

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 2 self-catering units (Visitor economy use class 8) to 2 dwellings (Residential use class 1).

LOCATION: Unit 18 (Cherry Cottage) & 19 (Apple Cottage), La Girouette Country Apartments & Cottages, Rue de la Girouette, St. Saviour.

APPLICANT: T & T Properties 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: 07/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates Ltd: 19-015-07B, -08A & Working Drawing.

Application Ref: FULL/2022/0549

Property Ref: E009420000

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.

4. Notwithstanding the details submitted, the ground floor window in the west elevation of unit 18 shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) and shall be fixed shut for any area of the window and glazing which does not exceed 1.7m above the finished ground floor level and which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. No occupation of unit 19 shall begin until a scheme showing the provision to be made for access for bicycles to the rear garden of unit 19 or an alternative scheme showing the provision to be made for the parking of cycles, under cover and secure has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

6. The hedges forming the boundaries of the gardens of units 18 and 19 shall be fully completed, in accordance with approved plan number 19-015-08A, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity, the quality of the living environment of future occupiers and to prevent the encroachment of domestic uses onto the

adjoining agricultural land.

7. No occupation of units 18 or 19 shall begin until the bin storage has been fully completed in accordance with approved plan number 19-015-08A.

Reason - To ensure that bin storage facilities are provided in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 06/11/2025 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/2022/0549
Property Ref: E009420000
Valid date: 05/04/2022
Location: Unit 18 (Cherry Cottage) & 19 (Apple Cottage) La Girouette
Country Apartments & Cottages Rue de la Girouette St.
Saviour Guernsey GY7 9NN
Proposal: Change of use of 2 self-catering units (Visitor economy use
class 8) to 2 dwellings (Residential use class 1).
Applicant: T & T Properties 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.

4. Notwithstanding the details submitted, the ground floor window in the west elevation of unit 18 shall be glazed with obscure glass to a minimum of level 3 on the

Pilkington scale (or equivalent) and shall be fixed shut for any area of the window and glazing which does not exceed 1.7m above the finished ground floor level and which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. No occupation of unit 19 shall begin until a scheme showing the provision to be made for access for bicycles to the rear garden of unit 19 or an alternative scheme showing the provision to be made for the parking of cycles, under cover and secure has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

6. The hedges forming the boundaries of the gardens of units 18 and 19 shall be fully completed, in accordance with approved plan number 19-015-08A, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity, the quality of the living environment of future occupiers and to prevent the encroachment of domestic uses onto the adjoining agricultural land.

7. No occupation of units 18 or 19 shall begin until the bin storage has been fully completed in accordance with approved plan number 19-015-08A.

Reason - To ensure that bin storage facilities are provided in the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The site comprises a group of buildings situated to the west of Vieille Rue and to the south of Rue De La Girouette and a large area of undeveloped/agricultural land. The total area of the land under the applicant's ownership is approximately 4.9 hectares (12.1 acres). The group of buildings contain 6 dwelling houses, 11 apartments and 2 self-catering units.

The group of buildings include a traditional two storey building with a series of later extensions to the side and rear. The entire building has been subdivided into multiple residential units. To the south and west are four pairs of single storey semi-detached residential and self-catering units arranged in an L-shape either side of a gravelled driveway and parking area. This application relates to the south-eastern most pair of semi-detached self-catering units.

The site is Outside of the Centres and is within an Agriculture Priority Area.

Relevant History:

Pre-application advice was sought in this case.

10/07/2020 – CLU/2019/1320 – Certificate of Lawful Use granted to regularise use of 6 cottages and 10 apartments for use as independent residential dwellings (Residential Use Class 1 and 2).

17/05/2002 – PAPP/2002/0825 – Permission granted to vary works previously approved to demolish outbuilding and erect two semi-detached self-catering units.

Existing Use(s):

Self-catering units - Visitor economy use class 8: non-serviced visitor accommodation
Agricultural Use Class 28

Brief Description of Development:

Planning permission is requested to convert 2 self-catering units (Visitor Economy Use Class 8) into two, 2 bedroom dwellings (Residential Use Class 1). The proposal includes the creation of gardens to the rear (south) of the proposed dwellings and the creation of communal timber bin stores to the north-east of the site.

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

Policy OC1: Housing Outside of the Centres
Policy OC8(C): Visitor Accommodation Outside of the Centres – Change of Use
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP15: Creation and Extension of Curtilage
Policy GP16(A): Conversion of Redundant Buildings
Policy IP6: Transport infrastructure and support facilities
Policy IP7: Private and Communal Car Parking

Representations:

Three letters of representation were received in response to the original application, the main points are as follows:

- Highlights previous enforcement action regarding the use of the self-catering units and the unauthorised use of the units for residential purposes.
- The existing 17 residential units create noise and disturbance, concerned that 2 additional residential units will make the current situation worse.
- Concerns raised about the current unsightly nature of the storage of refuse on the site and the resultant issues with attracting rodents. It is recommended that a purpose built facility to contain the refuse is provided.
- No evidence has been provided as required under the change of use of visitor accommodation policy, including marketing requirements.
- Concerned that this is a pre cursor to the redevelopment of the entire site.

