

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 ground floor ceilings and walls (Protected Building).

LOCATION: 16 - 18 Smith Street, St. Peter Port.

APPLICANT: Mr S Jarrold

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: 11/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio Architects - 051/WD01 & 051/PPWD02C.

Application Ref: FULL/2024/1513

Property Ref: A200840000

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 11/11/2027 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/2024/1513
Property Ref: A200840000
Valid date: 07/10/2024
Location: 16 - 18 Smith Street St. Peter Port Guernsey GY1 2JQ
Proposal: Internal alterations to ground floor ceilings and walls (Protected Building).

Applicant: Mr S Jarrold

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.

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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

Brief Description of the site:

The application site features buildings No.16 - No.20 which is a three and a half storey end of terrace building fronting onto Smith Street. The site is recognised as a mix use site comprising of retail space at ground floor level (shop and restaurant) with office and residential accommodation above. It is noted that the restaurant known as 'Gusto' operates from No.20.

Part of the building that fronts on to Smith Street is protected, whilst the rear section of the building is excluded from the listing. The site has been heavily altered over the years, with the majority of the first and second floors comprising of modern partition walls, whilst a few original details remain untouched. A mix of protected monuments lie to the south-east of the site, comprising of walls, steps, railings and a pump. The site is located within St Peter Port Conservation Area and Main Centre Inner Area, as designated in the Island Development Plan.

It is observed from the street scene that the application site 'read' as two separate buildings. Number 16 retains more of its Georgian appearance over the upper floors, whilst numbers 18-20 are a pair and have undergone more alterations at first floor level. Early 20th century shopfronts continue across numbers 16-18. Internally, modern office fit-outs predominate over the upper floors, with substantial walls indicating the extent of the early buildings. Some features survive, including cornices in some areas and parquet flooring at ground level.

An informative was attached to permission FULL/2023/0722 which noted that:

"should it be proposed to alter or remove ceilings and/or floors at ground floor level, it is advised that you contact the Authority to discuss the extent of the works involved in order to determine whether planning permission is required."

Planning permission is sought to make internal alterations to the ground floor ceilings and walls. The works involve removing the existing lath and plaster ceilings (including the removal of some moulded features) and cladding the interior walls.

It is noted in the agent's e-mail of 3rd September 2024 that the proposal retains the exiting structural walls without alteration, with the only reworking of the fabric being late 20th Century studwork walls (which the majority of which would have been including during the Post Office conversation). It is also noted that the proposed alterations for the conversion of the ground floor to a restaurant will involve introducing hygienic cladding where the proposed bar is to be installed to the rear of number 16. The decorative column and the woodblock flooring will remain in situ without alteration.

The agent has submitted a statement of significance in attempt to demonstrate an understanding of the special interest of the protected building and how the proposed harm to the protected building has been taken into account as part of the design process. It is noted that the statement of significance relates *to the removal of the existing lath and plaster ceilings and covings as a means to allow sound resistant board to be applied in a robust way to ensure the required standard is met.*

Relevant History:

FULL/2023/1667	Change of use from Post Office (Use Class 9) to Restaurant (Use Class 11), install ventilation equipment to roof of building, alter fenestration and internal alterations. (Protected Building).	Granted
FULL/2023/0722	Install replacement door and signage (including double sided sign) to north east elevation, install windows to north-west elevation. Install double sided sign to south west elevation and air conditioning units to flat roof (Protected Building).	Granted
FULL/2021/1811	Internal alterations. (Protected Building).	Granted
FULL/2021/0512	Erect signs to front fascia and projecting (protected building) (Retrospective)	Granted
FULL/2020/2510	Replace double sided sign to north-east (front) elevation (Protected building) (Retrospective).	Granted
FULL/2020/2206	Subdivide existing retail unit to provide 2 retail units (Retail Use Class 9), including internal and external alterations (protected building).	Granted
FULL/2015/1661	Reconstruct facade and works to soffit and downpipe (Protected Building)	Granted
FULL/2009/3363	Replace doors and frame replace steps and install signage.	Granted

Existing Use(s):

Retail – ground floor restaurant and shop.

Office – first floor and second floor

Residential – third floor

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
GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development

Conclusion/Brief comment:

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 a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP. Policy GP4 is not engaged given the internal works proposed.

Whilst there will be some harm to the special interest of the protected building by virtue of removing the lath and plaster ceilings (which entails the removal of some moulded features), the justification for their removal i.e. to meet the building control requirement for sound insulation between the ground floor and first floor is reasonable and supported, particularly as the plaster ceilings are not a significant feature of the protected building that outweighs this building control requirement, and is worthy of being retained. On this basis, the reasonable aspirations of the property owner outweighs the harm caused to the overall special interest of the protected building.

Consequently, the degree of harm to the interior features is outweighed by the reasonable aspiration of the property owner (Policy GP5).

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions

Recommendation:

Grant with Conditions



Date: 08/11/24