

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 from dwelling (Residential Use Class 1) to House of Multiple Occupancy (Use Class 6).

LOCATION: No 1 Les Fontenelles Mews, Mount Hermon, St. Peter Port.

APPLICANT: Les Fontenelles 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: 13/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates - A220901 10.

Application Ref: FULL/2022/1899

Property Ref: A30654A001

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.

Expiry Date: This permission will cease to have effect on 12/01/2026 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/2022/1899
Property Ref: A30654A001
Valid date: 05/10/2022
Location: No 1 Les Fontenelles Mews Mount Hermon St. Peter Port
Guernsey GY1 1JD
Proposal: Change of use from dwelling (Residential Use Class 1) to
House of Multiple Occupancy (Use Class 6).

Applicant: Les Fontenelles Limited

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).

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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.

OFFICER'S REPORT

Site Description:

The property is a three-storey dwellinghouse located at the end of a small group of similar dwellings, accessed from Mount Hermon to the south with pedestrian access also to the north from St Thomas Village. The site includes an enclosed rear and side amenity area and garage.

The site is located within the St Peter Port Main Centre Inner Area and within the Town Centre Conservation Area.

Relevant History:

None

Existing Use(s):

1 – Residential dwellinghouse

Brief Description of Development:

The proposal is for the change of use of the existing dwellinghouse, to a House of Multiple Occupancy (HMO) – use class 6. The proposed HMO has 5x ensuite bedrooms set over three floors, a first-floor lounge and ground floor kitchen-dinner. There are no external alterations proposed.

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

MC2- Housing in Main Centres

GP4- Conservation Areas

GP8- Design

GP9- Sustainable Development

IP6- Transport infrastructure and support facilities

IP7- Private and communal car parking

SPG- Parking Standards and Traffic Impact Assessment

Representations:

Two letters of representations have been received and have been summarised below:

- Maximum occupancy has not been stated and should be limited to 4 people, no bicycle parking (*Officer Note- the application form has been revised by the Agent to state occupancy proposed and bicycle storage*)
- Intensification of the residential use will have impacts on neighbouring amenity, such as noise and disturbance.
- Difficulties regarding the adherence to covenants, improper rubbish disposal and failure to maintain gardens.

- Inadequate facilities for occupants- does not comply with OEHPRs Code of Conduct for Renting Accommodation.
- Upset balance of family homes in community and social character.
- Car parking issues- displacement of car parking for other local residents.
- Limited amenity space and privacy for future occupants.
- Additional wear and tear to private access.

Consultations:

Environmental Health comments:

"I have reviewed the proposed plans for change of use to House of Multiple Occupation which were received by email on 6th October 2022 and I do not wish to raise any objections to the proposals. I note that 5 bedrooms each with an ensuite will be provided, with a separate lounge and a kitchen/dining area."

Summary of Issues:

The main considerations include:

- the principle of development
- the impacts of the proposed change of use on 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.

Principle of the change of use

Policy MC2 sets out that housing development includes new build housing, change of use to housing from other uses and the conversion and subdivision of existing buildings. The plan also seeks to provide a mix of tenures, housing sizes and types. This scheme relates to the subdivision of an existing dwelling to offer a house of multiple occupation (HMO) with 5 rooms (as shown in the plans and stated in the revised application form received 12/01/2023) which would make more efficient use of an existing building in line with the aims of Policy MC2 and the Island Development Plan (IDP).

The scheme does not propose any external alterations to the building. The proposal therefore would not have a detrimental impact on the character and appearance of the Conservation Area in accordance with Policy GP4 of the IDP.

Impacts on amenity

The amenity provided by the proposal for future occupants has been considered and although there are some areas of the proposal which do not comply with the Code of Good Practice for Renting Accommodation (CGPRA), for example, the lack of detail regarding the kitchen specification and kitchen storage, one bedroom is more than one floor distant from the kitchen, and the proposed kitchen space is 2.5sqm smaller than the requirement. However, Environmental Health have assessed the application and raised no objection to the proposal. Overall, the scheme broadly accords with the CGPRA guidance, and all bedrooms and the lounge area exceed the minimum space standards. The private garden is considered adequate in the provision of outside amenity space for future occupants.

Neighbouring amenity has also been considered and as the site is located in a residential area, the use of the building as an HMO is compatible with the surrounding area. A mix of housing types within the Main Centre is encouraged by Policy MC2 and this inevitably leads to a mixture of tenures which may be more noticeable within a small group of houses which are currently occupied predominantly by single family groups. The use may be more intensive than at present, with more general disturbance and noise created as a result, although it is not considered to be any more harmful than if a large single family occupied the dwelling, and is not anticipated to result in unacceptable harm to the amenities of surrounding occupiers in accordance with Policy GP8 of the IPD.

Although objectors have requested a limit on the number of occupants, to try and control the level of occupancy by way of planning condition would be unreasonable and unenforceable. Difficulties enforcing planning covenants and regarding the management of the HMO are also not material planning considerations.

Other issues:

Car parking

The proposal includes two car parking spaces and 4 bicycle parking spaces (as stated in the revised application form received 12/01/2022), which is considered adequate given the town centre location. In this respect, the proposal accords with Policies IP6, IP7, and the Parking Standards and Traffic Impact Assessment SPG.

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: 11/01/2023

