

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 first and second floors from offices (Use Class 16) to flat (Residential Use Class 2).

LOCATION: Mansell House, 9-11 Mansell Street, St. Peter Port.

APPLICANT: Quartet 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: 14/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects - 3806 CS01, 03, 04

Application Ref: FULL/2025/0004

Property Ref: A302400000

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 14/02/2028 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/2025/0004
Property Ref: A302400000
Valid date: 23/12/2024
Location: Mansell House 9-11 Mansell Street St. Peter Port Guernsey
GY1 1HP
Proposal: Change of use of first and second floors from offices (Use
Class 16) to flat (Residential Use Class 2).
Applicant: Quartet 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.

OFFICER'S REPORT

Site Description:

The application site, known as Mansell House (No.9-11), comprises a traditional 3 storey pitched roof terraced property, located to the north of Mansell Street.

The property is in a Conservation Area and in the St Peter Port Main Centre Inner Area as designated in the Island Development Plan (IDP). The building is not a Protected Building.

Relevant History:

PREA/2013/2157	Change of use of commercial offices to residential	Pre-application enquiry
PAPP/1994/1479	Alter premises to provide ground floor office accommodation	Refused
PAPP/1994/1468	Change of use of ground floor from retail to office use	Refused

Existing Use(s):

Office

Brief Description of Development:

Planning permission is requested to change the use from an administrative offices (Use Class 16) on both the first and second floor, to a 4-bedroom flat (Residential Use Class 2). No external alterations are proposed. The land to the rear of the property will be used as a terraced garden, split over two levels.

The retail use of the ground floor will remain unchanged.

The agent recognises that the useable internal floor area of the property is 184sqm, with an additional 90sqm comprised of thick granite partition walls, ancillary and circulation spaces, giving a total internal floor area of 274sqm.

Based on the information submitted, the internal usable floor space (including circulation spaces, stairwell, storage etc), is considered to be approximately 270sqm.

Due to the size of the internal useable floor space i.e. marginally over the 250sqm set out in Policy MC4(A), the agent requests a Minor Departure from the IDP from the marketing element of Policy MC4(A) (a).

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy MC4(A): Office Development in Main Centres
Policy GP4: Conservation Areas
Policy GP8: Design
Policy GP9: Sustainable Development
Policy IP6: Transport Infrastructure and Support Facilities
Policy IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the principle of the conversion of the office to housing is acceptable,
- The impact of the development on the amenity of people living in the area,
- Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings, and
- Parking provision.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

The existing office space is tertiary office accommodation based on its location, internal configuration, limited floor plate, split individual offices, and character and age of the office when considering the proceeding text set out in Policy MC4(A), together with the Office Quality Audit (2020).

The Office Quality Audit notes that:

“Tertiary offices will generally be those properties suitable for smaller tenants only and in need of refurbishment. They will often be dated and will lack many of the features typically found in either Prime or Secondary sectors. They are also located in peripheral locations or above retail units and may be of a more cellular arrangement rather than offering open plan accommodation...”

... As build costs in Guernsey are high and rents for Tertiary offices are low, owners of Tertiary office buildings may not be able to upgrade the accommodation as the required investment may not justify the potential return. They are therefore unlikely to have been refurbished or benefitted from significant investment within the last 20 years, unlike those offices within the Prime and Secondary sectors.”

In light of Policy MC4(A), it is recognised that the internal usable floor space is greater than 250sqm and as such it would normally be required to request an active and appropriate marketing exercise to be carried out to demonstrate a lack of demand for the office premises.

However, the information submitted by the agent in addition to the evidence held by the Service, provides comprehensive details about the issues with the quality of the existing accommodation and the impractical and unviable nature for it to be refurbished to meet modern needs. Due to an oversupply of small tertiary offices, Policy MC4(A) supports the loss of office premises not exceeding 250sqm. In this case, although the floor area marginally exceeds the small office floor space of 250 square metres, due to the issues demonstrated with the quality of the existing accommodation and the ability for it to be refurbished to meet modern needs, the tertiary nature of the accommodation and the proportion of ancillary and circulation spaces, it is accepted that the loss of this office would have no significant adverse effects on the overall office supply and the lack of marketing in this case can be considered as a minor departure from Policy MC4(A).

Moreover, the Exemptions Ordinance (2023) recognises the demand for housing provision and the number of tertiary properties within the Main Centres, which could be used for alternative uses. This is reflected in Class 11 (Retail and Administrative, Financial, and Professional Change of Use) in the Exemption Ordinance (2023), whereby planning permission is not required for a change of use from office to residential, should it comply with certain criteria. In this regard, all criteria is and/or could be met, apart from exceeding 250sqm. This therefore demonstrates the overarching support for this change of use and being acceptable as a Minor Departure from the IDP Policy MC4(A) (a).

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres and Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to, the site provides an appropriate mix and type of dwellings. Taking into account that the development involves the conversion of a traditional building together with the layout, configuration and change in levels within the building, the proposal to create a 4-bedroom flat would provide an appropriate mix and type of dwelling whilst making an effective and efficient use of land.

The proposal involves no external alterations. The change of use of the building to a residential use would conserve the character and appearance of the Conservation Area.

The proposed dwelling substantially exceeds the Guernsey Technical Standards minimum internal space standards and the best practice minimum internal space standards which are published on the Authority's website. The dwelling is dual aspect and would receive adequate sunlight and daylight. Levels of privacy would be similar to neighbouring properties and would be adequate given its central town location and the character of built development in the area. The dwelling would have an outlook over the street and to the rear of the premises. The property also provides a private garden which will be of benefit to the occupiers of the flat. Overall given its central town location, the proposal would provide a satisfactory residential environment for future occupiers, in accordance with Policy GP8.

No changes are proposed to the existing windows and due to the character of the area comprising of a fine grain of historic buildings and the current levels of privacy between properties, the change of use from an office to a residential use is unlikely to have a material adverse effect on the amenities of neighbouring residents.

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, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 14/02/2025

