

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 6 additional self catering units (Use Class 8) and garden chalet to north-east boundary.

LOCATION: Ellingham Self Catering Cottages, Les Camps Du Moulin, St. Martin.

APPLICANT: Genoa Holdings 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: 02/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian R Martel: 4084.03.01, 02, 03, 04, 05 & 06

Application Ref: FULL/2022/1770

Property Ref: J01241B000

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.Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas (new parking, patios, access ramps and any paths between parking and accommodation);
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) the privacy screens and walls or similar structures to enclose the patios of each unit of self-catering accommodation as indicated on the approved drawings; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - As the application does not provide full details of these aspects of the development and to help assimilate the development into its surroundings.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 trees or 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 - To help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 01/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions to ensure that any protected species present are not impacted by the works.

Your attention is also drawn to the Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance. In developing a landscaping scheme consideration should be given to providing environmental benefits in respect of biodiversity which may include proposals for native species planting, habitat or a commitment to ecologically beneficial land management approaches. Practical guidance will be published in relation to this in due course and in the interim please refer to the general principles and guidelines set out in the Strategy for Nature, which can be viewed online here: <https://gov.gg/planningpolicy>.

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/2022/1770
Property Ref: J01241B000
Valid date: 21/09/2022
Location: Ellingham Self Catering Cottages Les Camps Du Moulin St. Martin Guernsey GY4 6DX
Proposal: Erect 6 additional self catering units (Use Class 8) and garden chalet to north-east boundary.

Applicant: Genoa Holdings 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. Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas (new parking, patios, access ramps and any paths between parking and accommodation);
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) the privacy screens and walls or similar structures to enclose the patios of each unit of self-catering accommodation as indicated on the approved drawings; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - As the application does not provide full details of these aspects of the development and to help assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 trees or 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 - To help assimilate the development into its surroundings.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions to ensure that any protected species present are not impacted by the works.

Your attention is also drawn to the Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance. In developing a landscaping scheme consideration should be given to providing environmental benefits in respect of biodiversity which may include proposals for native species planting, habitat or a commitment to ecologically beneficial land management approaches. Practical guidance will be published in relation to this in due course and in the interim please refer to the general principles and guidelines set out in the Strategy for Nature, which can be viewed online here: <https://gov.gg/planningpolicy>.

OFFICER'S REPORT

Site Description:

The Ellingham Cottages is a complex of self-catering holiday cottages situated to the rear of frontage residential development in Les Camps Du Moulin. The properties are generally one and a half-storey in height with dormers in the roofslopes. A cabin, wendy house and rabbit/small animal enclosure exist adjacent to the northeast site boundary. To the rear of the storage part of the building is a yard with boat and other storage along with a shipping container.

The access track referred to on the application drawings along the southwest site boundary exists and is laid to gravel however the waste separation compound, which has been granted permission, is not in situ.

The site is located Outside of the Centres.

Relevant History:

FULL/2015/1834 - Lay hard surfacing and decking area and erect sheds (retrospective) - granted

FULL/2018/2952 - Alterations to fenestration and enclosed terrace/patio areas (northwest elevation) (part retrospective) – granted

FULL/2019/1153 - Erect fence to waste management compound, fence to storage compound and roofed enclosure (retrospective) and create access track – granted

Pre-application advice was sought in this case. It was set out that the principle of the development was acceptable, that the form of the buildings reflected that of the existing buildings on site and in the locality but drawing attention to the scale of the northernmost block and its potential impact on openness and landscape character. Attention was drawn to the need for a detailed landscape scheme/photomontages and the need to address Policy GP9 (sustainable development principles and how these influenced the layout and design).

Existing Use(s):

Visitor Economy Use Class 8: Non-Serviced Visitor Accommodation

Brief Description of Development:

Planning permission is sought for the erection of two blocks of self-catering apartments/cottages, a detached summerhouse/chalet and associated additional parking. The buildings are to be situated to the rear of the existing accommodation and park, towards the west of the site with buildings adjacent to the north and south site boundaries.

The scheme comprises a terrace of 5 x 2 bedroom cottages adjacent to the north boundary and 1 x 2 bedroom single-storey cottage adjacent to the south boundary specifically identified as being accessible accommodation. The buildings have been designed with a render exterior and slate roof.

