

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 hotel (Visitor Economy Use Class 7) to premises in multiple occupancy (Residential Use Class 6) with ancillary staff and manager's accommodation.

LOCATION: Blue Horizon Hotel, Le Mont Durand, St. Martin.

APPLICANT: Mr I McBoyle

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: 30/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 2202-1, 2 & 3

Application Ref: FULL/2022/0762

Property Ref: J015350000

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. The occupation of the premises as a premises in multiple occupancy (Residential Use Class 6) shall not exceed 28 persons at any one time (excluding staff/manager).

Reason - To control the use in the interests of amenity.

5. The staff and manager's accommodation at the site shall be occupied only by members of staff/manager employed at the site for purposes ancillary or incidental to the operation of the premises as a premises in multiple occupancy within Residential Use Class 6 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 shall not be used separately or for any other purpose at any time.

Reason - To control the use of the staff/manager's accommodation and thereby ensure compliance with adopted planning policy.

6. Notwithstanding the submitted information, no licensed bar facility shall be provided on the site at any time.

Reason - To control the use in the interests of amenity.

Expiry Date: This permission will cease to have effect on 29/05/2025 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/2022/0762
Property Ref: J015350000
Valid date: 03/05/2022
Location: Blue Horizon Hotel Le Mont Durand St. Martin Guernsey GY4 6DJ
Proposal: Change of use of hotel (Visitor Economy Use Class 7) to premises in multiple occupancy (Residential Use Class 6) with ancillary staff and manager's accommodation.
Applicant: Mr I McBoyle

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. The occupation of the premises as a premises in multiple occupancy (Residential Use Class 6) shall not exceed 28 persons at any one time (excluding staff/manager).

Reason - To control the use in the interests of amenity.

5. The staff and manager's accommodation at the site shall be occupied only by members of staff/manager employed at the site for purposes ancillary or incidental to the operation of the premises as a premises in multiple occupancy within Residential Use Class 6 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 shall not be used separately or for any other purpose at any time.

Reason - To control the use of the staff/manager's accommodation and thereby ensure compliance with adopted planning policy.

6. Notwithstanding the submitted information, no licensed bar facility shall be provided on the site at any time.

Reason - To control the use in the interests of amenity.

OFFICER'S REPORT

Site Description:

The application site comprises the Blue Horizon Hotel at Le Mont Durand, St Martin. The site includes the main one and a half storey hotel building, a single storey ancillary staff accommodation/store block to the north of this and a detached single storey unit of ancillary staff/owner's accommodation to the east, along with amenity areas including a swimming pool to the north of the hotel and two car parking areas situated respectively to the east and west of the hotel buildings.

Le Mont Durand is a no through road, becoming a green lane to the south east of the site. There are detached dwellings to the north, south and west of the site, with open agricultural land to the east and a strip of agricultural land immediately to the south.

The site is situated Outside of the Centres and is subject of no other designation in the Island Development Plan. The agricultural land to the south and east is designated an Agriculture Priority Area.

Relevant History:

FULL/2012/3030 - Alterations to existing vehicular access (revised). Granted 29/10/2012

FULL/2012/1922 - Demolish existing and erect replacement single storey staff quarters and stores. Granted 02/08/2012 with condition: 4. The staff accommodation and stores hereby permitted shall only be used in conjunction with and ancillary to the hotel at this site for purposes incidental to the hotel use thereof within Visitor economy use class 11 of the Land Planning and Development (Use Classes) Ordinance, 2007, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance, and shall not be used separately or for any other purpose at any time.

Reason - To ensure compliance with adopted planning policy.

FULL/2010/2462 - Erect detached staff house (revised). Granted 30/09/2010 with condition: 4. The detached staff house hereby permitted shall be used only in conjunction with and ancillary to the hotel at this site, that is within Visitor Economy Use Class 11 of The Land Planning and Development (Use Classes) Ordinance, 2007, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To prevent the creation of an independent dwelling which would be contrary to adopted planning policy.

Existing Use(s):

Visitor Accommodation – Use Class 7

Brief Description of Development:

Change of use of hotel (Visitor Economy Use Class 7) to premises in multiple occupancy (Residential Use Class 6) with ancillary staff and manager's accommodation.

The application is supported by the following documents:-

- Covering statement regarding marketing and viability
- Owner's letter in support
- Trading accounts summary 2011 to 2019
- Letter from Swoffers estate agents regarding marketing undertaken

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

Island Development Plan Policies:

- OC8(C): Visitor Accommodation Outside of the Centres – Change of Use
- OC1: Housing Outside of the Centres
- GP8: Design
- GP9: Sustainable Development
- GP16(A): Conversion of Redundant Buildings
- IP7: Private and Communal Car Parking

Visitor Accommodation Supplementary Planning Guidance (SPG), 2016

Parking Standards and Traffic Impact Assessment SPG, 2016

Representations:

17 letters of representation have been received opposing the application.

Grounds of objection are summarised as follows:-

- Impact on traffic of year-round occupancy - inadequate access on a narrow dead-end lane without passing places, speed and volume of traffic generated by the proposed use, adequacy of parking to serve the proposed use, increased service vehicles and possible on-road parking causing danger. Congestion and pollution. Danger to pedestrians and damage to banks and entrances
- Loss of hotel and impact on the visitor economy; popularity, management strategy, investment in and viability of the hotel; precedent; marketing conducted since the start of the Covid pandemic should be discounted
- Impact on the amenity of the locality
- Suitability of premises; standard of amenity for longer-term residents
- Noise and light pollution, including impact of 24 hour use on adjoining property immediately to the north
- Deterioration of the surroundings of the premises, anti-social behaviour and pest control issues

Some representors ask that in the event of permission being granted, conditions are imposed to mitigate any potential adverse effects.

