

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 chimney to east gable and demolish and rebuild chimney to west gable.

LOCATION: 10 New Place, St. Peter Port.

APPLICANT: VNS Property 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: 11/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan (08/11/24) and photos of chimney (31/10/24).

Application Ref: FULL/2024/1839

Property Ref: A304350003

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 11/12/2027 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/2024/1839
Property Ref: A304350003
Valid date: 08/11/2024
Location: 10 New Place St. Peter Port Guernsey GY1 1ND
Proposal: Demolish chimney to east gable and demolish and rebuild chimney to west gable.

Applicant: VNS Property 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 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.

OFFICER'S REPORT

Site Description:

The property known as '10 New Place' is a three storey early 19th century attached terrace dwelling which has been turned into three flats. The property is slightly set back from and faces south onto New Place. The attached buildings are to the east and west and there is a detached dwelling to the north beyond the garden. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 2: flats.

Brief Description of Development:

This application is to remove both chimneys, rebuild the east gable chimney (considered exempt works) and make good the roof line on the west gable. Removing the chimney for good.

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

Representations:

There has been one letter of representation which is a letter of support; *'We have met with the applicants to discuss the condition of the chimney stack which we share, referred to as stack A on the 'Proposed Works' document submitted as part of the application. We are happy with the proposal to take down and rebuild this stack. We would like to point out, however, that it is not correct to say that 'the chimneys are not used', as on the first page of 'Proposed Works'. Two of the five (not four, as given) pots on our side are in use as flues from wood-burning stoves. We have received assurances from the applicants that these will be rebuilt and reinstated in good working order.'*

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the conservation area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The assessment for this application is for the permanent removal of the east gable chimney, a structural report has been submitted which is basically saying that the gable wall of no.10 is bowing under the weight of the large chimney, this is also because the adjoining property has a much lower ridge, therefore more of the gable wall is carrying the weight of the chimney than the other side.

At present the chimney for No.10 has eight pots, meaning it is very wide, the adjoining neighbour has a very long brick chimney with one pot (this chimney has also requested to be demolished).

Both properties are within the St Peter Port Main Centre and Conservation Area and chimneys are an important feature of the town skyline and contribute to the special quality of the Conservation Area. However, there must be a balance between conserving contributing features and the structural integrity of the buildings. In this case the building, No.10, is retaining the western chimney, which shares working pots with the neighbouring property.

To retain one of the two chimneys is considered acceptable and appropriate in this case because of the structural issues with the eastern chimney.

The removal of the eastern chimney is not considered to have any adverse effects on neighbouring properties and after careful consideration the removal of the chimney is not considered to have any detrimental impacts on the special quality, character or appearance of the surrounding conservation area.

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

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 06/12/2024