

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: Excavate ground levels to create tunnel and room/hideaway at basement level to north-east (rear) of property. (Protected Building).

LOCATION: Belvedere House, Rue De Belvedere, Fort George, St. Peter Port.

APPLICANT: Alcority Limited

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: 05/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 246/D20, /D21, /D22, /D23, /D24, /D26 & /D27.

Application Ref: FULL/2023/1433

Property Ref: A41110C000

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 04/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, no permission is sought nor conferred for the hard landscaped upper and lower terrace to the rear (north-east) of the property.

Please see the planning report for comments from Guernsey Harbours regarding proposed soft landscaping and the potential for it to obstruct existing navigation marks.

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/2023/1433
Property Ref: A41110C000
Valid date: 14/08/2023
Location: Belvedere House Rue De Belvedere Fort George Fort George
St. Peter Port Guernsey GY1 2SJ
Proposal: Excavate ground levels to create tunnel and room/hideaway
at basement level to north-east (rear) of property. (Protected
Building).
Applicant: Alcority Limited

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.

INFORMATIVES

For the avoidance of doubt, no permission is sought nor conferred for the hard landscaped upper and lower terrace to the rear (north-east) of the property.

Please see the planning report for comments from Guernsey Harbours regarding proposed soft landscaping and the potential for it to obstruct existing navigation marks.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to excavate ground levels to create tunnel and room/hideaway at basement level to north-east (rear) of property.

The application site comprises a large, prominent, detached dwelling set in extensive grounds at the northern end of the Fort George estate. The whole of the building and various features around it are protected. The site is located within the St Peter Port Conservation Area, although outside of the Main Centre Outer Area boundary, and is also adjacent to a Site of Special Significance and Area of Biodiversity Importance.

Relevant History:

FULL/2023/1442 – Application pending to erect 2 detached outbuildings/orangeries to north-east (rear) elevation (Protected Building).

14/01/2021 – FULL/2020/1253 – Permission granted to alter ground levels and erect retaining wall to create basement light well to east (rear) of property, alteration to fenestration and internal alterations, install oil tank, erect oil tank/bin enclosure and gates (Protected Building).

08/07/2016 - FULL/2016/0845 – Permission granted for conversion of existing 3 apartments to 1 dwelling, demolish existing extensions and erect 1st floor extensions on south east and north west elevations, erect glazed conservatory at rear and install terraces at rear (north east) with garage below and create lightwells to front elevation (Revised scheme) (Protected Building).

Existing Use(s):

Residential

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:

GP2 – Sites of Special Significance
GP4 – Conservation Areas
GP5 – Protected Buildings
GP7 – Archaeological Remains
GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development

Consultations:

Culture and Heritage, 22/09/2023

"We do not have any particular archaeological concerns about the proposed creation of the tunnel and 'hideaway' room. Much of the area to the north-east of Belvedere House has already been excavated to a depth considerably below any potential archaeological interest in recent years. The applicants have also indicated that they will take steps to protect the German structures in this area".

Guernsey Harbours and Airports, 01/09/2023

"With regards to the planning applications for Belvedere House. Full/2023/1433 and FULL/2023/1422. Belvedere House is a prominent navigation mark for commercial shipping and leisure vessels. As per the conveyance documents for said property the following must be adhered to.

Document attached.

Item 5.2 - To keep the seaward facing side of Belvedere house painted as at present in white paint.

Item 5.3 - Not to plant or allow to grow or remain in any part of Belvedere premises any tree shrub or plant or construct any permanent or temporary building which shall in any way interfere impede or cause to obstruct the visibility from sea of either the belvedere light or the silhouette of Belvedere house and should there be at anytime interference or obstruction of the visibility from the sea of Belvedere light or Belvedere house the States or their successors in title may enteron the relevant part of Belvedere premises and remove the interference and obstruction and recover (as a civil debt) the costs of such works from the owner for time being of Belvedere premises.

Whilst the two outbuildings at present do not appear to obstruct the view of Belvedere House as noted in the plans. We do have some concerns with the mention

of extensive landscaping to conceal the underground room that this may obstruct the view of Belvedere House from the sea”.

Conclusion/Brief comment:

The impact of the development on the protected building would be minimal and the harm caused by the creation of a doorway would be outweighed by the reasonable aspirations of the owner. The symmetry, appearance and setting of the protected building would be respected. The proposal accords with Policies GP4 and GP5.

Culture and Heritage raise no particular concerns about the creation of the tunnel and ‘hideaway’ room and note that the applicant has indicated that they will take steps to protect the German structures in this area.

Guernsey Harbours raise concerns about the mention of extensive landscaping to conceal the underground room and the potential for this to obstruct the view of Belvedere House from the sea, which is used as a navigation mark. There would be limited scope for planning conditions to control the location, nature and height of soft landscaping, particularly in the long term. Guernsey Harbours advises that the conveyance document includes conditions to ensure that soft landscaping is managed to prevent it from obscuring the visibility of Belvedere House from the sea and this would provide a more effective form of control than could be achieved through the planning process. However, it would be appropriate to draw the applicant’s attention to the comments of Guernsey Harbours regarding any proposed soft landscaping and the potential for it to obstruct existing navigation marks.

Works associated with the tunnel and basement level room should have no material impact on the adjacent Site of Special Significance, and the application is therefore considered to accord with Policy GP2.

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: 03/10/2023

