

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 for partial demolition, extension, alteration and change of use of restaurant and land (Retail Use Class 11) to domestic use as part of adjoining dwelling (Residential Use Class 1) - Alter roof form and increase floor area to south and north elevation.

LOCATION: The Auberge, Route De Jerbourg, St. Martin.

APPLICANT: Petit Port Pension Scheme

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: 03/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects - 387_60_P02, _100_P01, _120_P02, 300_P01 & _310_P01

Application Ref: FULL/2023/1470

Property Ref: J016310000

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 27/01/2025.

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 variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 28/01/2022, issued under planning application reference FULL/2021/0508, 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 27/01/2025 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/2023/1470
Property Ref: J016310000
Valid date: 31/08/2023
Location: The Auberge Route De Jerbourg St. Martin Guernsey GY4 6BH
Proposal: Variations to previously approved plans for partial demolition, extension, alteration and change of use of restaurant and land (Retail Use Class 11) to domestic use as part of adjoining dwelling (Residential Use Class 1) - Alter roof form and increase floor area to south and north elevation.

Applicant: Petit Port Pension Scheme

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.

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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 28/01/2022, issued under planning application reference FULL/2021/0508, 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:

The application site is located on the Jerbourg Peninsula and is situated to the north-east of Jerbourg Road, St. Martin. The property is located Outside of the Centres and adjacent to the south cliffs, a Site of Special Significance, as designated under the Island Development Plan (IDP).

Works are currently underway on site to implement the permission issued under FULL/2021/0508 to form a single dwellinghouse at the site.

The topography of the site slopes steeply upwards from the south of the building towards a former car park to the east. The former car park is within the curtilage of the building, located at the foot of the Doyle Monument. Due to its topography, the site benefits from long distance views of St Peter Port and towards the other Islands.

The application seeks variations to previously approved plans for extension, alteration and change of use of restaurant and land to domestic use, including alterations to the roof form and increased floor area to the south and north elevation to the west of the building.

Relevant History:

28/01/2022 FULL/2021/0508 Permission for partial demolition, extension, alteration and change of use of restaurant and land (Retail Use Class 11) to domestic use as part of adjoining dwelling (Residential Use Class 1).

Existing Use(s):

Development site

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:

GP8 - Design
GP9 - Sustainable Development
GP13 - Householder development

Conclusion/Brief comment:

The proposed variations would have no adverse impact on the appearance of the building, character of the area, or amenity of adjoining properties.

The area of the proposed works is set away from the Site of Special Significance and would have no adverse impacts on the SSS.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations 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.

Recommendation:

Grant with Conditions

x

Date: 02/10/2023