

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 plans previously approved for change of use of House of Multiple Occupation (Use Class 6) to create 3 flats (Use Class 2), internal and fenestration alterations. (Revised scheme). (Protected Building) - Replacement fenestration to south (front) elevation and internal alterations.

LOCATION: Le Chateau, Victoria Road, St. Peter Port.

APPLICANT: Vestageld 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: 17/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2323/02.01C, .02B & Le Chateau Planning Application Page SS.17, French Windows Page 1 & 2.

Application Ref: FULL/2024/0465

Property Ref: A303790000

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 28/11/2026.

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 removal of the existing French doors to the front (south) elevation of the property, large-scale drawings (1:20 elevations) shall be submitted to and agreed in writing by the Authority. The french doors shall be installed in accordance with the approved details.

Reason - The drawings submitted are not an appropriate scale. Further information is needed to ensure that the special interest of the protected building is preserved.

5.Prior to installation of replacement French doors to the front (south) elevation of the property, a specification of the handles shall be submitted to and agreed in writing by the Authority. The handles to the french doors shall be installed in accordance with the approved details.

Reason - The drawings submitted do not provide full details of the proposed handles. Further information is needed to ensure that the handles are appropriate and the special interest of the protected building is preserved.

6.Prior to installation, full details of the external appearance and materials of the external steps serving the replacement French doors shall be submitted to and agreed in writing by the Authority. The agreed details shall be implemented.

Reason - The drawings submitted do not provide full details of the proposed steps. Further information is needed to ensure that the steps are appropriate and the special interest of the protected building is preserved.

7.Prior to installation of the shower room partitions for Flat 2, section drawings (at an appropriate scale) that clearly shows how the partition would relate to the staircase (both the side at ground floor level and the underside of the upper part of the affected

flight), shall be submitted to and agreed in writing by the Authority.

Reason - The drawings submitted do not provide full details of this area of works. Further information is needed to ensure that the special interest of the protected building is preserved.

8. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 29/11/2023, issued under planning application reference FULL/2023/1285, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

Expiry Date: This permission will cease to have effect on 28/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that you contact the Authority should the applicant wish to; alter any window openings, alter the ground floor ceilings, or alter the ground floor structure following investigative works.

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/2024/0465
Property Ref: A303790000
Valid date: 11/03/2024
Location: Le Chateau Victoria Road St. Peter Port Guernsey GY1 1HY
Proposal: Variations to plans previously approved for change of use of House of Multiple Occupation (Use Class 6) to create 3 flats (Use Class 2), internal and fenestration alterations. (Revised scheme). (Protected Building) - Replacement fenestration to south (front) elevation and internal alterations.

Applicant: Vestageld 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 on or before 28/11/2026.

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 removal of the existing French doors to the front (south) elevation of the property, large-scale drawings (1:20 elevations) shall be submitted to and agreed in writing by the Authority. The french doors shall be installed in accordance with the approved details.

Reason - The drawings submitted are not an appropriate scale. Further information is needed to ensure that the special interest of the protected building is preserved.

5. Prior to installation of replacement French doors to the front (south) elevation of the property, a specification of the handles shall be submitted to and agreed in writing by the Authority. The handles to the french doors shall be installed in accordance with the approved details.

Reason - The drawings submitted do not provide full details of the proposed handles. Further information is needed to ensure that the handles are appropriate and the special interest of the protected building is preserved.

6. Prior to installation, full details of the external appearance and materials of the external steps serving the replacement French doors shall be submitted to and agreed in writing by the Authority. The agreed details shall be implemented.

Reason - The drawings submitted do not provide full details of the proposed steps. Further information is needed to ensure that the steps are appropriate and the special interest of the protected building is preserved.

7. Prior to installation of the shower room partitions for Flat 2, section drawings (at an appropriate scale) that clearly shows how the partition would relate to the staircase (both the side at ground floor level and the underside of the upper part of the affected flight), shall be submitted to and agreed in writing by the Authority.

Reason - The drawings submitted do not provide full details of this area of works. Further information is needed to ensure that the special interest of the protected building is preserved.

8. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 29/11/2023, issued under planning application reference FULL/2023/1285, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

INFORMATIVES

It is recommended that you contact the Authority should the applicant wish to; alter any window openings, alter the ground floor ceilings, or alter the ground floor

structure following investigative works.

OFFICER'S REPORT

Brief Description of the site:

Le Chateau is a detached 2.5 storey building of distinctive design and character located on the north-east side of Victoria Road. The whole of Le Chateau is a protected building. It is within the St Peter Port Conservation Area as designated in the Island Development Plan (IDP) Proposals Map.

The ground floor is recognised as a House in Multiple Occupation (HMO) as it is split into 5 bedsits, with two shared bathroom facilities. The first floor is comprised of a two-bedroom flat.

Planning permission was granted in 2023 to change the use of the property from a HMO to create 2 flats on the ground floor, and retaining the first floor 2 bedroom flat, as well as making internal alterations to the building. The property would then serve as 3 flats. It is understood that the change of use has not taken place.

Planning permission is now sought to vary the plans previously approved (FULL/2023/1285) in order to replace the fenestration, at ground and first floor, to the south (front) of the property, and make internal alterations. The main door located on the ground floor will remain unchanged.

The premise behind the application is to provide separate access to each of the three flats via using the existing openings in the building in attempt to reduce the harm to the interior of the building to facilitate the approved change of use (FULL/2023/1285).

The application has been accompanied by carpenter's details and a Statement of Significance has also been provided which sets out the agent's assessment of the value of some elements of the building.

Relevant History:

FULL/2023/1285	Change of use of House of Multiple Occupation (Use Class 6) to create 3 flats (Use Class 2),	Granted
FULL/2022/1217	Convert house of multiple occupancy (Use Class 6) to 3 residential flats (Use Class 2) (Protected	Withdrawn
PREA/2021/2653	Alteration to fenestration and Internal layout to convert ground floor to create 2 flats (Protected	Pre-application
FULL/2014/3201	Erect single storey pitched roof extension (rear elevation) and install window (side elevation).	Granted

FULL/2014/1853	Erect a conservatory at rear of dwelling (Protected Building).	PPREF
PAPP/2007/3417	Extend and alter dwelling to form lodging house	PMTGCD
HAPP/2007/1152	Alter and extend dwelling to provide three flats.	HPMTGTD

Existing Use(s):

Residential use class 6 (house of multiple occupation) – ground floor.

Residential use class 1 (flat) - first floor

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:

MC2 Housing in Main Centres and Main Centre Outer Areas

GP4 Conservation Areas

GP5 Protected Buildings

GP8 Design

GP9 Sustainable Development

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.

The existing doors to the front of the building are considered to make a 'neutral' contribution to the special interest of the protected building given that they appear to be mid-to late 20th Century insertions, albeit still possess some architectural qualities to the overall design and appearance of the building. In light of the Authority's guidance note CN11 (Windows and Doors in Protected Buildings), the principle to replace windows and/or doors that have a neutral effect on the overall special interest of a protected building is supported, provided the replacement windows and/or doors are appropriate to the overall architectural or traditional interest of such building.

In this case, the replacement doors would reflect the means of opening, style, and overall design of the existing doors, albeit with new handles. It is necessary and reasonable that large scale drawings of the existing and proposed doors are submitted to ensure that the detail of the existing doors is clear, and proposed doors

are appropriate, including the handles. Other appropriate conditions should also be attached to ensure the detailing of the proposal preserves the protected building.

In addition to the above, the potential effect to the interior of the building as approved under permission FULL/2023/1285 can be mitigated as a result of the proposed doors, and therefore this aspect has been taken into account as part of the decision-making process.

Overall, the reasonable aspirations of the householder has outweighed the potential harm to the protected building as a result of the development. The proposal accords with Policy GP5.

There will be no adverse effect on the character or appearance of the Conservation Area or neighbour amenity. Consequently, the proposal is compliant with GP4, and GP8.

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: 15/05/24

