

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: Subdivide existing building to create 5 flats (Use Class 2) and associated works.

LOCATION: Passiflora, Route De Plaisance, St Peters.

APPLICANT: Passiflora (1989) 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: 11/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PVA - 19-024-49B, 50A, 51B, 52B

Application Ref: FULL/2024/2010

Property Ref: F000010000

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.No consent is conferred for the creation of a first floor balcony above the existing flat roof to the rear (south-west) of the building. Prior to any works commencing on site, revised details for the use of the flat roof shall be submitted to and approved in writing by the Authority.

Reason - As proposed the balcony would have a poor relationship with the windows of the adjoining unit. Revised details are required to ensure an appropriate relationship is achieved, in accordance with Island Development Plan policy GP8 (Design).

5.a) Prior to the undertaking of any planting within the planter hereby approved immediately to the north-east of the building, details of the proposed planting, including a planting schedule setting out the species, size and density of planting, shall be submitted to and approved in writing by the Authority.

b) The planter shall be formed and the fencing to the amenity space for Unit 2 erected prior to the first occupation of the ground floor units hereby approved and the planting shall be undertaken, in accordance with the details agreed under a) above, in the first planting season following that occupation. 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 ensure the provision of an appropriate buffer to provide privacy to the ground floor units hereby approved, in accordance with Island Development Plan policy GP8 (Design).

6.The dormer windows hereby approved shall be installed prior to the occupation of Unit 5.

Reason - To ensure that the unit achieves a good standard of internal amenity, in accordance with Annex I (Amenities) and Island Development Policy GP8 (Design).

7.No unit hereby permitted shall be used or occupied until the agreed cycle storage for that unit has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car, in accordance with Island Development Plan policy IP6 (Transport Infrastructure and Support Facilities).

Expiry Date: This permission will cease to have effect on 10/04/2028 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/2024/2010
Property Ref: F000010000
Valid date: 03/12/2024
Location: Passiflora Route De Plaisance St Peters Guernsey GY7 9
Proposal: Subdivide existing building to create 5 flats (Use Class 2) and associated works.

Applicant: Passiflora (1989) Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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site, revised details for the use of the flat roof shall be submitted to and approved in writing by the Authority.

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Reason - To encourage the use of bicycles as an alternative to the car, in accordance with Island Development Plan policy IP6 (Transport Infrastructure and Support Facilities).

OFFICER'S REPORT

Site Description:

The application site is located to the south-west of Route de Plaisance and to the north-west of La Rue des Fosses in St Pierre du Bois, Outside of the Centres as designated within the Island Development Plan.

The site comprises a former hotel, now falling within Residential Use Class 1 in the Land Planning and Development (Use Classes) Ordinance, 2017, and a parking area behind that building. The site previously included a terrace of four dwellings, located immediately to the south-west of the building at the application site, however those dwellings are now in separate ownership. The application site is accessed via a gateway in the south-east boundary, which also provides access to the adjacent dwellings and associated garage. Further residential properties are located to the north-west and south of the application site. The land across the roads to the north and south-east is open agricultural land.

Relevant History:

1988 Change of use of hotel to private dwelling.

PREA/2022/0797 & PREA/2022/2185 Pre-application enquiry regarding potential for residential development.

FULL/2024/2011 Demolish existing building, erect 4 dwellings and associated works.
Pending

Existing Use(s):

Residential Use Class 1 – The application contends that the site is in use as a Premises of Multiple Occupation and has been for some time. Any such use has not however been authorised or regularised under planning law.

Brief Description of Development:

Permission is sought to subdivide the building at this site to create 5no flats; 1no 1 bed, 2no 2 bed and 2no 3bed. Five existing parking spaces are to be retained to the rear of the building, accessed via the existing gateway in the south-east boundary. Separate external amenity space is to be provided to the north of the building for Unit 2, the remainder of the external amenity space would be communal.

To support the subdivision it is proposed to undertake the following external alterations to the building:

- Remove the external fire escape to the rear elevation and to create a balcony serving Unit 4 at first floor level and to alter the second floor door and windows to form a juliet balcony serving Unit 5;

- Install 4no dormer windows to the north-east (front) roofslope (3no pitched roof, 1no flat roof);
- Alter double doors to windows and install two new doors at ground floor level to the south-west (rear) elevation;
- Alter a door to a window at ground floor level to the south-east (side) elevation.

Initially cycle and bin storage was proposed within the building however, following deferral, separate cycle storage is now proposed for each unit to the north-west of the building.

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

OC1 Housing Outside of the Centres
 GP8 Design
 GP9 Sustainable Development
 IP6 Transport Infrastructure and Support Facilities
 IP7 Private and Communal Car Parking
 IP9 Highway Safety, Accessibility and Capacity

Representations:

One letter of representation received in respect of this application and the parallel application referenced above, making the following points in respect of this application:

- It is not clear how this application will address the housing crisis, the issue being more of affordability, and the application states that the same number of people will be housed;
- Parking is inadequate:
 - o A change in the nature of occupancy would likely result in a higher car ownership;
 - o There is no off-site parking nearby;
 - o There is no parking for visitors, and this is likely to result in displaced parking elsewhere along the Plaisance Road, resulting in road safety concerns;
- Waste collection to the front of the site is unsafe;
- Impacts on neighbour amenity:
 - o Reduction of accessible space to the unit immediately to the south-west;
 - o Right of way and rubbish storage for chalets.