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

Island Development Plan Policies:

OC8(A): Visitor Accommodation Outside of the Centres – New, Extension, Alteration or Redevelopment of Existing Uses

GP8: Design

GP9: Sustainable Development

Representations:

Three letters of representation have been submitted objecting to the application and raising the following points:

Impact on residential amenity

- This is a quiet residential area but every summer residents are subjected to greatly increased noise levels as a result of football being played by holiday makers at the existing self-catering cottage
- Noise associated with the site can carry on until 10pm and beyond each night and this stops neighbouring residents enjoying their own garden during the summer months
- The increased traffic generation to the site will also increase noise nuisance

Impact on character and appearance of the locality

- Attention is drawn to the general planning considerations (impact on natural beauty and landscape quality, the character, amenity and quality of the natural and built environment, the appropriateness of the development, the impact of the development on roads and infrastructure, impact on parks, playing fields etc and on residential amenity)

Traffic, parking and highway safety

- In the last 12 years there has been a considerable increase in traffic along Camps du Moulins which means vehicles pull into driveways to pass or sometimes having to reverse some distance in order to allow buses and cesspit lorries to navigate the lane
- There has been an increase in lorry traffic from residential developments being carried out in the area over the last 5 years – 16 dwellings by the tennis courts and 16 houses by the Masonic Hall and will worsen as a result of the redevelopment of the Bella Luce Hotel and on the 'Valpy's car park site'
- The poor vehicular access will compound the parking issues on the site, there is a concentration of traffic at peak hours which will worsen

- The only access to the rear of the site is to the west of current buildings, is narrow and not appropriate for permanent access (there is a big difference between an access for occasional use and for a permanent, continual use)
- The use of the access will result in the loss of several parking spaces on site
- Parking takes place in the turning areas

Use of the site

- The scheme is contrary to Policy OC8(A) – this is neither a change of use a building or conversion of a redundant building
- The development would be on open, greenfield land, a playing field and is contrary to policy where new build development on such sites is precluded
- There is no designation of Visitor Economy Use Class 8 in the Island Development Plan
- Attention is drawn to the information contained on the Planning Service website in relation to Tourist Accommodation Winter Lets
- For much of the year the site is used for short term local market occupancy (which results in higher levels of traffic)
- The Authority should investigate the continued use of the site and buildings which appears to be against the States of Guernsey Population Management Laws before permission is inevitably granted for more buildings
- The application should be considered on the basis that the site is occupied as housing not under the guise of additional holiday lets

Unauthorised works

- Removal of hedges on site to create additional parking

Consultations:

Tourism Quality Development – Ellingham self-catering is a locally run business operated from two Island locations, Bordeaux in the north and St Martin, the more established of the two sites, in the south. There are currently 7, two-bed cottages at Bordeaux, and 12, two-bed cottages at the St Martin site.

The apartments are operated to a consistently high standard and are positioned towards the top of the four star rating band. They were also awarded a Gold Accolade in recognition of exceptional quality.

Self-catering makes up an important sector in the visitor market (31% of total bed stock) and there is increased demand on this type of accommodation. This is in line with a number of our strategic marketing objectives, those being to grow into new markets including multi-generational groups who prefer this type of flexible accommodation, and extend the season into the shoulder months.

Marketing and Tourism would support the application to expand the offering in the self-catering sector.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the design and appearance of the new accommodation and its impact on the locality and residential amenity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The comments and concerns raised through the public consultation process relating to the use of the accommodation as residential dwellings, not holiday accommodation, have been noted. Prior to the Covid 19 pandemic the Development & Planning Authority recognised the practice of winter lets as a way of generating additional income outside the main tourist season and between 1st November and 31st March accommodation could be let out to local residents or license holders in accordance with the States Population Management Laws. This was however revised in light of the pandemic and sites such as the Ellingham Self Catering Cottages have until the 31st January 2024 to revert back to the recognised, lawful visitor use, in this case Use Class 8. Should the scheme relate to the erection of new residential accommodation (Residential Use Class 1) this would be precluded by current Development Plan policies.

It should also be noted that the use of the site is recognised within the Land Planning and Development (Use Classes) Ordinance, 2017 as Use Class 8 and that the Development & Planning Authority recognises the entire site, outlined in red for the purpose of the application, as falling within this use class. The undeveloped part of the site to the rear is land associated with the visitor accommodation, it does not represent agricultural land or public playing fields.

Policy OC8(A) of the IDP makes provision for extension to existing visitor accommodation establishments provided the development is of a scale appropriate to the character of the area and does not undermine the vitality of a Centre.

The scheme proposes six additional units of self-catering accommodation in addition to the twelve existing units on the site. The site is also approximately 160m from the Local Centre boundary of St Martins and OC8(A) offers a gateway for the proposed new units. The additional accommodation is also supported by Marketing and Tourism.

The scheme also proposes the erection of a summerhouse/chalet which can also be supported through Policy OC8(A) provided the facility is ancillary and incidental to the principle use of the site and is of a scale proportionate to the level of visitor accommodation available on the site.

