

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 plans previously approved for 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) - demolish and rebuild and alter Unit 3.

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: 21/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3126/WD-01, -02, -03, -04 & -05.

Application Ref: FULL/2023/1341

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 on or by 03/10/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 04/10/2022, issued under planning application reference FULL/2022/0946, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 03/10/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is reminded, for the avoidance of doubt that this approval is for the proposed works inside the area marked as ""Area Application Relates"" on the planning application drawings, and no other works whatsoever.

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/2023/1341
Property Ref: A405890000
Valid date: 26/07/2023
Location: Chateau De La Montagne La Charroterie St. Peter Port
Guernsey GY1 1EJ
Proposal: Variations to plans previously approved for 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) - demolish and rebuild and alter Unit 3.

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 on or by 03/10/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 04/10/2022, issued under planning application reference FULL/2022/0946, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

INFORMATIVES

The applicant is reminded, for the avoidance of doubt that this approval is for the proposed works inside the area marked as ""Area Application Relates"" on the planning application drawings, and no other works whatsoever.

OFFICER'S REPORT

Brief Description of the site:

The site comprises of a double width 3 storey building, with two storey side extension/wing and garden area to the southeast (rear). The rear of the site faces onto the cliff face. The property had been previously subdivided into 6 bedsits.

The application site is within the Main Centre and within a Conservation Area. The building is also Protected. There is an area TPO to the rear of the site which covers the area of raised land to the south of the dwelling. This area to the rear is also designated as an Important Area of Open Land and Area of Biodiversity Importance, as designated in the Island Development Plan.

Relevant History:

FULL/2022/0946 Change of use from HMO (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).

Approved

04/10/2022

FULL/2022/1769 Variation to previously approved plans for the Change of Use from HMO to 3x residential dwellings (Protected Building)- Erect single storey

extension to rear of Unit 2.
Approved 1/10/2022

FULL/2023/0699 Variation to previously approved plans for Change of Use from HMO to 3x residential dwellings (Protected Building) - extend at first and second floor levels to rear of unit 1.
Refused 05/07/2023

FULL/2023/0704 Variation to previously approved plans for Change of Use from HMO to 3x residential dwellings (Protected Building) - Excavate, create raised terrace, alter steps and erect retaining walls (Protected Trees).
Under consideration

FULL/2023/1414 Variation to previously approved plans for Change of Use from HMO to 3x residential (Protected Building)- extend at first and second floor levels to rear of unit 1 (revised scheme).
Approved 17/11/2023

Existing Use(s):

06 HMO

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

Conclusion/Brief comment:

The application proposes a variation to the previous approval FULL/2022/0946 which approved the change of use of the building from HMO to 3 x dwelling houses, along with other extensions and alterations to the property.

The variation proposed involves the demolition of the existing two storey wing and erection of a replacement 2 storey side extension with gabled end hip roof over, and two storey flat roof extension to the rear which forms Unit 3.

The proposal results in slightly larger living accommodation than that previously approved for Unit 3 under the original application (FULL/2022/0946) but remains a three-bedroom unit. There is no conflict with the gateway policy MC2 under which the previous scheme also complied.

The application includes demolition of the wing, which forms part of the protected building. Policy GP5 allows for the demolition/partial of a protected building subject to meeting one of the following three criteria:

- a) it is demonstrated that the building is structurally unsound and is technically incapable of repair; or,
- b) the demolition or partial demolition relates to a structure which detracts from the special interest of the protected building; or,
- c) it is demonstrated that the economic, social or other benefits of the proposed development and, where appropriate, its contribution to enhancing the vitality of a Main Centre outweighs the presumption against the loss or partial loss of the protected building.

A structural report has been submitted in support of the application. In summary this report finds:

- The front walls and piers have significant displacement, resulting in significant risk of failure/partial collapse
- The side elevation has single skin brickwork
- There are very shallow and inadequate foundations
- There is no viable/economic way of retaining the existing structure.

Whilst the extension might be technically capable of being repaired, this would require significant rebuilding using new material. Thus very little, if any, of the historic fabric would remain. When this is taken together with the relatively special interest of this part of the protected building, as well as the slight benefits to the Main Centre, the demolition of the wing is considered to accord with IDP Policy GP5 and thus the principle of demolition is agreed.

The demolition of the wing enables a replacement extension to be constructed. The new wing has a similar width to the existing, but its height has increased with the introduction of a two-storey flat roof extension to the rear. Whilst this is larger than the current wing, it remains subservient in scale to the main protected building. Under the current site conditions, the two storey flat roof extension will be seen from the public road and therefore will be more prominent. However, future development of the adjacent sites is likely to obscure many of the views, thus reducing its impact. Therefore on balance, the two storey flat roof extension has an acceptable effect on the setting of the protected building and will integrate into the Conservation Area due to the acceptable scale and design of the replacement wing.

The proposal is also considered acceptable in relation to the impact on neighbours as the rear windows replace the existing rear windows. Although these are now located in the rear extension, there is little change to the existing relationship and the new

windows are not expected to result in unacceptable overlooking due to the tight grain of development within this urban setting.

There is currently another application at this site which is under consideration, the application drawing therefore indicate the area which this application relates too. For the avoidance of any doubt, an informative note has been added to remind the applicant that only the works inside the clouded areas are permitted, and no other works whatsoever.

All material considerations and additional 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: 20/11/2023