One letter of representation was received in response to the revised application, the main points are as follows:

- Pleased to see a proposed timber store for the rubbish, however, concerned that it will not be large enough and it will not be suitable to keep rodents at bay.
- The Court previously stipulated that units 18 and 19 are to remain for tourist accommodation, this application seeks to get around that ruling.

Consultations:

None

Summary of Issues:

1. Whether the principle of the loss of the visitor accommodation is acceptable.
2. Whether the principle of new housing is acceptable.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposed loss of visitor accommodation would principally be considered under Policy OC8(C). The preceding explanation to Policy OC8 sets out that previously there has been a process of rationalisation of the Island's stock of visitor accommodation which has been successful in stimulating investment and establishing a sustainable

level of accommodation. However, in order to ensure that the Island retains a sufficient level of accommodation to support the visitor economy, to meet forecast demand and to ensure a range of types of accommodation, there will be a need to resist the further loss of visitor accommodation establishments other than in exceptional circumstances or where the operation of an establishment is not financially viable.

There is an exception to the above approach under Policy OC8(C) for small self-catering units (less than 3 self-catering units) or guest accommodation (less than 6 bed spaces) establishments that have been created within a dwelling or within the curtilage of a dwelling and where the entire site is capable of being converted back to a single dwelling. The intention of this exception is to prevent operators of small visitor accommodation businesses from having to leave their home when the business ceases to operate.

The application relates to a small self-catering unit establishment (in that there are less than 3 self-catering units on the site). However, the self-catering units were not created within the curtilage of a dwelling and the proposal would not result in the building being converted back to form part of a single dwelling but would instead provide 2 additional self-contained dwellings. As a result, the proposal does not fully meet the exception to Policy OC8(C). However, the agent has made a written request for the application to be considered as a minor departure from Policy OC8(C).

The site as a whole was formerly used as a visitor accommodation establishment however Marketing and Tourism have previously advised that the site had not been used to accommodate visitors since at least 2001. Due to the long term use of the majority of the units for residential use, a Certificate of Lawful Use was granted to regularise the use of 6 cottages and 10 apartments as independent residential dwellings in July 2020 (CLU/2019/1320). Units 18 and 19, the subject of this application, were constructed as self-catering units between 2001 and 2004. However, they have not been used as visitor accommodation for the majority of time, with the most recent visitor accommodation permit expiring on 31st March 2008. Since they were constructed, units 18 and 19 have largely remained unused. At times they have been used for residential purposes without permission and for which enforcement action has been taken resulting in the cessation of the residential use.

Although there is no reason why self-catering and residential uses could not be accommodated on the same site, it is likely that the recent granting of a Certificate of Lawful Use for the residential use for the remainder of the units on the site would further reduce the potential for units 18 and 19 to be used for visitor accommodation in the future. The loss of the 2 self-catering units would have a negligible effect on the Island's overall stock of visitor accommodation. Taking into account the particular planning history and use of the site, it could be argued that the proposed use of the building as 2 independent dwellings would be a more effective and efficient use of the building and on balance, it is recommended that the loss of the existing visitor accommodation is supported as a minor departure from the exceptions part of Policy OC8(C). On this basis, the application is not required to

comply with parts (a) or (b) of Policy OC8(C) and therefore no further information is required regarding the financial viability or the marketing of the self-catering units.

The site is located Outside of the Centres as defined in the Island Development Plan. Opportunities for new housing in such areas are limited to the subdivision of existing dwellings or the conversion of redundant buildings (Policy OC1). The erection of new build housing is not permitted. In principle, Policy OC1 makes provision for the conversion of redundant buildings Outside of the Centres where the development accords with Policy GP16(A).

Although the building could technically still be used as 2 self-catering units, as set out above, Policy OC8(C) supports the loss of small self-catering unit (less than 3 self-catering units) establishments and it is agreed that the proposal can be considered as a minor departure from the exceptions part of Policy OC8(C). On this basis it has been demonstrated that the building is no longer required as self-catering units.

