

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: Temporary demolition and re-building of a section of east roadside wall (Retrospective).

LOCATION: Kingsley House, Clifton, St. Peter Port.

APPLICANT: Kingsley Height Limited (In Administration)

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: 11/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Location Plan; Socrates Architects Ltd - 2024027 GA(11)-300/1

Application Ref: FULL/2024/1340

Property Ref: A201180000

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 section of wall which has been demolished shall be reconstructed on a like-for-like basis as shown on Drawing No 2024027-GA(11)-300/1 within 12 months of the date of this decision.

Reason - To secure the satisfactory appearance of the completed development in a timely manner.

Expiry Date: This permission will cease to have effect on 11/09/2027 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/2024/1340
Property Ref: A201180000
Valid date: 30/07/2024
Location: Kingsley House Clifton St. Peter Port Guernsey GY1 1JR
Proposal: Temporary demolition and re-building of a section of east roadside wall (Retrospective).

Applicant: Kingsley Height Limited (In Administration)

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 section of wall which has been demolished shall be reconstructed on a like-for-like basis as shown on Drawing No 2024027-GA(11)-300/1 within 12 months of the date of this decision.

Reason - To secure the satisfactory appearance of the completed development in a timely manner.

OFFICER'S REPORT

Site Description:

The application site comprises a 3-storey building with basement, set back from and facing east towards the junction of North Clifton, Clifton and Berthelot Street behind a tall granite wall and decorative arched pedestrian gateway. The site adjoins residential properties to the north and south (two of which are protected buildings) and a private car park to the west.

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

Relevant History:

FULL/2021/0562 Change of use from office to additional flat. Demolish extensions, raise roof ridge height, extend to south (side) and west (rear) elevation and alterations to fenestration. Erect bin and bike store to east boundary and landscaping. Approved 04/10/2021

Existing Use(s):

Residential Use Class 2 - Flats

Brief Description of Development:

Permission is sought in retrospect for the demolition of the upper part of the southern section of the east roadside wall, retaining the lower 1m of wall in situ. This work is proposed to facilitate construction access and the wall will be reconstructed post-construction.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP4 – Conservation Areas
GP5 – Protected Buildings
GP8 – Design
GP9 – Sustainable Development

GP13 – Householder Development
IP9 – Highway Safety, Accessibility and Capacity

Representations:

One letter received making the following points:

- No objections if the access is simply to provide site access during the course of works;
- Concerns if this is a precursor to a future application for permanent parking provision, which would result in the loss of on street car parking;
- The archway on this elevation is protected;
- It is requested that work be undertaken during normal social hours;
- It is requested that provision is made for cleaning adjacent properties affected by dust.

Consultations:

None undertaken.

Summary of Issues:

Impact on the character of the area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal has resulted in a loss of enclosure to the adjacent road, however this would be for a temporary period only, and the wall would be reconstructed on a like-for-like basis within 12 months, a matter which can be controlled by condition. The proposal would not therefore result in any long term impact on the character of the Conservation Area or the setting of adjacent protected buildings. The decorative archway within the roadside boundary is not protected, however the works which have been undertaken have not affected that archway in any way.

The proposal would not result in the creation of vehicular access to the site, and would not therefore give rise to any road safety concerns. As set out above, the wall would be reconstructed within 12 months, and would not form a precedent for the creation of parking at the site.

This application relates to the partial demolition of the roadside wall only, work which has already been carried out. There would not therefore be any scope to

place additional controls on the remainder of the development as a result of this application. Construction hours and practices are matters controlled under separate legislation by the Office for Environmental Health and Pollution Regulation.

The proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 11/09/2024

