

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: Raise roof ridge height to create additional self-catering unit at 1st floor level, extend and alter at ground floor level of building, erect single storey self-catering unit to south-west boundary, erect bike stores and infill existing swimming pool.

LOCATION: Bel Air Self Catering Apartments, Le Chene, Forest Road, Forest.

APPLICANT: Mr & Mrs G & P Van Zutphen

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: 23/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian R Martel - 4222.03.01, 02, 03, 04 & 05.

Application Ref: FULL/2023/0192

Property Ref: H002300003

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 shown on the approved plans no cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

5.The additional self-catering accommodation hereby permitted shall not be first used/occupied until the agreed cycle parking have been fully completed in accordance with the details approved as part of this permission. The bicycle parking shall be retained as such in perpetuity unless otherwise agreed in writing by the Authority.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

6.The additional accommodation hereby approved shall be used only for self-catering accommodation falling within Visitor Economy Use Class 8 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance, and for no other purpose.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 22/03/2026 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/2023/0192
Property Ref: H002300003
Valid date: 23/01/2023
Location: Bel Air Self Catering Apartments Le Chene Forest Road Forest Guernsey GY8 0AH
Proposal: Raise roof ridge height to create additional self-catering unit at 1st floor level, extend and alter at ground floor level of building, erect single storey self-catering unit to south-west boundary, erect bike stores and infill existing swimming pool.
Applicant: Mr & Mrs G & P Van Zutphen

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 - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

6. The additional accommodation hereby approved shall be used only for self-catering accommodation falling within Visitor Economy Use Class 8 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance, and for no other purpose.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a single storey, flat roofed self-catering complex situated behind a large granite road facing wall, to the south of Le Chene/Forest Road. Surrounding the site, the area comprises a separate self-catering complex to the west, a residential property to the east, and open fields to the north and south.

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

Relevant History:

The application has been the subject of pre-application discussions/advice

Existing Use(s):

Self-catering – visitor accommodation Use Class 8 (non-serviced visitor accommodation)

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

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;

GP4: Conservation Areas;

GP8 Design;

GP9: Sustainable Development;

IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

Planning permission is sought for the following:

- To raise the roof height of the existing building to create an additional self-catering unit at first floor level;
- To extend and alter the building at ground floor;
- To erect a single storey self-catering unit to the south-west boundary; and
- To erect bike stores and infill the existing swimming pool.

Policy OC8(A): of the Island Development Plan supports proposals to extend, alter or redevelop existing visitor accommodation establishments where:

- a) the development is of a scale that is appropriate to the character of the location, is undertaken sensitively and so as not to detract from the openness and landscape character of the locality and does not undermine the vitality of a Centre; and,
- b) any additional facilities are ancillary or ordinarily incidental to the principal use as visitor accommodation in terms of scale and use, are proportionate to the amount of visitor accommodation available at the site and would not have an adverse effect on the visual quality and landscape character of the location.

Paragraph 17.7.1 of the Island Development Plan states that for the purpose of Policy OC8, visitor accommodation includes non-serviced accommodation such as self-catering units.

The proposal will create a three bedroom self-catering unit in the accommodation proposed at first floor level and a one bedroom self-contained unit within the garden area of the property. A total of 4 units of self-catering units will be provided from the site. The proposed accommodation is of an appropriate scale to provide a suitable living environment for its occupiers, whilst maintaining the character and appearance of the location and would not detract from the openness and landscape character, or undermine the vitality of a Centre.

Furthermore, in terms of the overall scale and use, the facilities proposed are considered to be ancillary and ordinarily incidental to the principal use of the site as visitor accommodation. However, given the Out of Centre Location of the site and that new housing would be precluded by IDP Policy, it is recommended that should planning permission be granted an informative is included to advise that the development shall be used for visitor accommodation and not for residential purpose as that would require different policy considerations.

For the above reasons the proposal accords with Policy OC8 of the IDP.

Policy GP4: Conservation Areas; supports proposals for development within Conservation Areas where the development conserves and enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. Policy GP8 requires development to achieve high standard of design which respects and where appropriate enhances the character of the environment.

The proposed first floor extension will be visible in public vantage points from La Chene/Forest Road to the north. However, the advice provided at pre-application stage has been followed through in the final design of the scheme and a pitched roof with traditional slate roof covering is now proposed. The first-floor extension will be seen well in context within the street-scene, and the traditional property to the east and will represent better form and design than the existing flat roofed two storey building to the west. However, composite cladding is proposed as an external material to be applied to the external elevations and to ensure that this does not harm the character or appearance of the surrounding Conservation Area it is recommended that a condition is included on any permission requiring a material sample to be submitted to the Authority for approval.

The self-contained unit of accommodation, the extensions at ground floor to the main building and the bicycle stores will all be contained within the site and due to existing boundary treatments (comprising a mixture of trees, walls and hedges) would not cause harm to the character of the surrounding area.

Views from the first floor accommodation to the rear would not cause any significant harm, to the amenities of any neighbouring properties and views from the small kitchen window and the window serving the dining room in the north facing elevation of the self-contained unit would be at an oblique angle and would also not cause undue harm. It is also worth noting that the proposed bicycle store along the west boundary would also further screen the development from the neighbouring accommodation to the west.

Given the position of the property in relation to the neighbouring property to the east, the scheme would not cause harm with regards to overshadowing or loss of light. The scheme would have the potential to overshadow two windows in the gable of the neighbouring property to the west however this would only be for limited periods during the day and any harm would not be so substantial to warrant the refusal of planning permission. For the above reasons the proposal accords with Policies GP4 and GP8 of the IDP.

The applicant's agent has provided confirmation (by letter dated 14/06/17) that the design and specification of the proposal complies with all parts of the Guernsey Technical Standards 2012, specifically in terms of: thermal efficiency (insulation); drainage; water efficiency; materials to be used; waste storage and disposal; and the conservation of fuel and power.

The Planning Service is therefore satisfied that the proposal has been designed to take into account the use of energy and resources and to reduce any impact on the environment in accordance with Policy GP9 of the IDP.

The site is situated on a prominent bus route, in close proximity to the airport and with covered storage for bicycles proposed and is therefore accessible by a means other than the private motor car. Given the nature of development for self-catering accommodation where visitors will be advised of the lack of parking and would not necessarily need a car, any shortfall in car parking provision is outweighed and the proposal complies with the relevant policies of the IDP in this respect.

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 and the proposal complies with the relevant provisions of the IDP.

Recommendation:

Grant with Conditions



Date: 21/03/2023

