

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: Change of use of 4 self-catering units (visitor economy use class 8) to 4 residential flats (residential use class 2) (retrospective).

LOCATION: St Andrews Court, Le Vauquiedor Clos, Le Vauquiedor, St. Andrew.

APPLICANT: Richel Investments 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: 14/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Robert W Le Page: 5626 / S1 & S2B

Application Ref: FULL/2022/0167

Property Ref: K00430E000

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 13/03/2025 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/2022/0167
Property Ref: K00430E000
Valid date: 07/02/2022
Location: St Andrews Court Le Vauquiedor Clos Le Vauquiedor St.
Andrew Guernsey GY6 8TT
Proposal: Change of use of 4 self-catering units (visitor economy use
class 8) to 4 residential flats (residential use class 2)
(retrospective).
Applicant: Richel Investments 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).

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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:

Change of use of 4 self-catering units (visitor economy use class 8) to 4 residential flats (residential use class 2) (retrospective).

Relevant History:

CLU/2020/0514 – Certificate of Lawful Use granted for Use of Apartment 1 as residential flat (Residential use class 2) - 03/09/2020

FULL/2014/0271 - Change of use of self-catering units 1-5 to local residential accommodation – Withdrawn 30/10/2014

FULL/2013/1981 - Change of use of units 1, 2, 3 & 4 from Visitor Economy Use Class 12 (Visitor Self Catering) to Residential Use Class 2 – Refused 18/10/2013

Existing Use(s):

Visitor Accommodation Use Class 8 – Non-serviced visitor accommodation

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:

OC8(C) – Visitor Accommodation Outside of the Centres – Change of Use

Change of Use of Visitor Accommodation Supplementary Planning Guidance (SPG)

Conclusion/Brief comment:

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which 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. Relevant policies will be addressed below in assessing the key issues.

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.

The application contains comprehensive details of occupancy of the units since 2008. The last use for tourism was in 2011. A Certificate of Lawful Use was granted for Use of Apartment 1 as residential flat in September 2020.

The applicant has requested that the application be considered as a minor departure in accordance with the provisions of s.12(2) of The Land Planning and Development (General Provisions) Ordinance, 2007.

Policy OC8(C) sets out specific criteria against which any proposal for the change of use of visitor accommodation to a non-visitor accommodation use will be assessed, requiring it to be demonstrated that it is not technically feasible for the accommodation to meet the required standard for the particular type of accommodation involved, or where it is technically feasible, to demonstrate that it would not be possible to return a reasonable operating profit, and that the establishment has been actively and appropriately marketed for sale and lease for a period of 24 consecutive months and an appropriate offer has not been made.

Paragraph 17.7.12. in the preceding text to that policy states that this requirement will not apply to small self-catering units or guest accommodation establishments that are within a dwelling or the curtilage to a dwelling, and where the entire site is capable of being converted back to a single dwelling. Paragraph 3.4 to the Change of Use of Visitor Accommodation SPG clarifies that this exception applies to establishments with less than 3 self-catering units or less than 6 bedspaces.

No evidence has been submitted as part of this current application to demonstrate that the viability and marketing requirements of Policy OC8(C) are met. Although this would indicate against the application, in this case it is clear from the history of the property as outlined above that the loss of these units would have minimal impact on the overall visitor accommodation sector. In light of this and also having regard to the location of the accommodation on a residential clos with no nearby facilities, it is concluded that the loss of visitor accommodation can be accepted as a minor departure in this instance.

The proposed flats are considered to provide a satisfactory living environment and standard of accommodation for permanent residential use and the amenity space, servicing and parking provision is also appropriate

In light of all of the above, it is recommended that retrospective permission be granted.

Recommendation:

Grant with Conditions



Date: 14/03/2022

