

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: Erect 3 domes and a shed on terrace to south (rear) elevation (retrospective).

LOCATION: Duke Of Richmond Hotel, Cambridge Park Road, St. Peter Port.

APPLICANT: Ms Helen Lenkovska

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: 23/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block layout plan, site location plan, plan drawing, dome and shed specification (all date stamped received 4th September 2023).

Application Ref: FULL/2023/1530

Property Ref: A111910000

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.Permission is granted for the erection and use of the domes and shed for a temporary period until 2nd January 2024, after which the use shall cease and the domes and shed shall be dismantled and removed from the site within 10 days

thereafter.

Reason - To clarify the terms of this permission, the domes and shed being unsuitable for permanent retention.

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 domes and shed hereby permitted shall not be used before 08:00 hours and after 22:30 hours each day.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 22/11/2026 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/2023/1530
Property Ref: A111910000
Valid date: 04/09/2023
Location: Duke Of Richmond Hotel Cambridge Park Road St. Peter Port
Guernsey
Proposal: Erect 3 domes and a shed on terrace to south (rear) elevation
(retrospective).

Applicant: Ms Helen Lenkovska

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. Permission is granted for the erection and use of the domes and shed for a temporary period until 2nd January 2024, after which the use shall cease and the domes and shed shall be dismantled and removed from the site within 10 days thereafter.

Reason - To clarify the terms of this permission, the domes and shed being unsuitable for permanent retention.

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 domes and shed hereby permitted shall not be used before 08:00 hours and

after 22:30 hours each day.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Brief Description of the site:

This application proposes the erection of 3no. dome structures and a timber shed on the Richmond Hotel sun terrace.

The application site is located in a Main Centre Inner Area and Conservation Area under the Island Development Plan.

Relevant History:

FULL/2022/1866 - Erect three domes and a shed on terrace to south elevation – approved.

FULL/2021/2177 - Erect 3 domes and a shed on terrace to south (rear) elevation – approved.

FULL/2019/2096 - Erect three domes and a shed on terrace south elevation (Retrospective).
approved.

Existing Use(s):

Hotel – Serviced Visitor Accommodation Use Class 7

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

GP8 – Design

MC8 – Visitor Accommodation in Main Centres and Main Centre Outer Areas

Consultation:**Office of Environmental Health and Pollution Regulation:**

I have reviewed the proposed plans for the erection of three domes and a shed on the terrace to the south (rear) elevation of the above premises. I have also reviewed the additional information provided regarding the proposed use, operation times and dates between which the domes will be used.

I am concerned that if the dates and times of use of the domes and shed are not restricted by conditions being applied to a planning consent, there could be a loss of amenity on the closest neighbouring residential properties arising from noise disturbance. I understand the domes and shed are intended to be used for private dining and will be used on a temporary basis between 17th November 2023 and 2nd January 2024.

I recommend that the following conditions are applied in order to minimise the potential for noise disturbance:

- The domes or shed must not be used before 08:00 hours and after 22:30 hours each day.
- The domes and shed must not be used after 2nd January 2024, unless otherwise agreed in writing by the Authority.

I would be grateful if these issues are considered during the determination of this application.

Conclusion/Brief comment:

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.

The application is acceptable in relation to the above policies and other material planning considerations, subject to the permission being granted for a temporary period only and with limitations on hours of use as previously.

Recommendation:

Grant with Conditions



Date: 23/11/23

