

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: Reinstatement work to front elevation and internal alterations (protected building) (part retrospective).

LOCATION: No 18 Fountain Street, St. Peter Port.

APPLICANT: Mrs A Stewart

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: 24/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech drawing no: RS-21-1039-01 and Babbe McCathie drawing no's: GY20265/001 Rev C1 & GY20265/002 Rev C1

Application Ref: FULL/2021/1669

Property Ref: A400240000

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 finish and detailing of areas of replacement external render hereby permitted shall match as closely as possible the existing external rendered finish.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 23/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Any repair works to the first floor windows shall be completed on a like for like basis using materials to match the existing and to ensure that the original design of the windows are maintained. Should extensive works be required to these windows that go beyond the scope of what can be considered a repair (such as the removal and replacement of large sections of timber), then the Planning Service should be contacted in the first instance to determine the requirement for further planning permissions.

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/2021/1669
Property Ref: A400240000
Valid date: 13/08/2021
Location: No 18 Fountain Street St. Peter Port Guernsey GY1 1DA
Proposal: Reinstatement work to front elevation and internal alterations (protected building) (part retrospective).

Applicant: Mrs A Stewart

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. The finish and detailing of areas of replacement external render hereby permitted shall match as closely as possible the existing external rendered finish.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

INFORMATIVES

Any repair works to the first floor windows shall be completed on a like for like basis using materials to match the existing and to ensure that the original design of the windows are maintained. Should extensive works be required to these windows that go beyond the scope of what can be considered a repair (such as the removal and replacement of large sections of timber), then the Planning Service should be contacted in the first instance to determine the requirement for further planning permissions.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a four and a half storey terraced type property situated to the southeast of Fountain Street. The property comprises ground floor retail, with residential above.

The site is situated within a Main Centre Inner Area, and within a Conservation Area as designated in the Island Development Plan.

The whole of the building (interior and exterior) is protected.

Relevant History:

None relevant

Existing Use(s):

Retail and residential

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 the Main Centres
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

The property has suffered from dry rot, which has eroded wooden parts of the building that comprise its structural integrity. To render the building safe, works to expose and replace the structural steel beam on the front elevation had taken place. Following the opening up further reinstatement works (the subject of this application) are required.

The proposal includes the replacement of timbers with masonry within the existing walls, to repair and retain the first floor windows, and to repair and reinstate the areas of render removed for the emergency works. All of these alterations are to the front elevation of the property. Internally the alterations include the removal and replacement of internal plaster and framing (including the first 2 metres of party walls) at both ground and first floor and the replacement of a rotted steel to the basement level.

The proposal has been accompanied by evidence to demonstrate the requirement for the re-instatement works, including a report from a timber and damp specialist to determine that these works are required to maintain the structural integrity of the building. Furthermore a covering letter has been provided which identifies the historical features of the building that are proposed to be altered and includes a method statement to demonstrate how this will be accomplished so as to have minimal impact on the special interest of the protected building.

Based on the information provided it is considered that the alterations proposed are a reasonable aspiration for the property owner which are required to retain the structural integrity of the building and ensure that it is repaired and prevented from further damage and decay. The works would have minimal impact on the special interest of the protected building.

The application identifies that only repair works are required to the first floor windows and it is recommended that should planning permission be granted an informative should be included to explain that these works should be completed on a like for like basis and that should any extensive works be required to these windows that go beyond the scope of what can be considered repair works (such as the removal and replacement of large sections of timber), then the Planning Service should be contacted in the first instance to determine the requirement for further planning permissions.

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: 19/11/2021