

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: Demolish lean-to covered access to north (side) elevation (Protected Building).

LOCATION: 38 High Street, St. Peter Port.

APPLICANT: Kirkwood Properties

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: 04/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2160 03.18 & 19

Application Ref: FULL/2024/1300

Property Ref: A200290000

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. The walls of the buildings to which the structure hereby approved for removal is attached shall be made good to match the remainder of those walls within 28 days of the structure being removed.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 04/09/2027 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/2024/1300
Property Ref: A200290000
Valid date: 26/07/2024
Location: 38 High Street St. Peter Port Guernsey GY1 2JU
Proposal: Demolish lean-to covered access to north (side) elevation
(Protected Building).

Applicant: Kirkwood Properties

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).

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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 walls of the buildings to which the structure hereby approved for removal is attached shall be made good to match the remainder of those walls within 28 days of the structure being removed.

Reason - To secure the satisfactory appearance of the completed development.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises an historic building with linked annex to the rear located on the west side of the High Street. The main building is arranged over four floors, with a basement, whilst the link is two storeys and the annex three. The upper floors are accessed from the alley which runs along the north side of the building. The ground and first floor of the building frontage on to the High Street have been altered to form shop fronts, whilst the upper floors retain the original façade. The site is located within the St Peter Port Main Centre, the Core Retail Area and Town Conservation Area in the Island Development Plan. The whole of the main part of the building and link feature is protected, however the annex itself is not.

Relevant History:

FULL/2022/1746 - Change of use of upper floors from residential and bar to create 7 flats (use class 2) and ancillary retail facilities (use class 10), replace link, roof covering and windows, install rooflights and create roof terrace at 2nd floor level, remove external staircase and internal alterations (Protected Building) – Approved September 2023.

Existing Use(s):

Ground floor: Retail Use Class 10 (general retail)
First floor: Part Retail Use Class 11 (bar)
Part Retail Use Class 10 (general retail - store)
Second and third floors: Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

MC6: Retail in Main Centres

GP4: Conservation Areas

GP8: Design

Conclusion/Brief comment:

This application is to demolish a lean-to covered access area to the north side elevation of the property.

The link is not considered to be an original part of the building and was probably constructed around the middle of the 20th century, due to this it is not considered to be of any architectural merit and its removal is not considered to have any detrimental impacts on the character and appearance of the surrounding conservation area.

The removal of the covered area is also not considered to have any harmful impacts on the special interest of either protected building (to which the cover is attached).

Lastly the removal of the covering is not considered to affect any neighbour amenity.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 04/09/2024

