

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: Erect infill extension to west (rear) elevation (Protected Building), reposition air conditioning unit.

LOCATION: 2 Contree Mansell, St. Peter Port.

APPLICANT: Mr A Tang

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: 29/09/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chescoe Chartered Surveyors: 21-198-02

Application Ref: FULL/2021/1773

Property Ref: A302750000

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 28/09/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The relocation of the existing air conditioning unit in a new position slightly higher on the same elevation as previous (as shown on the approved drawing) is allowed. However, should a replacement unit be required that is of a different type, model or size to the existing, then the Authority should be contacted in the first instance to determine the requirement for a further application.

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2021/1773
Property Ref: A302750000
Valid date: 06/08/2021
Location: 2 Contree Mansell St. Peter Port Guernsey GY1 1HR
Proposal: Erect infill extension to west (rear) elevation (Protected Building), reposition air conditioning unit.
Applicant: Mr A Tang

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).

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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.

INFORMATIVES

The relocation of the existing air conditioning unit in a new position slightly higher on the same elevation as previous (as shown on the approved drawing) is allowed.

However, should a replacement unit be required that is of a different type, model or size to the existing, then the Authority should be contacted in the first instance to determine the requirement for a further application.

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Brief Description of the site:

The property comprises a 2½ storey corner building located within a Conservation Area in the Main Centre Inner Area in the Island Development Plan. The whole of the building is protected.

Permission is sought to erect a ground floor flat roof extension in order to infill an existing courtyard to the west (rear) elevation. As set out in the agent's letter that the proposed extension will be used a storage room for the first floor flat.

Relevant History:

FULL/2017/0994 - Replace existing window with new door on north elevation

FULL/2017/0359 - Change of use of ground floor of premises from shop (Retail Use Class 10) to take away (Retail Use Class 12); install extractor and metal ducting to rear-west elevation and internal alterations.

FULL/2016/0497 Change of use of first and second floors from retail to flat (Residential use class 2) including internal alterations.

Existing Use(s):

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:

GP4 Conservation Areas
GP5 Protected Buildings
GP8 Design
GP9 Sustainable development
GP13 Householder Development

Conclusion/Brief comment:

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 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

In light of the information submitted, it is considered that the proposed extension would not have a detrimental effect on the special interest of the protected building, character and appearance of the Conservation Area, nor visual amenity due to its secluded position.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Despite its close proximity to neighbouring properties, the single storey design of the proposal is not considered to cause significant harm with regards to overshadowing, overbearing or loss of sunlight to warrant refusal.

In addition, the drawings submitted indicate that an existing air conditioning unit will be raised in height on the same elevation as previous, but will be positioned above the roof of the proposed extension. The existing unit is in a similar position and the relocated unit will only be raised slightly to allow sufficient room for the proposed roof. It is considered that any harm to neighbour amenity would not be so substantial to warrant the refusal of permission. However it is recommended that should planning permission be granted an informative is included to ensure that should a replacement unit be proposed (that may be of differing size or has potential to generate additional noise), then the Authority should be contacted in the first instance to determine the requirement for a further application.

Whilst the ownership boundaries identified on the drawings submitted is different to that shown on other sources of information available to the Authority, it is important to note that any grant of planning permission would be without prejudice to the normal legal rights and privileges of third parties.

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

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 28/09/21