

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: Retain erected shed for temporary period (01/04/24 - 30/04/25).

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

APPLICANT: The Duke of Richmond Hotel

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: 01/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site location plan, block layout plan, sketch plan and photograph of timber shed (all date stamped received on 13th March 2024).

Application Ref: FULL/2024/0429

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. 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.

3. The timber shed, however named, shall only be in situ between 1st April 2024 until 30th April 2025, after which the use shall cease and the shed shall be dismantled and removed from the site within 10 days thereafter.

Reason - The shed was originally erected for dining purposes as part of application FULL/2023/1530, and now as an outdoor bar as part of this application. The premises are close to residential property and limit on its use is needed to prevent a nuisance or annoyance to nearby residents.

4. The shed or outdoor bar, however named, hereby permitted shall not be used before 08:00 hours and after 20:00 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 10/05/2025 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/2024/0429
Property Ref: A111910000
Valid date: 13/03/2024
Location: Duke of Richmond Hotel Cambridge Park Road St. Peter Port
Guernsey GY1 1UY
Proposal: Retain erected shed for temporary period (01/04/24 -
30/04/25).

Applicant: The Duke of Richmond Hotel

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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OFFICER'S REPORT

Brief Description of the site:

This application proposes to retain an existing timber shed on the Richmond Hotel sun terrace, located towards the west boundary of the site to the rear of the site.

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

Retrospective permission (FULL/2023/1530) was granted in 2023 to erect 3 domes and a shed on the terrace area to the rear of the site. The domes and shed were used for dining purposes. The use of the structures was controlled for a limited period of time in the interests of neighbour amenity.

Permission was later granted to vary the permission (FULL/2023/2450) to retain the 3 domes and shed until 31/03/2024.

Permission is now sought to extend the period until 30th April 2024 for the shed only.

Further information was requested with regards to the use of the shed. The applicant has provided additional information which was subsequently passed onto Environmental Health for their comments.

Relevant History:

FULL/2023/2450 - Variation of planning condition 2 of FULL/2023/1530 to allow erection of 3 domes and a shed until 31/03/2024 – approved

FULL/2023/1530 - Erect 3 domes and a shed on terrace to south (rear) elevation (retrospective) – approved.

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	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP4 – Conservation Areas

GP8 – Design

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

Consultation – The Office of Environmental Health and Pollution Regulation:

Thank you for sending this application to me for consultation. I have reviewed the proposed plans for the erection of the shed between 1st April 2024 and 30th April 2025 on the terrace to the south (rear) elevation of the above premises. I have also reviewed the additional information provided including the email chain between you and Helena Lenkovska, Deputy General Manager at the hotel, in which the proposed use and operation times of the shed are confirmed.

I understand the shed is intended to be used as an outdoor bar in which staff will primarily make customers' drinks, but that customers may also approach and order drinks from it directly. I am concerned that if the times of operation of the shed are not restricted by a condition, there could be a loss of amenity on the closest neighbouring residential properties arising from noise disturbance.

I recommend that the following condition is applied to minimise the potential for noise disturbance:

- The shed must not be used before 08:00 hours and after 20:00 hours each day.

I would be grateful if this is 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 Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Due to the extended period of time to allow the shed to remain in situ, the Planning Service has consulted with the Office of Environmental Health and Pollution Regulation. In light of the Office of Environmental Health and Pollution Regulation's comments, it is reasonable and necessary to impose a planning condition to restrict the hours of operation of the shed which will primarily be used as an outdoor bar to make customer's drinks in the interest of protecting neighbour amenity from noise disturbance.

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.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 30/04/24