The building appears to be in good condition and there is no reason to suggest that the building is not of sound and substantial construction. Other than obscuring the windows on the west elevation, no alterations or extensions to the building are proposed. There are no protected buildings on the site and the existing building does not make a particular positive contribution to the character of the area. The conversion of the building to dwellings would involve the creation of small gardens to the rear (south) of the building, enclosed by hedging. The proposed gardens would be well related to the existing built form on the site and would provide a proportionate amount of private outdoor amenity space for the dwellings whilst not unduly projecting into the open and undeveloped land to the south. In addition, the gardens would be largely screened by a high granite wall along the roadside to the east. As a result, the conversion of the building to two dwellings would not have an unacceptable adverse impact on the character and openness of the landscape.

During the course of consideration the application was deferred due to concerns about the change in levels and close proximity to the neighbouring property to the west and the potential loss of privacy for the neighbouring property from the windows in the west elevation. Revised plans propose to install obscure film and to fix shut the west gable windows of unit 18. Obscuring and fixing shut the ground floor west gable window of unit 18 would address the concerns raised although it is recommended that the window is glazed with obscured glass as opposed to applying an obscure film to provide a more permanent and enforceable solution, this can be dealt with by condition.

With regards to the comments in the letters of representation about the impact on neighbouring residents, due to the siting and layout of the proposed dwellings and their distance to and relationship with neighbouring properties, the change of use from self-catering to residential use is unlikely to result in any additional noise and disturbance. The proposed dwellings would have no unacceptable adverse impacts on the amenities of neighbouring properties. The conversion of the building to 2 residential dwellings accords with Policy GP16(A).

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The total internal floor area for both dwellings exceeds minimum Guernsey Technical space standards for 2 or 3 occupants (proposed 47sqm; GTS 2 occupants 35sqm, GTS 3 occupants 45sqm) but none of the bedrooms meet the minimum room sizes for a double bedroom (proposed 10.8sqm, GTS 12sqm). The total internal floor area for both dwellings would not meet the best practice minimum internal space standards which are published on the Authority's website (1 bedroom 2 persons = 50sqm; 2 bedroom 3 person = 61sqm). The dwellings are dual aspect, including south facing glazing, and would have adequate daylight, sunlight and privacy. The outlook from the dwellings over open land to the south would be good and each dwelling would benefit from small but proportionately sized south facing gardens, although the potential benefit of the gardens is partially reduced by having no direct access from the dwellings. Overall, there are concerns about the layout and limited size of the dwellings as 2 bedroom units. However, the dwellings would include some good amenity provision, such as the outlook over open land and the south facing gardens, and on balance, the proposed dwellings would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

The on-site parking provision is adequate for the size of the dwellings in this location. Secure bicycle storage could be provided within the rear gardens although an earth bank would need to be partially excavated to provide access to the rear garden of unit 19, details of which can be requested by condition. The car and bicycle parking provision is adequate for this Outside of Centres location and accords with Policies IP6, IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance

The existing on-site refuse storage arrangements are inadequate and unsightly. Revised plans propose to install timber bin stores which would provide sufficient storage for units 18 and 19 and would potentially address wider existing issues for the entire site and would enhance the character and appearance of the area.

The proposal includes the change of use of a section of agricultural land to a domestic use which also requires assessment under Policies OC5(A), GP15 and GP1. The preceding text to Policy OC5(A) states that proposals resulting in the loss of agricultural land will be supported where the new use accords with other relevant policies.

As set out above, the proposed gardens would be well related to the existing built form on the site and would provide a proportionate amount of private outdoor

amenity space for the dwellings whilst not unduly projecting into the open and undeveloped agricultural land to the south. In addition, the gardens would be largely screened by a high granite wall along the roadside to the east. As a result, the change of use of the agricultural land to domestic use would not have an unacceptable adverse impact on the character and openness of the landscape. Due to the limited public visibility of the site, the modest size of the plots and the well related nature of the associated domestic land with the dwellings, it is not necessary to revoke any exemption rights in this instance.

The site is not within an Area of Biodiversity Importance. No existing boundaries are proposed to be removed and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents. The proposed hedge planting would provide a proportionate biodiversity enhancement.

The site is located within an Agriculture Priority Area. An area of private amenity space is required for the proposed dwellings to ensure that they would provide a satisfactory living environment. The size of the proposed gardens is proportionate and well related to the dwellings and represent an appropriate balance between the provision of adequate domestic amenity space whilst minimising the loss of agricultural land. The inclusion of hedging around the boundaries of the garden provides the opportunity to prevent the further encroachment of domestic uses onto the remaining agricultural land. The proposal does not amount to a significant loss of agricultural land and there is no reason to believe that the proposed change of use of the land in question would affect the viability of the remaining agricultural land. The proposal does not conflict with Policies OC5(A), GP15 and GP1.

With regards to the comments in the letters of representations, previous Court decisions related to the unauthorised residential use of units 18 and 19 and are not relevant to this current application. Any future applications to redevelop the site will be assessed on their merits against the relevant planning policies at that time.

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.

It is recommended that the application is approved.

Date: 03/11/2022

