

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: Erection of temporary rooftop bar (from 21st October to 12th January each year for a 3 year period) to north elevation of building. (Protected Building)

LOCATION: The Old Government House Hotel, Ann's Place, St. Peter Port.

APPLICANT: The Old Government House 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: 18/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 2328 SK-01E

Application Ref: FULL/2024/1551

Property Ref: A113740000

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. This permission is given for a limited period of three years expiring on 12th January 2027, by which time the scaffold walls and tarpaulin structure shall be dismantled and removed from the site and the area reinstated to its former use and condition to the satisfaction of the Authority.

Reason - To define the extent of this permission given the temporary design and appearance of the approved structure and the impact of the development on the character and appearance of the Conservation Area in the long term.

4. The hereby approved temporary rooftop bar shall only be erected and retained between 21st October and 12th January each year. No permission is conferred for the rooftop bar to be retained between at any other time throughout the year.

Reason - The permission is granted to meet a declared short term need and because it is a development which by virtue of its nature and impact is considered to be unacceptable on a permanent basis.

Expiry Date: This permission will cease to have effect on 18/10/2027 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/2024/1551
Property Ref: A113740000
Valid date: 10/09/2024
Location: The Old Government House Hotel Ann's Place St. Peter Port
Guernsey GY1 2NU
Proposal: Erection of temporary rooftop bar (from 21st October to 12th
January each year for a 3 year period) to north elevation of
building. (Protected Building)
Applicant: The Old Government House Hotel

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 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.

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3. This permission is given for a limited period of three years expiring on 12th January 2027, by which time the scaffold walls and tarpaulin structure shall be dismantled and removed from the site and the area reinstated to its former use and condition to the satisfaction of the Authority.

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Reason - The permission is granted to meet a declared short term need and because it is a development which by virtue of its nature and impact is considered to be unacceptable on a permanent basis.

OFFICER'S REPORT

Brief Description of the site:

The OGH Hotel consists of a large hotel building located between Ann's Place to the south and Hospital Lane to the north. The roof terrace which forms the subject of this application is located in the north-west corner of the site. The site is located within the St Peter Port Conservation Area and Main Centre Inner Boundary.

The Old Crown Office in the south-east corner of the site and the front main entrance steps, railings and porch on the south elevation are a protected building.

The application relates to the erection of a temporary rooftop bar. The agent in this case requests that permission is granted for a three year period 21st October to 12th January finishing in 2027. The temporary covered bar is proposed to be a scaffold canopy over part of the roof terrace bordering Hospital Lane.

The scaffolding is proposed to be covered with a white tarpaulin.

Relevant History:

FULL/2023/0958 – Permission granted to erect a temporary rooftop bar (October 2023 to January 2024) to north elevation of building
Informative note included in permission highlighting the need to explore a more appropriate and sympathetic solution for a covered roof top bar in this case.

FULL/2022/1071 – Permission granted to erect a temporary rooftop bar (November to January) to north elevation of building.

FULL/2019/1840 – Permission granted to erect temporary scaffold canopy over part of existing roof terrace and form temporary bar to north of hotel.

FULL/2018/2023 – Permission granted to erect temporary scaffold canopy over part of existing roof terrace and form temporary bar, lounge within.

FULL/2017/2612 – Permission granted to erect temporary scaffold canopy over part of roof terrace to form temporary bar.

Existing Use(s):

Visitor economy use class 7: serviced visitor accommodation (Hotel)

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:

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

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Consultation:

Office of Environmental Health and Pollution Regulation – have reviewed the proposed plans and there are no issues of concern that are raised. Records show that similar applications have been made in the past and OEHPR has received no complaints and do not wish to raise any objections to the proposal.

Conclusion/Brief comment:

The design and materials of the proposed scaffold canopy represents a temporary form of development that does not achieve a good standard of design. However, the siting of the canopy, at third floor level and set back from the boundary wall, reduces the prominence of the structure in public views along Hospital Lane. The scaffold canopy is also likely to be visible in glimpses through trees from Candie Gardens although the prominence of the structure would be reduced by the existing trees.

The tarpaulin as part of this application will be finished in white which will help to assimilate the development into its surroundings, compared to the former wood cladding effect printed tarpaulin.

Although there are reservations about the quality of the design, the temporary nature of the development would limit the harm caused to the character and appearance of the Conservation Area.

The development would provide some limited social and economic benefits, and due to the particular circumstances in this case and the temporary nature of the

development, it is considered that any harm to the Conservation Area in this instance would be of short duration and therefore the overall impact will be limited such that the proposal does not conflict with Policies GP4 and GP8.

As per the 2023 application the agent has requested a three-year permission for the proposed rooftop bar. Notwithstanding the temporary design/appearance of the development, on the basis that active engagement with the applicant is planned by the Planning Service in future, to find a more satisfactory, permanent solution, the three year temporary permission will enable such discussions to be held and a better solution found and permission sought for any such alternative scheme.

The granting of a temporary, three year permission in this instance, does not infer that similar forms of development will be acceptable in future.

The terrace which forms the subject of this application is completely disconnected from the protected areas of the hotel complex and there would be no impact on the setting of the protected building.

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: 15/10/2024

