

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: Erection of temporary rooftop bar (November to January) to north elevation of building.

LOCATION: The OGH, Ann's Place, St. Peter Port.

APPLICANT: The Old Government House Hotel

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: 14/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 2328 SK-01C.

Application Ref: FULL/2022/1071

Property Ref: A113740000

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 scaffold canopy hereby permitted is approved for a limited period only, between 01/11/2022 and 15/01/2023, and shall be removed in its entirety on or before 15/01/2023.

Reason - The design and appearance of the scaffold canopy makes it unsuitable for a permanent permission.

Expiry Date: This permission will cease to have effect on 15/01/2023 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The granting of a temporary permission in this instance, does not infer that similar forms of development will be acceptable in future.

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/2022/1071
Property Ref: A113740000
Valid date: 11/05/2022
Location: The OGH Ann's Place St. Peter Port Guernsey GY1 2NU
Proposal: Erection of temporary rooftop bar (November to January) to north elevation of building.

Applicant: The Old Government House Hotel

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 scaffold canopy hereby permitted is approved for a limited period only, between 01/11/2022 and 15/01/2023, and shall be removed in its entirety on or before 15/01/2023.

Reason - The design and appearance of the scaffold canopy makes it unsuitable for a permanent permission.

INFORMATIVES

The granting of a temporary permission in this instance, does not infer that similar forms of development will be acceptable in future.

OFFICER'S REPORT

Site Description:

The OGH Hotel consists of a large hotel building located between Ann's Place to the south and Hospital Lane to the north. The roof terrace which forms the subject of this application is located in the north-west corner of the site. The site is located within the St Peter Port Conservation Area and Main Centre Inner Boundary.

The Old Crown Office in the south-east corner of the site and the front main entrance steps, railings and porch on the south elevation are a protected building.

Relevant History:

FULL/2019/1840 – Permission granted to erect temporary scaffold canopy over part of existing roof terrace and form temporary bar to north of hotel.

FULL/2018/2023 – Permission granted to erect temporary scaffold canopy over part of existing roof terrace and form temporary bar, lounge within.

FULL/2017/2612 – Permission granted to erect temporary scaffold canopy over part of roof terrace to form temporary bar.

Existing Use(s):

Visitor economy use class 7: serviced visitor accommodation (Hotel)

Brief Description of Development:

Planning permission is requested to erect a temporary scaffold canopy over part of the roof terrace bordering Hospital Lane to create a temporary bar.

The scaffolding is proposed to be covered with a white tarpaulin.

The structure is proposed to be in situ from 'early November to January 2023', over the Christmas period. Although not specified in this submissions, earlier applications included setting up and dismantling of the structure in this time.

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

Policy MC8: Visitor Accommodation in Main Centres and Main Centre Outer Areas

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution's comments:

"I have reviewed the proposed plans for the erection of a temporary rooftop bar (November to January) to the north elevation of the building at the above address, which were received by email on 17th June 2022.

Our records show that two similar applications were made in 2018 and 2019 and this office received no complaints. I therefore do not wish to raise any objections to the proposals.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Summary of Issues:

The main issue in deciding this application is the design and impact of the development on the character and appearance of the Conservation Area.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy MC8 supports extensions and alterations to existing visitor accommodation establishments in Main Centres where the proposal accords with all the relevant policies of the Island Development Plan.

The site is within a Conservation Area. It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. Policy GP8 relates to design and is also relevant.

Policy GP8 indicates, inter alia, that new development will be supported where it is demonstrated that it has been designed to a good standard of architectural design and it respects the character of the local built environment.

The design and materials of the proposed scaffold canopy represents a temporary form of development that does not achieve a good standard of design. However, the siting of the canopy, at third floor level and set back from the boundary wall, reduces the prominence of the structure in public views along Hospital Lane. The scaffold canopy is also likely to be visible in glimpses through trees from Candie Gardens although the prominence of the structure would be reduced by the existing trees.

The tarpaulin as part of this application will be finished in white which will help to assimilate the development into its surroundings, compared to the former wood cladding effect printed tarpaulin.

Although there are reservations about the quality of the design, the temporary nature of the development would limit the harm caused to the character and appearance of the Conservation Area.

The development would provide some limited social and economic benefits, and due to the particular circumstances in this case and the temporary nature of the development, it is considered that any harm to the Conservation Area in this instance would be of short duration and therefore the overall impact will be limited such that the proposal does not conflict with Policies GP4 and GP8.

However, the granting of a temporary permission in this instance, does not infer that similar forms of development will be acceptable in future.

The terrace which forms the subject of this application is completely disconnected from the protected areas of the hotel complex and there would be no impact on the setting of the protected building.

The Office of Environmental Health and Pollution raise no objections to the scheme.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include: the appropriateness

of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on protected trees or monuments. The impact of the proposal on protected buildings has been considered and this forms part of the assessment of policy issues set out in 2 below.

It is recommended that the application is approved for a temporary period.

Date: 13/07/22