In both cases consideration must be given to the visual quality, openness and landscape character of the area which will be considered in more detail below in relation to Policies OC8(A) and GP8.

Annex V: Landscape Character identifies this site as falling within a Plateau landscape which is characterised by a web of hedges, banks, hedgerow trees and tree-lined lanes, which enclose small pastures and interspersed by scattered development but generally clustered (e.g. around a church, spring etc). Green lanes often connect the settlements and in some cases the lanes now form main roads but these are often no more than 14ft wide. It acknowledges that ribbon development along main roads (taken place over the last 50 years) and which is particularly present in St Martin is not well screened and impacts on the traditional settlement pattern and landscape character.

The parishes within the plateau area each have a distinctive character which provides the basis for a division into sub-zones. The site sits within the South Eastern Plateau which is characterised by established development interspersed with open fields and mature gardens. Although ribbon development has impacted areas of the plateau the overall character remains intrinsically rural.

The design and appearance of the proposed accommodation buildings reflects that of the existing buildings on site. The buildings represent a good standard of design that respects the built environment concerned. The timber summer chalet also represents a good standard of design that would not be out of keeping in this location. The buildings would however be constructed on an area of generally open and undeveloped land and where the existing northeast site boundary with the adjoining open and undeveloped agricultural land is open. Residential development does however, exist to the south-west, west and north-west of the site. Oakmore Drive to the southwest, and the application site, see residential development in depth in an area generally characterised by frontage ribbon development.

The rear of the site is generally screened when travelling both northeast and southwest along Les Camps du Moulin with only glimpse views possible through the roadside hedge. It is also noted that new and enhanced landscaping is proposed along the site boundaries and around the proposed parking area/access track which will help to reinforce the local character and help assimilate the development to its surroundings. This is a matter that can be controlled by condition. An informative note may be placed on the permission drawing attention to the Strategy for Nature to encourage consideration for the use of native species and those which would enhance the biodiversity of the site.

The majority of the accommodation is over two floors, with first floor accommodation in the roofspace which represents efficient and effective use of land. Although one unit is single-storey only, which does not represent multi-storey development for efficient use of land the building is adjacent to the driveway and residential gardens and is also designed to offer accessible accommodation. Overall therefore, the scheme does represent efficient use of land appropriate to the characteristics of this site.

Each of the five terrace units is to be provided with a paved terrace to the southeast and all units will have access to the communal play area and summer chalet proposed on the remainder of the site. The accommodation is also served by windows in the southwest and northeast elevations and roof slopes to provide adequate sunlight and daylight to the accommodation. Although the single-storey unit does not benefit from a terrace/patio it faces out onto the communal seating area and has access to the communal play area and summer chalet. With fenestration to all elevations this unit will also benefit from adequate sunlight and daylight for occupiers.

None of the development will have an adverse impact on residential amenity with regard to overshadowing or overlooking. Although the additional units of accommodation will increase the number of visitors on the site which will also lead to an increase in the use of the site/communal area the external open space on the site will be reduced as a result of the development. The concerns raised by local residents regarding noise nuisance from the existing accommodation is noted however, there is no evidence to demonstrate that an increase in number of units, with corresponding reduction in external open space, would result in an unacceptable increase in noise nuisance from this long-established site. Furthermore, the external open space would no longer be detached from the self-catering accommodation but would have units facing onto it and where visitors staying in the new accommodation would be affected by others using that space late into the evening. Furthermore, visitor accommodation use is not incompatible with the surrounding residential uses and will not result in undue noise and disturbance to residents.

The single-storey unit has an access ramp to the door and an accessible parking bay is proposed adjacent to the building. Being on a single level this unit demonstrates accessibility to and within the building for people of all ages and abilities. The terrace of units also shows a ramped access to the ground floor accommodation along with a WC on the ground floor. Although first floor accommodation would be accessed via a staircase the accommodation remains accessible by ambulant disabled in line with the aims of the IDP.

Concerns have also been raised regarding traffic associated with the new units and during the construction phase of development. Whilst it is noted that short term disruption and nuisance may arise as a result of the construction phase of the development this cannot prevent the grant of planning permission. The level of off-road parking associated with the development accords with the requirements of

Policy IP7 and the SPG. The access to the site is satisfactory and the scheme will not result in an unacceptable intensification in the use of this access when considering Policy IP9. Six vehicles accessing the rear of the site to park would not result in unacceptable noise and disturbance detrimental to the amenities of surrounding residents in line with the aims of Policies GP8 and GP9 of the Plan.

The scheme sets out that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 22 November 2022

