

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 from House of Multiple Occupancy (Use Class 6) to 3 Residential Dwellings (Use Class 1), erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation 1.5 storey, and internal works. (Protected Building).

LOCATION: Chateau De La Montagne, La Charroterie, St. Peter Port.

APPLICANT: Mr Gilliland & Mr Smith

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: 04/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3126/SK-01(2)A, -02(2)A, -03(2)B, -04(2)B, -05(2)B, -06(2)B & -07(2)B.

Application Ref: FULL/2022/0946

Property Ref: A405890000

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 timber beams at first, second and third floor level shall not be removed until a Structural Engineer's scheme for their replacement has been submitted to and approved by the Authority. The work shall be carried out only in accordance with the agreed details.

Reason - To ensure the special interest of the protected building is sustained.

5. Notwithstanding the submitted plans, the historic cornice at second floor level shall be removed, treated and reinstated in full accordance with the letter submitted as part of the application by DRP dated 21st July 2022.

Reason - To ensure that the special interest of the protected building is sustained.

6. Prior to the commencement of external works, details of the means of enclosure of the amenity spaces shall be submitted to and approved by the Authority. The work shall be carried out only in accordance with the agreed details.

Reason - To ensure that the special interest is sustained and to protect neighbour amenity.

7. Prior to the commencement of external works, details of the external surface material(s) shall be submitted to and approved by the Authority. The work shall be carried out only in accordance with the agreed details.

Reason - To ensure that the special interest of the protected building is sustained.

Expiry Date: This permission will cease to have effect on 03/10/2025 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/2022/0946
Property Ref: A405890000
Valid date: 19/04/2022
Location: Chateau De La Montagne La Charroterie St. Peter Port
Guernsey GY1 1EJ
Proposal: Change of use from House of Multiple Occupancy (Use Class 6) to 3 Residential Dwellings (Use Class 1), erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation 1.5 storey, and internal works. (Protected Building).
Applicant: Mr Gilliland & Mr Smith

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 timber beams at first, second and third floor level shall not be removed until a Structural Engineer's scheme for their replacement has been submitted to and approved by the Authority. The work shall be carried out only in accordance with the agreed details.

Reason - To ensure the special interest of the protected building is sustained.

5. Notwithstanding the submitted plans, the historic cornice at second floor level shall be removed, treated and reinstated in full accordance with the letter submitted as part of the application by DRP dated 21st July 2022.

Reason - To ensure that the special interest of the protected building is sustained.

6. Prior to the commencement of external works, details of the means of enclosure of the amenity spaces shall be submitted to and approved by the Authority. The work shall be carried out only in accordance with the agreed details.

Reason - To ensure that the special interest is sustained and to protect neighbour amenity.

7. Prior to the commencement of external works, details of the external surface material(s) shall be submitted to and approved by the Authority. The work shall be carried out only in accordance with the agreed details.

Reason - To ensure that the special interest of the protected building is sustained.

OFFICER'S REPORT

Brief Description of the site:

The site comprises of a double width 3 storey building with a two-storey extension to the southwest. The building has limited parking to the southwest and garden area to the southeast. The rear of the site faces onto the cliff face. The property has been previously subdivided into 6 bedsits.

The application site is within the Main Centre and within a conservation area. The building is also protected. The cliff to the rear is designated as an important open land and Area of Biodiversity Importance within the Island Development Plan.

Relevant History:

FULL/2014/2792 Extend and alter and convert property into three residential units (Protected Building), Approved 26th August 2015.

Existing Use(s):

Residential use class 6 – premises in multiple occupation

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

MC2: Housing in Main Centre and Main Centre Outer Area

GP1: Landscape Character and Open Land

GP3: Areas of Biodiversity Importance

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP12: Protection of Housing Stock

IP9: Highway Safety, Access and Capacity

Conclusion/Brief comment:

The application is similar to that previously approved in 2015 and comprises of:

- Change of use from bedsits to 3 dwellings (1 x 1-bed, 2 x 3-bed)
- Two storey extension to the southeast (rear) elevation
- Increase in ridge height of the wing to southwest
- Demolition and rebuild of the rear section of the wing
- Replacement of fenestration
- Rebuilding of dormer windows to the rear elevation
- Changes to fenestration including the blocking up of two windows to the rear elevation, creation of new window openings and conversion of windows to doors
- Lead capping of chimneys
- Internal works including the erection of new walls, staircases and floors

The property is currently not habited and is in a poor state of repair requiring considerable works to be undertaken. The application, similar to that previously approved (but now expired) would see the building converted to three dwellings and secure the future of the building whilst retaining the existing use as residential. The standard of residential accommodation would be improved providing a 1 and two 3 bed units, thus providing a mix and type of units.

The extensions to the rear of the main building and wing would be commensurate with the design, form and scale of the existing building and would not have any significant impact on the character and appearance of the conservation area or the protected building.

The internal works are necessary to secure the future of the building and it is proposed to retain the limited key features remaining within the building such as cornices, floor joists and roof beams. Whilst the internal works are therefore extensive, it is considered that the works are acceptable and would have no significant impact on the limited current internal features that are present. Most of the existing fenestration is to be repaired and retained thus protecting the external appearance of the building.

Externally amenity spaces will be provided for each unit, these would be contained within the confines of the site and not encroach into the cliff face; although new stairs will be provided up the cliff face, this would not significantly impact on the ABL. Details of means of enclosure around each amenity space has not however been provided and will be subject of condition.

Overall, given the similarities between the current and previous approval, the current condition of the building, the reuse of the building for housing of a satisfactory standard and the future security of the protected building, the application is considered, subject to conditions to be acceptable.

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: 4th October 2022

