

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: Erect single-storey extension, install roof covering, roof lights and balustrade above existing slab and basement - (Revised scheme) (site of a Protected Building).

LOCATION: Delancey Park House, Rue Des Monts, St. Sampson.

APPLICANT: Bermer Hotels Ltd

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: 14/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects - 3117 CS01A, CS02A, CS03B, CS04

Application Ref: FULL/2024/1697

Property Ref: B005960000

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.

Expiry Date: This permission will cease to have effect on 14/11/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the use of the basement floorspace for a purpose ancillary and incidental to the principal dwelling presently known as Delancey Park House. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2024/1697
Property Ref: B005960000
Valid date: 15/10/2024
Location: Delancey Park House Rue Des Monts St. Sampson Guernsey
GY2 4HT
Proposal: Erect single-storey extension, install roof covering, roof lights
and balustrade above existing slab and basement - (Revised
scheme) (site of a Protected Building).

Applicant: Bermer Hotels Ltd

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).

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the use of the basement floorspace for a purpose ancillary and incidental to the principal dwelling presently known as Delancey Park House. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached property (Delancey Park House) with large gardens situated to the west of Rue Des Monts. The property is a protected building, which includes the building in its entirety and the roadside wall and railings.

Surrounding the site, the area is predominantly residential with mixed building types and design.

The property is situated within the Main Centre Outer Area and a Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2018/1134	To erect a pavilion building for use as a library (Protected Building).	Granted 13/07/2018
FULL/2014/1806	Demolish existing store, alter and extend store to create changing room and install three sets of entrance gates.	Granted 23/07/2014
PAPP/2004/0220	Erect a pavillion for use as a library.	Granted 09/03/2004

Existing Use(s):

Residential

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:

GP4: Conservation Areas
GP5: Protected Buildings
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

Planning permission was granted on 09th March 2004 to erect a pavilion to be used as a library (Ref: PAPP/2004/0220). The foundations were laid and the flooring constructed to slab level, but construction works stopped on site in 2008. Given the length of time that lapsed between the original approval, the original 2004 permission expired and an application to reconsider the building under the policies of the Island Development Plan was submitted and approved in 2018 (ref: FULL/2018/1134).

Planning permission is now sought to erect a single-storey extension, install a roof covering/rooflight (above the opening to the basement), roof lights and a balustrade all above the existing slab and basement.

The Authority also has a duty under Section 34 of the Law to wherever possible ensure the special interest of a protected building is not harmed and to pay special attention to preserving the protected buildings special characteristics. This duty is encapsulated in Policy GP5 which supports proposals to extend or alter a protected building where the development proposed does not have an adverse effect on the special interest of the particular protected building or its setting. The policy states that in all cases proposals must accord with other relevant policies of the IDP.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Within Conservation Areas Policy GP8 seeks to ensure that new development achieves a particularly high standard of design whilst making effective and efficient use of land and respecting the character of the local built environment or the open landscape concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours, provide soft and hard landscaping where this reinforces local character or mitigates the development.

The proposal will be built on the existing foundations/floorslab that has been constructed on site (in accordance with the previous approval in 2004/2018). The alterations proposed will enable an internal stairwell to be constructed to provide

access from the existing slab level into the basement and to enclose existing openings to the basement to make it wind rain and watertight to enable it to be used as ancillary storage for the main dwelling.

The property is set on large grounds and given the scale and nature of the alterations proposed and that they will be situated to the rear of the main dwelling circa 30m distance the scheme would have no adverse effects on the setting of the protected building or on the character or appearance of the surrounding Conservation Area.

The proposal will be largely screened from neighbouring properties to the east by an existing granite wall and by large trees situated along the southern boundary. Given the scale and nature of the development proposed, no undue harm would be caused on the amenities afforded to the occupiers of any nearby residential properties.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

For the above reasons it is considered therefore that the proposal complies with Policies GP4, GP5, GP8, GP9 and GP13 of the Island Development Plan.

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: 13/11/2024

