

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: Alterations to shop fronts to north elevation (Protected Building).

LOCATION: Market Buildings, Fountain Street, St. Peter Port.

APPLICANT: McAulay (Market Buildings) 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: 15/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2424/01.01, /03.01, /03.02
& /03.03.

Application Ref: FULL/2024/0601

Property Ref: A400020000

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. Notwithstanding the details submitted, the doors and glazed areas hereby approved shall match the existing doors and glazed arches in every way including the position of the joint between the main door panel and the curved panel which fits the arches.

Reason - To preserve the special quality and appearance of this Protected Building.

5. Notwithstanding the provisions of Class 10, Section 10 of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no signage shall be applied internally to any of the glazed doors or areas.

Reason - In view of the sensitive nature of the site, the installation of such signage as 'exempt development' may have an adverse effect on the special interest of the protected building. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 15/05/2027 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/2024/0601
Property Ref: A400020000
Valid date: 27/03/2024
Location: Market Buildings Fountain Street St. Peter Port Guernsey
Proposal: Alterations to shop fronts to north elevation (Protected Building).

Applicant: McAulay (Market Buildings) 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.

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. Notwithstanding the details submitted, the doors and glazed areas hereby approved shall match the existing doors and glazed arches in every way including the position of the joint between the main door panel and the curved panel which fits the arches.

Reason - To preserve the special quality and appearance of this Protected Building.

5. Notwithstanding the provisions of Class 10, Section 10 of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no signage shall be applied internally to any of the glazed doors or areas.

Reason - In view of the sensitive nature of the site, the installation of such signage as 'exempt development' may have an adverse effect on the special interest of the protected building. This condition is imposed to make sure that any proposals can be properly considered.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for alterations to shop fronts to the north elevation involving the replacement of windows with glazed doors.

The market buildings are a prominent complex of historic buildings within the centre of Town that were subject to redevelopment in the mid-2000s. The buildings now accommodate a variety of retail uses on the ground floor with predominantly offices above.

The whole of the building complex is protected under a single listing and the site falls within a Conservation Area, Main Centre Inner Area and Core Retail Area under the Island Development Plan. There are a large number of other protected buildings in close proximity.

Relevant History:

05/06/2018 – FULL/2018/0252 – Permission granted for the change of use of units 6/7 from Use Class 11 (sale of food) to Use Class 10 (General Retail), glaze existing arches adjacent to units 5,6 & 7 and internal alterations (protected building).

Existing Use(s):

Retail Use Class 10 – General Retail

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:

MC6 – Retail in Main Centres
GP4 - Conservation Areas
GP5 – Protected Buildings
GP8 – Design
GP9 – Sustainable Development

Conclusion/Brief comment:

Policy MC6 supports alterations to or the redevelopment of existing retail premises.

The markets are one of the most important protected buildings on the island and a significant part of their special interest is the relationship between the markets and market square which arguably has been eroded by recent permissions to glaze the arches. The proposed glazed doors have a very similar appearance when closed to the existing fixed panes of glass. The existing joint in the glazed arches is located just below rendered bands on the adjacent pillars whereas the proposed plans indicate the joints to be above the rendered bands. The agent has subsequently confirmed that the joints of the proposed arches would line up with the existing joints. As the existing fixed glazed panes are new elements and the proposed detailing would be the same as those that were previously approved, the proposal will result in no significant harm to the overall special interest of the building and the increased number of doors could be argued to be an improvement given that they increase the open nature and accessibility of the spaces behind.

A significant contribution to the overall special interest of the markets is through its relationship to market square in which one space is 'open' to the other. The introduction of large areas of signage detracts from this open aesthetic as it prevents views into the colonnade and the glass within the colonnade becomes much more apparent. In this respect since the previously approved decision in 2018, new exemptions have come into force which enable signage to be applied internally to glazed areas in protected buildings provided that the signage does not cover more than 25% of the total area of glazing in the elevation in question (Class 10, Section 10). To preserve the special interest of this protected building, it is therefore recommended to revoke exemption rights for the installation of signage applied internally to the glazed areas. However, it is noted that signage within the units which is unattached to the glass does not require planning permission.

Provided that conditions are applied as discussed above, the proposal would have no significant adverse effect on the special interest of the protected building or the character and appearance of the Conservation Area, in accordance with Policies GP4 and GP5.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 15/05/2024