

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 of ground floor from retail use (Use Class 10) to residential flat (Use Class 2), internal and fenestration alterations (Protected Building).

LOCATION: 3 Millgate Mews, Mansell Court, St. Peter Port.

APPLICANT: Rafiki Limited

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: 14/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 560/1, 560/2, 560/3 & 560/4.

Application Ref: FULL/2023/0684

Property Ref: A30280B000

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.No development shall begin on site until details of the design, materials of construction and finish of the new windows, to a 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 make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

Expiry Date: This permission will cease to have effect on 13/07/2026 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/2023/0684
Property Ref: A30280B000
Valid date: 31/03/2023
Location: 3 Millgate Mews Mansell Court St. Peter Port Guernsey GY1 1HR
Proposal: Change of use of ground floor from retail use (Use Class 10) to residential flat (Use Class 2), internal and fenestration alterations (Protected Building).
Applicant: Rafiki Limited

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. No development shall begin on site until details of the design, materials of construction and finish of the new windows, to a 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 make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

OFFICER'S REPORT

Brief Description of the site:

The property known as '3 Millgate Mews' is located facing east directly onto Mansell Court, which lies between Mansell Street and Contree Mansell, just to the north of Trinity Square. There are adjoining properties to the north and west with a narrow alley to the south and another property beyond. The property is located in the St Peter Port Main Centre and Conservation Area and is just north of the Bordage Regeneration Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Retail use class 10: general retail at ground floor level,
Residential use class 2: flats on upper floors.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

MC2: Housing in Main Centre and Main Centre Outer Areas

MC6: Retail

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Conclusion/Brief comment:

This application is for a change of use of the ground floor from general retail (10) to a residential flat (2), with some internal alterations and the replacement of one window on the front façade and one small rear window.

MC6 supports retail uses to change to other uses beyond the Core Retail Areas. The proposal site is outside of the Core Retail Area.

Policy MC2 supports housing in the Main Centres though 'windfall', this approach will enable the Main Centres to be maintained and enhanced as attractive and sustainable places to live, by encouraging regeneration and increasing residential accommodation close to services, employment, leisure opportunities, public transport links and walking and cycling networks.

Therefore, the proposals for a change of use are considered acceptable in this instance.

The main external alteration would be the replacement of the plate-glass window, which, as existing, is thought to detract from the special interest of the building. Replacing it is considered to be an improvement and complies with policy GP5. The proposal is also to replace a small rear window, which serves the toilet. A condition will be added to ensure the replacement windows are of timber and a style which would complement the protected building.

The internal alterations appear to be minimal and given the number of changes made internally over the years this new layout is considered acceptable and comply with policy GP8.

The internal space provision for the flat would exceed the minimal space standards specified in Part G of the Guernsey Technical Standards, with large front windows. The accommodation would however be single aspect and the windows would be located immediately on to the adjacent road. Therefore, whilst the accommodation would receive adequate daylight, the privacy of the unit may be compromised. On balance however the impact would not be sufficient to warrant refusal of the application. There is no parking or outdoor amenity space, but the property lies within the Main Centre of St Peter Port, where all amenities are within close proximity and the flat will be sustainably located.

Although there is no parking, there are public car parks and good transport services close by. The proposed changes are not considered to impact on any neighbour amenity and there are similar units of accommodation within the area.

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: 14/07/2023

