

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: Variation to previously approved plans for change of use from takeaway to dwelling; raise roof ridge height, install external insulating render system and alterations to fenestration - omit sliding door and install replacement window at ground floor level to south elevation, install garage doors and alteration to fenestration to west elevation.

LOCATION: 4 Mansell Court, St. Peter Port.

APPLICANT: Cleal Investments 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: 11/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech CDIL-20-971- 02G, 03J & 04D.

Application Ref: FULL/2022/1813

Property Ref: A302790000

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 on or before 22/05/2025.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2021/0841.

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.The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 23/05/2022, issued under planning application reference FULL/2021/0841, and subject to the terms and conditions thereof, except for condition 8 which has been superseded by this decision.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 22/05/2025 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/2022/1813
Property Ref: A302790000
Valid date: 20/10/2022
Location: 4 Mansell Court St. Peter Port Guernsey GY1 1HR
Proposal: Variation to previously approved plans for change of use from takeaway to dwelling; raise roof ridge height, install external insulating render system and alterations to fenestration - omit sliding door and install replacement window at ground floor level to south elevation, install garage doors and alteration to fenestration to west elevation.

Applicant: Cleal Investments 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 on or before 22/05/2025.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2021/0841.

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. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 23/05/2022, issued under planning application reference FULL/2021/0841, and subject to the terms and conditions thereof, except for condition 8 which has been superseded by this decision.

Reason - To limit the effect of the permission to the specified variations only.

OFFICER'S REPORT

Site Description:

The site consists of a traditional 3½ storey pitched roof building fronting onto Mansell Court. The building is finished with rendered and painted stone walls and a pantile roof. The building itself is not a protected building but the adjoining building to the east is protected as are the majority of buildings in the immediate area to the north and west. There is a protected monument, a stone pillar (PM 24), in close proximity to the north.

The site forms part of the St Peter Port Conservation Area which has a fine grain of historic buildings which form the historic townscape. The area has high historic, architectural and townscape value. The site is within the St Peter Port Main Centre Inner Boundary.

Relevant History:

23/05/2022 – FULL/2021/0841 – Permission granted for the change of use from takeaway to dwelling. Raise roof ridge height, install external insulating render system and alterations to fenestration.

Existing Use(s):

Retail use class 12: hot food take-away

Brief Description of Development:

Planning permission is requested to vary works previously approved to change the use of the building from a takeaway to a 3 bedroom dwelling under planning application reference FULL/2021/0841. The variations involve omitting a sliding door and replacing an existing ground floor window with 2 sliding sash windows to the

south elevation, install garage doors to west elevation and alter and replace ground floor window to the west elevation.

During the course of consideration the application was deferred due to concerns about the design of a third floor gable window in the south elevation and the ground floor window in the west elevations and the impact on the character and appearance of the Conservation Area and the setting of nearby protected buildings; and it was noted that the proposal did not comply with the Building Regulations. Revised plans were subsequently received which aimed to address the concerns raised and included altering the design of the third floor gable window in the south elevation and the ground floor window in the west elevation.

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 GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP6: Protected Monuments

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

Traffic and Highway Services, 16/03/2023.

"I advise that an access should: -

- a) Enable a driver 2.0m from the edge of the carriageway to see a minimum of 20m in the direction of oncoming traffic;
- b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- c) Have sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway;
- d) Be square to the carriageway;
- e) Be sited at a distance not less than 20m from a junction.

The main road safety and traffic management issues with regard to the creation of the garage to accommodate a small car are:-

- proximity of the access to a junction
- ability to exit forward facing
- the sightline that would be observed together with any mitigating factors
- impact on pedestrians
- loss of public parking to enable use of the garage

From the plans and site visit it has been noted that the access would fall within 20m of a junction but approach speeds are likely to be low due a combination of the cobbled road surface and tight turn from Mansell Court into Contree Mansell. Therefore, the close proximity of the proposed access to a junction is not assessed as significant in this case.

Consideration has been given to whether in this proposal there would be a likelihood of drivers entering the garage forward facing and then reversing out which is noted as against the advice of the Highway Code. In this latest scheme it has been noted that the garage would only accommodate a small car and taking into account the public parking layout, together with an existing yellow line, I am of the view that drivers would be able to reverse into the garage and exit forward facing.

However, the above would still not mitigate that a sightline in the region of 4.5m would be viewed in the direction of oncoming traffic. The public parking layout would mean the normal driving line is away from the access but the parked vehicles could also provide an obstruction to the sightline as a driver attempts to edge out.

THS has noted there is a narrow footpath abutting the western side of the property but this tapers out near the proposed access and therefore it is unlikely that it would be well utilised. In this context the proposals are not considered a significant risk to pedestrians despite the limited sightline mentioned above.

As has previously been advised, THS will not normally oppose an application on traffic management grounds where there will be a reduction in the public parking but the extent of this is matched by the creation of the off-road parking. In the case of this application, there is considered no overall nett loss of parking in the area and therefore no traffic management concerns.

In conclusion, there are no traffic management grounds to oppose the application but there are road safety concerns due to the very limited sightline that would be observed”.

Summary of Issues:

The main issues in deciding this application are:

1. Design and impact of the development on the character and appearance of the Conservation Area.
2. Road safety, traffic management and parking.

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).**

Planning permission was granted to change the use of the building from a takeaway to a dwelling in May 2022 (FULL/2021/0841). This current application is for variations to the works previously approved involving the creation of a garage and alterations to fenestrations. As a result, the principle of the change of use of the building to a 3 bedroom dwelling has already been approved.

Design and impact of the development on the character and appearance of the Conservation Area

4 Mansell Court itself is not a protected building but the adjoining building to the east is protected as are buildings to the north and west. There is a protected monument, a stone pillar (PM 24), in close proximity to the north. This part of the St Peter Port Conservation Area has a fine grain of historic buildings which form the historic townscape. It has high historic, architectural and townscape value.

The replacement timber windows and installation of a timber garage door as proposed achieves a high standard of design. The proposal would conserve the special character, architectural or historic interest and appearance of the Conservation Area and the setting of adjacent protected buildings and protected monuments, in accordance with Policies GP4, GP5, GP6 and GP8.

Road safety, traffic management and parking

The comments of Traffic and Highway Services are set out in full above. Although the access would fall within 20m of a junction, due to the likely low traffic speeds along the road the close proximity of the access to the junction is not considered to be significant in this case. Road safety concerns are raised due to the very limited sightlines that would be available but due to the likely low traffic speeds and volumes and the likely low use of the adjacent pavement by pedestrians, the proposal is unlikely to raise any significant road safety concerns. The proposal would result in no overall nett loss of parking in the area and Traffic and Highway Services raise no objections from a traffic management perspective.

Given its central town location there would be no requirement for the dwelling to provide on-site parking. The provision of one small car parking space accords with the Parking Standards for a 3 bedroom dwelling within the Main Centres. The proposed garage provides scope for secure covered bicycle storage, in addition to parking for a small car and the proposal accords with Policies IP6, IP7, IP9 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance 2016.

Other Matters

During the course of consideration concerns were raised that the proposal does not comply with the Guernsey Technical Standards as the means of escape is not acceptable. The agent advises that they will address the internal means of escape issue at the Building Control stage. In this respect, it is noted that should any changes be required under the Building Regulations which would also necessitate planning approval, a new planning application may be required for those variations.

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: 05/04/2023