

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 gates to west elevation.

LOCATION: 1 York House, South Esplanade, St. Peter Port.

APPLICANT: Mr R Martel

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: 15/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A 7 Design - 21-1253 PD/03

Application Ref: FULL/2024/1969

Property Ref: A40175A001

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 15/01/2028 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/2024/1969
Property Ref: A40175A001
Valid date: 25/11/2024
Location: 1 York House South Esplanade St. Peter Port Guernsey GY1 1AN
Proposal: Erect gates to west elevation.
Applicant: Mr R Martel

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

Brief Description of the site:

The application property occupies an elevated position facing the Harbour to the east. Vehicular access is gained from the rear (west) via Cliff Street. It is adjoined on each side by higher traditional buildings. The application site is located within the St Peter Port Main Centre, Conservation Area and Harbour Action Area. The adjacent buildings to the north, south and west are protected buildings.

Relevant History:

FULL/2023/0053 – Erect garage to west elevation (Revised scheme) – Refused April 2023.

FULL/2021/0607 – Erect garage to west elevation – Refused July 2021.

19/06/2014 – FULL/2014/1144 – Application refused to erect a garage (revised).

09/09/2013 – FULL/2013/2010 – Application refused to erect a garage.

01/10/2021 - PAP/022/2012 – Appeal regarding application FULL/2021/0046 dismissed.

30/03/2012 – FULL/2012/0046 - Application refused to erect a garage.

Existing Use(s):

Residential use class 1: dwelling house.

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:

MC10: Harbour Action Areas
GP4: Conservation Areas
GP5: Protected Buildings (Setting)
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

This application is to install a pair of solid Corten steel fan-gates which open vertically, they will be a total height of 2m when closed and they would be two 2.85m high columns either side of the opening when open.

For the purposes of Policy MC10, the proposed development is of a minor nature, situated within the curtilage of a domestic property, and it would not prejudice the outcome or inhibit the implementation of the Local Planning Brief process for the St Peter Port Harbour Action Area.

Whereas all the previous applications for garages were refused for blocking views of the coast from Cliff Street and Castle Vaudin, the gates would block less of the view when closed and still retain the views when open.

The gates are considered to be a better option to prevent anti-social behaviour and although they are not of an open design, which would be the optimum choice for retaining the views, they are considered acceptable in this instance.

The proposed gates are not considered to have any detrimental impacts on the setting of the adjacent protected building, as they will not touch the building at all.

The gates will not have any impacts on the ability to park on the driveway or effect highway safety when entering or egressing the site, thus the proposals are considered to comply with policies IP7 & IP9.

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.

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: 15/01/2025