Consultations:

Office of Environmental Health and Pollution Regulation

I have reviewed the proposed plans for a change of use from a hotel to premises in multiple occupancy, with ancillary staff and managers accommodation at Blue Horizon Hotel. The plans were received by this office on 11th May 2022. There are a number of issues of concern that I must raise.

There is currently insufficient information provided for me to comment fully on this application. I enclose a copy of our guidance document on 'Standards for Houses in Multiple Occupation (HMO)'. I would ask that the applicant provides further information to demonstrate how they will comply with the guidance and would request that revised plans are also submitted to demonstrate this.

I note the following points from the submitted plans and would request that the following is considered:

- One bedroom in the staff accommodation has no access to a bathroom.
- It is not clear whether all rooms within the main building have suitable access to a bathroom or shower room.
- Consideration should be given to providing a suitable area for residents to do their laundry.
- Consideration should be given to providing suitable common areas for residents.
- It is assumed the current kitchen in the hotel is suited to commercial use. Consideration must be given to converting this for suitable domestic use.
- Consideration must be given to the number of kitchens provided for residents to use, including the number of ovens, sinks, cooking rings and lockable storage/cupboards.

I would be happy to look at any further submitted documentation and provide further comment once assessed.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use and the living environment of future occupiers of the proposed accommodation and the occupiers of surrounding buildings, along with likely impacts on traffic and on the amenity of the locality.

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 purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

Policy OC8(C) sets out specific criteria against which any proposal for the change of use of visitor accommodation to a non-visitor accommodation use will be assessed, requiring it to be demonstrated that it is not technically feasible for the accommodation to meet the required standard for the particular type of accommodation involved, or where it is technically feasible, to demonstrate that it

would not be possible to return a reasonable operating profit, and that the establishment has been actively and appropriately marketed for sale and lease for a period of 24 consecutive months and an appropriate offer has not been made.

The application is supported by the following documents:-

- Covering statement regarding marketing and viability
- Owner's letter in support
- Trading accounts summary 2011 to 2019
- Letter from Swoffers estate agents regarding marketing undertaken

Regarding representors' comments concerning the popularity and viability of the hotel, and taking into consideration the impact of the Covid pandemic, it is clear from the submitted information that continued operation of the hotel business over many years has relied significantly on the voluntary contributions of the present owner-operators. It is also clear that marketing of the hotel commenced well before the pandemic began.

The information provided within the application is considered sufficient to demonstrate that it would not be possible to return a reasonable operating profit, and that the establishment has been actively and appropriately marketed for sale and lease for a period of 24 consecutive months and an appropriate offer has not been made.

The relevant requirements of Policy OC8(C) have therefore been met in this case and the principle of change of use of the hotel to an alternative non-visitor accommodation use can be accepted.

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting.

There are various policy criteria that must be satisfied in order for Policy GP8: Design to be met:

- a) Achieve a good standard of architectural design, including the design of necessary infrastructure and facilities; and*
- b) Demonstrate the most effective and efficient use of land; and*
- c) Respect the character of the local built environment or the open landscape concerned; and*
- d) Consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space; and*
- e) Provide soft and hard landscaping where this reinforces local character and distinctiveness and/or mitigates the impacts of development and/or contributes to more sustainable construction; and*
- f) Demonstrates accessibility to and within a building for people of all ages and abilities; and*

g) Offers flexible and adaptable accommodation that is able to respond to people's needs over time

No external changes to the existing buildings are proposed in connection with this application. The internal layout of rooms and spaces would also remain unchanged. The hotel comprises 28 guest rooms, with a total potential occupancy of 56 guests. The proposed premises in multiple occupancy would have a maximum of 28 occupants, along with staff to service the accommodation in a similar way that staff service the existing hotel (with the exception that meals would not be provided by the establishment).

There are 20 car parking spaces within the site, provided within two parking areas, along with covered bicycle storage. The site is also close to a bus route. The parking provision is considered proportionate and adequate to serve the proposed use. The accommodation is set away from site boundaries and does not directly overlook neighbouring dwellings.

Although the proposed year-round occupation is a concern for many representors, in terms particularly of impacts on traffic, amenity and potential for noise and disturbance, there is currently no planning restriction which would prevent use of the premises as a whole on a year-round basis. Potential for noise and disturbance may be greatest in summer months when people might congregate outdoors and doors and windows are more likely to be open for longer. However, at that time the current authorised use as a hotel would also be likely to be at its most intensive including use of facilities such as the swimming pool.

At the proposed level of occupancy, which can be ensured by planning condition, and having regard to the size and facilities available at the site and its surroundings and relationship with neighbouring properties, the likely impacts of the proposed use in terms of traffic, parking and neighbour amenity would be likely to be little different from those arising from the current authorised use as an hotel.

The existing staff/manager's accommodation would remain ancillary to the operation of the site as a whole, as at present. This can be ensured by planning condition.

Further information has been provided by the applicant in response to the matters raised by the Office of Environmental Health and Pollution Regulation, who have no further comments on the application. Adequate bathroom, laundry and cooking facilities will be provided for all residents and staff. A substantial common area will be provided for residents. Although a bar is shown on the submitted plans, no licensed bar will be provided. This can be ensured by planning condition.

In terms of the amenity of occupiers of the development, the site includes substantial amenity space and the accommodation includes generous communal areas. The proposal demonstrates an effective and efficient use of land and the

premises provide suitable levels of accessibility and adaptability having regard to the minimal physical changes proposed.

The proposal accords with Policies GP8 and IP7 of the Island Development Plan. The relevant criteria of Policy GP16(A) are also satisfied.

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

It is recommended that planning permission be granted, subject to conditions.

Date: 30/05/2022