Consultations:

None undertaken.

Summary of Issues:

Existing use of the building;
Impacts on the character of the area;
Amenity of the proposed units;
Parking provision & cycle storage;
Impacts on neighbour amenity;
Waste management.

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).**

For the purposes of planning law, the main building at the site is recognised as a single dwellinghouse, falling within Residential Use Class 1. Whilst the submitted information refers to use of the building as a staff lodging house there is no evidence such use is authorised. The current proposal would therefore comprise the subdivision of an existing residential use.

Policy OC1 provides for such a subdivision where:

- a. The resultant development would be compatible with the character and amenities of the surrounding area; and
- b. The development would be acceptable in terms of provision of a satisfactory living environment and amenities; and
- c. The subdivision would not involve more than a modest extension to the existing building to create adequate accommodation and the extension is not of such a scale that it forms a significant part of any new unit.

The proposed subdivision would require only limited external alterations, including the insertion of dormers to the front roofslope and alterations to the fenestration in the rear and side elevations of the building, and would not impact significantly on the appearance of the building or its contribution to the character of the area. Whilst the 1.8m high fencing enclosing the amenity area of Unit 2 would project slightly forward of the building line, that fencing would be located between existing high walls and would not be of significant visual impact.

The proposed flats range between 88-112sqm and all exceed the Technical Housing Standards set out within the Nationally Described Space Standards. All extend across the depth of the building, with fenestration facing in at least two directions. Whilst there are some concerns regarding the depth of the living spaces relative to the size and location of the window/s serving that space, this would not be sufficient to raise objections to the application. Following deferral, the provision of windows to Unit 5

has been improved. Unit 2 is provided with independent external private amenity space. The remainder of the units would share access to the remainder of the land to the front of the building, with a planted buffer provided to the ground floor windows, which can be managed by planning condition. Additional provision is proposed to Unit 4 in the form of a first floor balcony, however this space would have an unfortunate relationship with the bathroom windows serving Unit 3. This matter could be addressed either through a reduction in size of the balcony, or its omission, and, in this case, this could be dealt with by condition. On balance, subject to the outlined conditions, the amenity of the proposed flats would be acceptable.

There is limited flexibility in the proposed development, however this is acceptable taking into account the constraints imposed by subdivision and the nature of the units provided.

No extension is proposed to facilitate the subdivision.

The proposal would therefore be acceptable in respect of Policy OC1.

Alterations proposed to facilitate the subdivision are limited to the installation of dormer windows to the north (front) roofslope, alteration to and addition of ground floor fenestration to the south (rear) and east (side) elevations of the building, the erection of fencing to delineate the amenity space for Unit 2 and the provision of soft landscaping, none of which would have any significant impact on the character of the area.

Parking provision is limited relative to the size of units and there is not an abundance of alternative provision in this area. When formerly used as a hotel, and subsequently as a dwellinghouse, the building fell within the same ownership as the adjacent chalets and the larger parking area was shared. The site has now been separated and the application site retains only 5 spaces, one for each of the proposed units. The application retains the building as existing, without extension, however would likely represent an intensification of use relative to the authorised use. It would however also represent a more efficient use of this large building. As noted in the information supporting the application, the Parking Standards place emphasis on limiting parking provision and promoting alternative forms of transport. Taking into account the above, together with proximity to the St Peters and Forest West Local Centres, the location on a bus route and the provision of cycle storage, it is considered, on balance, that the parking provision is acceptable.

Adequate cycle storage is provided for each unit, within the amenity space to the north-west. In the proposed location this storage would have no adverse impacts on visual amenity or character.

Communal bin storage is indicated within the building envelope, accessed from the rear of the building. Whilst the narrow width of this area appears to lack functionality, there would be scope for bin storage elsewhere on site, without adverse impact. In light of this and, as there are two road frontages from which

waste could be collected, the precise collection point would be a matter for the collection operative and not a matter which could be controlled through planning application.

The proposed subdivision would result in an intensification of use of the building over its authorised use, however this would not, in itself, result in significant additional impact on the amenity of neighbouring property. The allocation of private amenity space to the north-west of the building to a single unit could result in an intensification of use of that area, however the area is proposed to be fenced, preventing additional impacts on the facing windows of the adjoining dwelling. The proposed physical alterations to the building would not give rise to any adverse impacts on neighbour amenity.

In terms of sustainable development, the reuse of an existing building comprises a sustainable approach and it is recognised that the opportunities for further enhancements are constrained by the existing building form. Confirmation has however been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The site has been legally divided, with the dwellings to the south-west retaining a right of way along the north-west boundary to access Route de Plaisance through an existing pedestrian gateway in the roadside boundary. The dwellings to the south-west do not therefore have any known rights in relation to the land to the north-east of those dwellings, excepting the right of way along the north-west boundary. This arrangement falls outside of planning control and the use of this right of way by the occupants of the adjacent dwellings, be it simply to access the site or for the disposal of waste, falls outside of the scope of planning law.

Overall, the revised proposal would meet the requirements of the Law, material considerations and relevant planning policies. Approval is recommended.

Date: 07/04/2025

