

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: Install replacement roof covering and install rooflight to north-west (front) elevation and alteration to fenestration (Protected Building).

LOCATION: 18 Fountain Street, St. Peter Port.

APPLICANT: Mr P Roussel

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: 20/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 18/1/23A, 'site block plan' (date stamped received 15th February 2024), 18/2/23 (date stamped received 26th January 2024).

Application Ref: FULL/2024/0171

Property Ref: A400240000

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.

4.Prior to replacement of the existing dormer window unit, large scale drawings (1:20 elevations) of the new window unit shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To ensure sufficient details of the window frame, at appropriate scale, are provided in order to preserve the special interest of the protected building.

5.Prior to removal of the roof slates, a specification or sample of the proposed replacement slates shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To ensure the special interest of the protected building is preserved.

6.Leadwork shall be installed in accordance with Lead Sheet Association instructions.

Reason - To ensure the special interest of the protected building is preserved.

7.The replacement rooflight hereby approved shall be fitted flush with the roof plane in which it is positioned.

Reason - To ensure the special interest of the protected building is preserved.

Expiry Date: This permission will cease to have effect on 20/06/2027 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/2024/0171
Property Ref: A400240000
Valid date: 15/02/2024
Location: 18 Fountain Street St. Peter Port Guernsey GY1 1DA
Proposal: Install replacement roof covering and install rooflight to north-west (front) elevation and alteration to fenestration (Protected Building).

Applicant: Mr P Roussel

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.

4. Prior to replacement of the existing dormer window unit, large scale drawings

(1:20 elevations) of the new window unit shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To ensure sufficient details of the window frame, at appropriate scale, are provided in order to preserve the special interest of the protected building.

5. Prior to removal of the roof slates, a specification or sample of the proposed replacement slates shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To ensure the special interest of the protected building is preserved.

6. Leadwork shall be installed in accordance with Lead Sheet Association instructions.

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7. The replacement rooflight hereby approved shall be fitted flush with the roof plane in which it is positioned.

Reason - To ensure the special interest of the protected building is preserved.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a protected building which is located in a Conservation Area, Main Centre Inner Area and Regeneration Area as designated in the Island Development Plan.

Planning permission was recently granted to change the use of the ground floor from General Retail (Use Class 10) to a Cafe (Use Class 11) (Protected Building). The applicant has not notified the Authority whether the change of use has taken place as noted in the informative as part of application FULL/2023/0311, therefore the original use remains unchanged.

Planning permission is sought to install a replacement roof covering and install a roof light to the north-west (front) elevation, and alter the fenestration.

The application was deferred as concerns were raised with regards to potential works to the rear of the property at ground floor level with regards to a replacement window which was set out as part of application FULL/2023/0311.

The applicant has decided to omit the works to the rear of the property at ground floor level and proceed with works to the roof.

Relevant History:

FULL/2023/0311	Change of use from General Retail (Use Class 10) to Cafe (Use Class 11) (Protected Building).	Granted
FULL/2021/1669	Reinstatement work to front elevation and internal alterations (protected building) (part retrospective).	Granted
FULL/2017/2620	Alterations to property; repair / partial replacement of external rain water system (front elevation) and internal alterations. (Protected Building).	Granted

Existing Use(s):

First, second and third floor - Residential

Ground floor - Retail

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
GP13 Householder Development

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.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

Based on the information submitted, the following works to; recover the roof using natural replacement slates, recover the dormer window in GRP, recover the front and rear parapets in GRP, recover the rear dividing wall parapets in lead, replace a roof light on the front elevation, install leadwork to the south west chimney, reline the gutters in lead, enlarge sump and replace the hopper, and replace a dormer window unit on the rear elevation in PVCu, are all considered reasonable aspirations of the property owner when taking into account particular special interest of the protected building and the existing fabric of the building.

It is however reasonable to attach appropriate conditions to ensure that the special interest of the protected building is preserved, including the leadwork, replacement dormer window unit, details of the roof slates, and ensuring that the replacement roof light be flush fitting.

Overall, the reasonable aspirations of the property owner outweigh the harm to the special interest of the protected building and therefore are compliant with Policy GP5.

The proposal will not adversely affect the character or appearance of the Conservation Area, or the amenities of neighbouring residents.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 20/06/24