

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: Internal alterations to basement and ground floor. Convert first, second and third floors to four flats (Residential Use Class 2) (Protected Building).

LOCATION: 8,10,12 & 42, Commercial Arcade, St. Peter Port.

APPLICANT: Sterling Properties

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: 09/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Hunt Brewin - 13868.03.01a, 02b, 03b, 04b & 05a

Application Ref: FULL/2024/0963

Property Ref: A300520000

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.The flagstones to the basement floor shall not be cut or altered in any manner and, if lifted, those flagstones shall be replaced as existing unless full details for their relocation and re-use are submitted to and approved by the Authority.

Reason - The information provided with the application does not include full details of the proposed work. This condition is imposed to protect the special interest of the protected building.

5.Should any works be required to the ground floor structure which exceeds that noted on the approved plans, full details of that work shall be submitted to and agreed in writing by the Authority prior to commencement of the work. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed work. This condition is imposed to protect the special interest of the protected building.

6.No works shall commence on the removal of the ground floor walls until a structural engineer's detail of the proposed works has been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed work. This condition is imposed to protect the special interest of the protected building.

7.No works shall be undertaken to the staircase between first and second floor level in No 8 until details of those works have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the

agreed details.

Reason - The information provided with the application does not include full details of the proposed work. This condition is imposed to protect the special interest of the protected building.

8.All existing alcoves, associated doors and fireplaces on the first and second floors shall be retained, unless justification for their removal and details of the proposed replacements have been submitted to and agreed in writing by the Authority.

Reason - To protect the special interest of the protected building.

9.No development shall begin on the first or second floor until details of any works required to the floor structure of those floors have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to protect the special interest of the protected building.

10.No rooflight shall be installed until details of that rooflight, including a plan showing its location and an assessment of the impact on the roof and ceiling structure, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to protect the special interest of the protected building.

11.No external vents shall be installed until details of those vents have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to protect the special interest of the protected building.

12.Prior to the removal of any internal doors, a schedule of all internal doors, to include an assessment of the special interest and condition of the door and details of the works proposed to that door, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is to protect the special interest of the protected building.

13.No secondary glazing shall be installed to the existing windows until details of that glazing, including the means of installation, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is to protect the special interest of the protected building.

14.No internal timber mouldings, including window, door and alcove frames or picture rails, shall be permanently removed or covered until details of the specifications of any proposed replacement have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to protect the special interest of the protected building.

15.No development shall begin on site until details of the proposed sprinkler system have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to protect the special interest of the protected building.

16.No development shall begin on site until details of the fire ventilation have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to protect the special interest of the protected building.

17.This permission does not confer any consent for any alteration to the shopfronts, associated cabinetry, safe or dumb-waiter at ground floor level, with the exception of the works to No 12 as shown on the approved plans.

Reason - To define the permission and to protect the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 09/08/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Should the basement kitchen or toilets need to be relocated, as noted on the approved plans, details must first be provided to the Authority for consideration.

This permission does not confer any consent for alterations to windows. Any alterations to windows would have to form the subject of a separate application for planning permission.

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/2024/0963
Property Ref: A300520000
Valid date: 07/06/2024
Location: 8,10,12 & 42 Commercial Arcade St. Peter Port Guernsey GY1 1LA
Proposal: Internal alterations to basement and ground floor. Convert first, second and third floors to four flats (Residential Use Class 2) (Protected Building).
Applicant: Sterling Properties

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.

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8. All existing alcoves, associated doors and fireplaces on the first and second floors shall be retained, unless justification for their removal and details of the proposed replacements have been submitted to and agreed in writing by the Authority.

Reason - To protect the special interest of the protected building.

9. No development shall begin on the first or second floor until details of any works required to the floor structure of those floors have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of

the proposed features. This condition is imposed to protect the special interest of the protected building.

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Reason - To define the permission and to protect the special interest of the protected building.

INFORMATIVES

Should the basement kitchen or toilets need to be relocated, as noted on the approved plans, details must first be provided to the Authority for consideration.

This permission does not confer any consent for alterations to windows. Any alterations to windows would have to form the subject of a separate application for planning permission.

OFFICER'S REPORT

Brief Description of the site:

The whole of the buildings known as 8, 10, 12 & 42 Commercial Arcade are protected. The premises are set within the central block of development in the Commercial Arcade, within the Core Retail Area in the St Peter Port Main Centre Inner Area and Conservation Area in the Island Development Plan.

The buildings are arranged in an L-shaped group, forming the southern end of the central block of development in the Arcade, and extending along the west side. No. 42 forms the south-east corner of the block, and is attached to No. 8, which forms the south-west corner. No. 10 is attached to the north of No. 8, and No. 12 is attached to the north of No. 10.

Relevant History:

FULL/2020/2295 Internal alterations to basement and ground floor; Convert first, second and third floors to four flats (Residential Use Class 2) (Protected Building).
Approved 12/07/2021

Existing Use(s):

Ground floor: Retail

Basement and upper floors: Ancillary to the retail floor area

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:

MC2 Housing in Main Centres

MC6 Retail in Main Centres

GP4 Conservation Areas

GP5 Protected Buildings

GP8 Design

GP9 Sustainable Development

IP7 Private and Communal Car Parking

Conclusion/Brief comment:

Permission is sought to upgrade the existing retail and ancillary areas at basement and ground floor level and for the conversion of the first, second and third floors of the buildings to form four one bed residential units.

The application includes the following works to the buildings:

- Basement: Remove staircase; Replace staircase; Install partitions to form stock rooms, kitchenette and WCs; Retain flagstone floor, cover floor and walls with proprietary air gap membrane system; Install lining system to walls and overlay with internal finishes; Add fire resistant ceiling linings; Install mechanical vents;

- Ground floor: Remove staircase to first floor; Remove all internal walls and install beams, retaining nibs of the walls to allow the original floorplan to be read; Install new partition around existing staircase to form entrance hall to upper floors and upgrade stair to meet fire regulations; Install new staircase to first floor; Upgrade and strengthen first floor structure; Fire protection and acoustic insulation provided to meet Building Regulations;
- First floor: Install new staircase from ground floor to first floor and first floor to second floor; Modify existing staircase to second floor; Remove, alter and install partitions; Line all walls; Remove cabinets;
- Second floor: Re-position staircase; Line all walls; Remove, alter and install partitions, including creation of new doorways and infill of existing doorways; Installation of smoke vent;
- Third floor: No alterations proposed.

Secondary glazing is proposed to all windows serving residential units.

In support of the application a Statement of Significance is provided.

The submitted proposals match those previously approved under FULL/2020/2295. There has been no subsequent change in legislation, policy or circumstance which would alter the previous assessment and the proposals therefore remain acceptable, subject to reiteration of the conditions attached to the previous consent.

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.

Recommendation:

Grant with Conditions



Date: 08/08/2024

