infill existing rooflight, install external insulating render system, fenestration and internal alterations (Protected Building).

LOCATION: 4-6 Mansell Street, St. Peter Port.

APPLICANT: Art For Guernsey

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: 27/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio Ltd – 027-SD-01, 027-WD-01, 02, 03, 04 & 05.

Application Ref: FULL/2022/0477

Property Ref: A400560000+A400570000

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 second floor gable windows, details of the design, materials of construction and finish of the two second floor gable windows, to scale of 1:20 with sections at 1:5, have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

5.For the avoidance of doubt, permission is hereby granted for the Artist's Residence to be used as guest accommodation as an integral part of and incidental to the hereby approved art gallery presently known as 4-6 Mansell Street. It does not permit the creation of a separately occupied flat or an independent apartment. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 26/05/2025 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/2022/0477
Property Ref: A400560000+A400570000
Valid date: 22/03/2022
Location: 4-6 Mansell Street St. Peter Port Guernsey GY1 1HP
Proposal: Change of use from General Retail (Use Class 10) to Art Gallery. Replacement section of roof covering, install new/replacement rooflights, infill existing rooflight, install external insulating render system, fenestration and internal alterations (Protected Building).
Applicant: Art For Guernsey

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 second floor gable windows, details of the design, materials of construction and finish of the two second floor gable windows, to scale of 1:20 with sections at 1:5, have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

5. For the avoidance of doubt, permission is hereby granted for the Artist's Residence to be used as guest accommodation as an integral part of and incidental to the hereby approved art gallery presently known as 4-6 Mansell Street. It does not permit the creation of a separately occupied flat or an independent apartment. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

The site comprises 4-6 Mansell Street, the properties lie to the south of Mansell Street and west of Contree Croix Mansell lane. There is an attached derelict building to the west of No.6 and other shops across the road to the north and east of both properties. The properties are located within the St Peter Port Main Centre, the town Conservation Area and is within a Regeneration Area.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

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:

MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas

MC5(B): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas - outside of the Key Industrial Areas and Key Industrial Expansion Areas

MC6: Retail in Main Centres

MC9(A): Leisure and Recreation in Main Centres and Main Centre Outer Areas - New, and Extension, Alteration or Redevelopment of Existing Uses

MC11: Regeneration Areas

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Conclusion/Brief comment:

This application is for a change of use from General Retail (Use Class 10) to Art Gallery and associated uses (Sui Generis, a mixed use class). Replacement section of roof covering, install new/replacement rooflights, infill existing rooflight, install external insulating render system, alterations to fenestration and some internal alterations.

Policy MC6 states that beyond the Core Retail Areas, but within the Main Centres, the Authority will support and encourage new retail development while also offering flexibility for existing retail uses to change to other uses where this supports the policy objective of ensuring the Main Centres are retained and enhanced as focal points for a range of uses that contribute positively to their vitality and viability. The proposed art gallery and associated uses has elements of leisure and recreation, industrial (art and craft workshops) and social and community uses. In this instance, it is considered that the proposed art gallery and associated uses would positively contribute to the economic and social activity of the area and will maintain and enhance the vitality and viability to the area.

The site is within the Mansell Street/Le Bordage Regeneration Area. A Development Framework has been approved for the St Peter Port Regeneration Areas, including Mansell Street. The proposed art gallery and associated uses would support the vision statement of the Mansell Street/Le Bordage Regeneration Area and it would contribute to a vibrant mix of uses and support the vitality of the area. The proposal accords with Policy MC11.

The applicant/agent has submitted a proportional statement of significance. The internal proposals within the application are all considered to have no adverse effects on the special interest of the buildings.

The new rooflights and infill of one roof light are considered to have no impact on the special interest of the building, nor would the section of roof covering have any effects and the second floor rooflights.

To ensure the proposals fully align with policy GP5, details of the replacement gable windows will need to be submitted and approved by the Authority, prior to commencement. This can be conditioned.

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: 25/05/2022