

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: Variations to previously approved plans to convert house in multiple occupation to create 5 flats (Residential Use Class 2), replace and alter roof, external and internal alterations - Install rooflight and internal alterations (Protected Building).

LOCATION: 40 Hauteville, St. Peter Port.

APPLICANT: Island Development 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: 09/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7467-05 B1, B2, B3 & B4

Application Ref: FULL/2022/2386

Property Ref: A407110000

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 on or before 30/11/2024.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2021/2206.

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 permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 01/12/2021, issued under planning application reference FULL/2021/2206, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 30/11/2024 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/2022/2386
Property Ref: A407110000
Valid date: 08/12/2022
Location: 40 Hauteville St. Peter Port Guernsey GY1 1DG
Proposal: Variations to previously approved plans to convert house in multiple occupation to create 5 flats (Residential Use Class 2), replace and alter roof, external and internal alterations - Install rooflight and internal alterations (Protected Building).

Applicant: Island Development 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 on or before 30/11/2024.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2021/2206.

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 permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 01/12/2021, issued under planning application reference FULL/2021/2206, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for variations to plans previously approved to convert a house in multiple occupation to create 5 flats (FULL/2021/2206). The variations involve installing a rooflight in the south-west roofslope and internal alterations including replacement stairs and floor structures.

The site consists of a traditional end of terrace 3 storey town house situated to the south-east of Hauteville and adjoining Hauteville House (Victor Hugo's House). The whole of the building is a protected building, as are a large number of buildings in the locality. The site is in the St Peter Port Conservation Area and Main Centre Inner Boundary. Planning permission was granted in December 2021 to convert the building from a house in multiple occupation to create 5 flats, the works have commenced.

Relevant History:

FULL/2022/0943 – Application pending to install replacement roof structure (Protected Building).

10/11/2022 – FULL/2022/1589 – Permission granted for variations to plans previously approved to convert house in multiple occupation to create 5 flats (Residential Use Class 2), replace and alter roof, external and internal alterations - Extend, alter and partially rebuild rear extension including install external insulating render system and alterations to fenestration. (Protected Building).

07/10/2022 – FULL/2022/1280 – Permission granted for variations to previously approved plans to convert house in multiple occupation to create 5 flats (residential use class 2), replace and alter roof, external and internal alterations - Install external insulating render system to rear elevation, replace windows to rear elevation and rebuild chimney (revised) (Protected Building).

01/12/2021 – FULL/2021/2206 – Permission granted to convert house in multiple occupation to create 5 flats (residential use class 2), replace and alter roof, external and internal alterations (Protected Building).

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:

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

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Conclusion/Brief comment:

The removal of the floor structures will remove historic fabric from the protected building which will have a substantial negative effect on the overall special interest of the building. It is partial demolition. However, the floor have been inspected by a damp proof specialist (there is evidence of the floor being subject to water damage) as well as a structural engineer (there is evidence of fire in the building which have burnt some of the floors). Both have confirmed the floors are in poor condition and need to be replaced. Therefore, and considering this application proportionately, the replacement of the floor structures will comply with part (b) of Policy GP5.

The replacement stair will remove a historic feature from the protected building which will have a substantial negative effect on the overall special interest of the building. It is partial demolition. However, the stair have been inspected by a damp proof specialist as well as a structural engineer. Both have confirmed the stairs are in poor condition and need to be replaced. The stair will be replaced with a facsimile and the handrail and newels will be salvaged. Therefore, and considering this application proportionately, the replacement of the stairs will comply with part (b) of Policy GP5.

The rooflight in the south-west roofslope achieves a good standard of design and would have no adverse effects on the special interest of the protected building and the character and appearance of the Conservation Area.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 09/02/2023

