

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: Removal of pews/internal alterations (protected building).

LOCATION: St. John's Church, Les Amballes, St. Peter Port.

APPLICANT: Churchwardens Of St John's

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: 23/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD drawing no: PD-01

Application Ref: FULL/2022/2050

Property Ref: A107610000

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 22/01/2026 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/2022/2050
Property Ref: A107610000
Valid date: 17/10/2022
Location: St. John's Church Les Amballes St. Peter Port Guernsey GY1 1WY
Proposal: Removal of pews/internal alterations (protected building).
Applicant: Churchwardens Of St John's

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.

OFFICER'S REPORT

Site Description:

The application relates to St John's Church. The church is of traditional plan-form and was built in 1837. The whole of the building, together with the roadside wall and railings is a protected building. The site is within the St Peter Port Conservation Area and Main Centre Outer Area.

Relevant History:

None relevant.

Existing Use(s):

Church – Public amenity use class 19

Brief Description of Development:

The application relates to internal works to the building, to remove four rows of pews from each side of the central aisle on the ground floor with associated new boarding and carpet over the existing floorboards and to remove all the upper floor balcony pews.

The submission sets out that the church is used by local community groups and the restricted space in the church limits the size of groups that can be accommodated. There is also a lack of storage space in the building which is necessary in connection with the church being used by community groups. Photographs provided with the submission show the balcony being used for storage purposes at present.

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

Island Development Plan policies:

GP5: Protected Buildings

Representations:

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

- The application asserts that St Johns has struggled in recent decades to finance even the most essential works and that the church is not sustainable – this is not true
- The former vicar has left the church and St Johns is now in interregnum and this is not the time to be considering significant changes. This should wait until a new vicar is appointed
- This is part of a mater vision (by the previous vicar) and should not be considered in isolation – priority should be given to the complete

reinstatement of the front of the Sanctuary, with improved access, including the organ area where the dry rot work was carried out

- The building has been described as a “Victorian Gem”
- An alternative proposal that will be presented to co-trustees is to restore the beautiful ceiling and wall frescoes which are unique and integral to the history and fabric of the building but were painted over in the 1930s
- The picture at the back of the church shows how the interior looked originally and its restoration would be a valuable addition to Guernsey’s heritage
- Contact has been made with a specialist in connection with the restoration of painted decoration who is also keen to undertake the work
- It will be harmful to remove any pews when a genuine need has not been established
- There is a thriving community centre in the Hall which has all the necessary facilities

Consultations:

Ecclesiastical Court - I am grateful for an opportunity to comment on this application. As I have been consulted on the application as one of the trustees of St John’s church, I am familiar with the proposal for (a) the removal of four rows of pews from each side of the central aisle of the church and (b) the upper floor balcony pews.

The proposal has my full support, as it will enable the church to be used easily and more efficiently by a wide range of community groups. The proposal to remove eight pews from the nave is proportionate, and will still leave sufficient seating for most purposes. It will be possible to use chairs in the cleared area at the back of church for services where seating is required for an exceptionally large number of people.

The pews on the balcony are not used to accommodate people attending services. Clearing the area will provide much needed and efficient storage, thus making the nave a more attractive and less cluttered space.

If planning permission is granted, I would anticipate that the Ecclesiastical Court would be prepared to grant a faculty for the work.

Summary of Issues:

The key issue in this case relates to the effect of the removal of the pews on the fabric and special interest of the Protected Building.

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.

The matters raised through the public consultation process have been noted however whether this is the appropriate time for an application to be submitted, the proposal is implemented and whether other works envisaged for the church are granted permission and carried out is ultimately a private civil matter that cannot influence the assessment and determination of this application.

The application sets out that the church has diversified in order to provide further space for community use and that the pews to be removed would help facilitate this use, with associated storage in the unused balcony area. Policy GP5 provides for and positively supports the appropriate development of, and managed change of protected buildings in order to secure, as far as possible, the particular special interest of a protected building whilst at the same time taking into consideration the requirement to meet the social and economic aims of the States of Guernsey and the reasonable aspirations of property owners (see IDP para 19.6.4).

Where development has an adverse effect, Policy GP5 requires a proportionate approach to be taken which balances the degree of effect on the overall special interest of the building against the reasonable aspirations of the building owner as well as any economic, social or other benefits and, where appropriate, the contribution the development might make to the vitality of a Main Centre (see IDP para 19.6.2).

The proposals are considered to represent a reasonable aspiration in order to facilitate the continued use of the building for a variety of purposes and the removal of the pews and protection of floor boards as set out in this submission would not have an unacceptable adverse impact on the special interest of this Protected Building. It is also an approach adopted in other churches across the island for similar reasons, to allow the space to be more accessible and multi-functional.

The removal of the pews would not prevent free standing chairs being placed in the building if the need arose.

In view of the above it is recommended permission is granted for the proposed works.

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.

Date: 19 January 2023