

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: Variation to condition 7 of previously approved plans (Ref: FULL/2011/2212) to alter and convert Battery Mess to self-catering accommodation (revised) - To allow the development to be completed and occupied in phases.

LOCATION: La Pointe Farm, Rue Du Lorier, St. Saviour.

APPLICANT: Mr & Mrs K P Gallichan

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: 06/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 1:1,000 scaled block layout plan (date stamped received 10/03/2022) and schedule of proposed works dated 8th March 2022 (date stamped received 10/03/2022)

Application Ref: FULL/2022/0598

Property Ref: E009180000

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 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.

3. The permission hereby granted relates only to the variation to condition 7 of permission ref FULL/2011/2212 to allow the development to be completed and occupied in phases. The development shall be completed in accordance with the 'Schedule for proposed work dated 8th March 2022' hereby approved and shall be carried out in full accordance with all other conditions attached to the permission dated 08/09/2011, issued under planning application reference FULL/2011/2212.

Reason - To limit the effect of the permission to the specified variation of condition only.

Expiry Date: This permission will cease to have effect on 05/06/2025 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/2022/0598
Property Ref: E009180000
Valid date: 10/03/2022
Location: La Pointe Farm Rue Du Lorier St. Saviour Guernsey GY7 9JU
Proposal: Variation to condition 7 of previously approved plans (Ref: FULL/2011/2212) to alter and convert Battery Mess to self-catering accommodation (revised) - To allow the development to be completed and occupied in phases.
Applicant: Mr & Mrs K P Gallichan

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 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.

3. The permission hereby granted relates only to the variation to condition 7 of permission ref FULL/2011/2212 to allow the development to be completed and occupied in phases. The development shall be completed in accordance with the 'Schedule for proposed work dated 8th March 2022' hereby approved and shall be carried out in full accordance with all other conditions attached to the permission dated 08/09/2011, issued under planning application reference FULL/2011/2212.

Reason - To limit the effect of the permission to the specified variation of condition only.

OFFICER'S REPORT

Brief Description of the site:

The site comprises a Battery Mess comprising a long single storey building located on the eastern aspect of the site. Surrounding the site the area comprises a residential property to the northeast, a residential property to the southeast and open agricultural land to the north, east and west.

Access is gained from Rue Du Lorier to the south-west via a track which gives access to the existing Le Pointe Farm Apartments.

The site is situated Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2011/2212	Alter and convert Battery Mess to self-catering accommodation (revised).	Granted 08/09/2011
FULL/2010/0067	Alter and convert existing Battery Mess to self-catering holiday accommodation and create parking area (part-retrospective).	Refused 02/12/2010

Existing Use(s):

Self catering accommodation

Part of the building currently vacant/under construction

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:

- OC8(A): Visitor Accommodation Outside of the Centres - New, Extension, Alteration or Redevelopment of Existing Uses;
- GP1 – Landscape Character and Open Land;
- GP8 – Design

Conclusion/Brief comment:

Planning permission was granted in 2011 to alter and convert the Battery Mess at this site to self-catering accommodation. The permission was the subject of various conditions and of relevance is condition 7 which required the following:

“No use of the building as self-catering accommodation shall begin until such time as the works have been completed, in full accordance with the details shown on the approved drawings.”

The condition was imposed to ensure that the completed works replicate as far as practically possible the original appearance of the Battery Mess.

Since the grant of permission works have commenced on site and units 7, 8 and 9 have been completed and are ready for occupation. The permission therefore remains extant. The applicant has confirmed that in order to fully implement the permission and to complete the remaining units to be ready for occupation, considerable sums of money are required. The applicant has therefore requested that condition 7 of the original permission is varied to allow units 7, 8 and 9 to be occupied to enable funds to be generated to fund the remainder of the redevelopment scheme.

The applicant has suggested a phased approach with timings to ensure that the works are completed in a timely but realistic manner. The suggested approach is as follows:

- Phase 1 – completion of units 7, 8 & 9 interior and the whole building (units 1-9) exterior with occupation of units 7, 8 & 9 as they become ready. This is to be completed within 18 months of any permission to vary condition 7 of the original permission.
 - o Before moving onto phase 2 permission would be obtained from the Planning Service that the scheme is acceptable at this stage with particular emphasis on the exterior of the building. Once deemed acceptable then phase 2 would be commissioned.
- Phase 2 – Completion of units 4, 5 & 6 interior with occupation of units 1, 2 & 3 as they become ready. To be completed within 36 months of receiving any permission to vary condition 7 of the original permission.
- Phase 3 – Completion of units 1, 2 & 3 interior with occupation of units 1, 2 & 3 as they become ready, to be within 48 months of receiving any permission to vary condition 7 of the original permission.

The phased scheme as proposed will allow for the development to be completed in a timely manner and will comply with the aims and reason for the original condition. The variation to the condition as proposed would comply with the policies of the Island Development Plan and would not harm the amenities of any surrounding properties.

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 condition 7 of the permission is varied to include reference to the phased scheme as outlined within the application submission.

Recommendation:

Grant with Conditions



Date: 06/06/2022

