

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: Subdivide ground floor flat to create 2 additional flats (Residential Use Class 2) and extend existing first floor flat.

LOCATION: Platte Fougere, La Route De La Lande, Vale.

APPLICANT: Tai Ming 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: 15/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2137 03 01, 02A, 03, 04, 05 & 06A.

Application Ref: FULL/2021/2000

Property Ref: C01796A000+C01796B000

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 14/11/2024 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/2021/2000
Property Ref: C01796A000+C01796B000
Valid date: 24/09/2021
Location: Platte Fougere La Route De La Lande Vale Guernsey GY3 5BQ
Proposal: Subdivide ground floor flat to create 2 additional flats
(Residential Use Class 2) and extend existing first floor flat.

Applicant: Tai Ming 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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises an isolated building containing 2no. flats, together with attendant outbuildings, located Outside of the Centres and within a Site of Special Significance and Archaeological Area under the Island Development Plan. An adjacent public coastal car park lies immediately to the northwest.

The application relates to the subdivision of the ground floor of Platte Fougere into three flats with associated alterations to fenestration. An extension is proposed to the first floor flat to create a four bedroom unit of accommodation with balcony. As originally submitted, the single-storey outbuilding was proposed to be extended and altered to form a one bedroom unit of residential accommodation however, following concerns raised by the Planning Service regarding this aspect of the development it was omitted from the scheme. The outbuilding is shown to be re-roofed and with replacement windows and doors and will provide a laundry room and five individual stores to serve the flats at Platte Fougere.

Relevant History:

FULL/2018/2743 - Sub-divide and extend ground floor flat to create additional dwelling and extend 1st floor flat – granted

FULL/2019/1492 - Partial demolition, extension and alteration of existing building to form 3 flats (revised scheme) – granted

FULL/2021/1440 - Change of use of flats and outbuilding to flat and premises in multiple occupancy (residential use class 6). Alter entrance and external staircase to north-west elevation – under consideration

Pre-application advice was sought regarding the use of the building as a house in multiple occupation and regarding the use of the outbuilding as habitable accommodation (residential/visitor accommodation)

Existing Use(s):

Residential Use Class 2

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:

Island Development Plan policies:

OC1: Housing Outside of the Centres

GP2: Sites of Special Significance

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications which may affect a Site of Special Significance, to consider whether an assessment of the likely impact of the development on any aspect of the environment is required.

Policy OC1 provides for new residential development Outside of the Centres only, *"where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building."*

Part of this application relates to the creation of two new residential units through the subdivision of an existing flat, then it is acceptable in principle under Policy OC1 provided that it complies with other relevant policies.

In terms of design, the proposed additional flats would have access to an external communal amenity area, and the two new and existing ground floor flat would benefit from internal accommodation of an acceptable size and layout. The flats would also benefit from storage and a laundry room within the existing detached outbuilding.

Policy GP13 is generally supportive of proposals for domestic extensions, alterations and other such householder development, unless material considerations indicate otherwise or conflicts with other Plan policies or the States strategic objectives are identified.

Extensions are proposed to the existing first floor flat which will exclude the previously approved (2018 scheme) enclosed stairwell access and provide a larger extension to the southeast of the building than previously approved. The scheme now under consideration will see the enlargement of the flat from one to four bedrooms and with an alternative living and kitchen arrangement to the approved

scheme. The scheme retains the balcony in line with the previous 2018 approval to the northeast elevation of the building. The extensions and alterations would be proportionate and reflect the design and character of the existing building. As previously identified, there would be some additional overlooking of the communal courtyard from the balcony area, but it is not considered that this would be substantially greater than exists at present.

The proposed works are considered to be of a minor nature such that they would have no significant impact on the quality of the environment, the use of natural resources or biological diversity. This assessment is borne out by supporting information submitted as part of this application, on which basis no impact assessment is required, and the application does not conflict with the purposes of the Law or the aims of Policy GP2.

Information has been submitted which demonstrates that sustainable development principles have been considered in developing this scheme, in accordance with the requirements of Policy GP9.

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.

In view of the above it is recommended planning permission is granted for the development.

Recommendation:

Grant with Conditions



Date: 12 November 2021

