

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 section of ground floor from house in multiple occupation (Residential use class 6) to a restaurant/cafe and takeaway (mixed use class 11 and 12) - Retrospective

LOCATION: The Manor Hotel, La Rue Des Croisee, Forest.

APPLICANT: The Manor Hotel

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: 06/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - TG-18-912-01 & -02

Application Ref: FULL/2022/2200

Property Ref: H004960000

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 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.

3.The premises shall not be used for the purposes hereby permitted outside the hours of 07:00 till 22:00 on Monday to Thursday inclusive, 07:00am till 23:00 on Friday and Saturday, and 09:00 till 22:00 on Sunday or Public Holidays and no deliveries shall be received at or despatched from the site outside these hours.

Reason: To protect the amenity of neighbouring residents

Expiry Date: This permission will cease to have effect on 05/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

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/2022/2200
Property Ref: H004960000
Valid date: 25/11/2022
Location: The Manor Hotel La Rue Des Croisee Forest Guernsey GY8
OBW
Proposal: Change of use of section of ground floor from house in multiple
occupation (Residential use class 6) to a restaurant/cafe and
takeaway (mixed use class 11 and 12) - Retrospective
Applicant: The Manor Hotel

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 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.

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Reason: To protect the amenity of neighbouring residents

INFORMATIVES

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OFFICER'S REPORT

Site Description:

The main building is located on the west side of La Rue Des Croisee and extends to four floors, including a mansard roof. There are two relatively small timber outbuildings to the rear. The area to the east of the road comprises a roughly surfaced car park to the south.

The site is located Outside of the Centres.

Relevant History:

CLU/2022/0930- Regularise use of premises as a house in multiple occupation (Residential use class 6)- Granted- 28/10/2022

FULL/2018/2138- Change of use of part of ground floor from Hotel/restaurant/café (visitor economy use class 7) to Independent Restaurant/Cafe (Retail Use Class 11- Sale of food) for a temporary 2 year period – Retrospective- Granted 08/03/2022

Existing Use(s):

Residential Use Class 6 - HMO

Brief Description of Development:

The proposal is for the retrospective change of use of a section of the ground floor from HMO (Use Class 6) to be use as a restaurant/café and takeaway (use classes 11 and 12).

There are no external changes proposed.

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

OC4- Retail outside of the Centres

OC8 (C)- Visitor Accommodation Outside of the Centres- Change of Use

GP8- Design

GP12 – Protection of Housing Stock

GP16(A) – Conversion of Redundant Buildings

IP6- Transport Infrastructure and support facilities

IP7- Private and Communal Car Parking

IP9- Highway Safety, Accessibility and Capacity

Representations:

None received

Consultations:

Environmental Health comments:

I have reviewed the proposed plans for change of use for part of the ground floor from hotel to restaurant/café/ takeaway which were received on 5th December 2022 and I do not wish to raise any objections to the proposals.

Summary of Issues:

1. Principle of development
2. Impact on amenity of occupants
3. Impact on highways

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).**

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

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

The principal aim of the Island Development Plan 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.

Principle of development

Previous application (FULL/2018/2138) granted a 2-year consent which required the use to cease on or before 07/03/2021. This was granted on a temporary basis as a minor departure from the IDP, as at the time of application the entire site was in use as a hotel, and Policy OC8c) operates a general presumption against the change of use of visitor accommodation.

The officer report for FULL/2018/2138 states that the grant of the 2 year temporary consent "*would afford the owner of the property with an opportunity to seek to regularise the unauthorised use of the hotel as a lodging house, either by submitting a further retrospective planning application accompanied by evidence of a two year marketing exercise carried out in accordance with the requirements of Policy OC8(C) and published supplementary planning guidance, or by making an application for a*

Certificate of Lawful use (the provisions for which are due to come into force later this year).

If either or both of those applications were successful then an application for the permanent use of the restaurant and café would be likely to be acceptable in the context of Policy OC4. Alternatively, if it does not prove possible to regularise the current lodging house use, a 2-year temporary change of use of the restaurant and café would not preclude a subsequent resumption of the authorised hotel use. As such a minor departure from the provisions of Policy OC8(C) is considered to be acceptable in this instance.

Policy OC4 states that “New convenience retail development will only be permitted where it would result from the change of use of existing buildings located on, or within close proximity to, the coast and where the retail provision would support the recreational enjoyment of the coastal location.” The Manor Hotel is located in close proximity to the network of cliff paths, and is also on the direct vehicular and pedestrian route from the Forest Road to Petit Bot, a popular beach. As such it is considered that its use as a restaurant and café by Island residents and visitors, a function it would equally have served when in operation as a hotel, would clearly support the recreational enjoyment of the coastal location. Notwithstanding the highlighted issue with regards to the lawful use of the hotel, use of the restaurant on an independent basis would comply with the aims of Policy OC4.”

Since this, CLU/2022/0930 has been granted which regularised the use of the entire site as an HMO (use class 6) which means Policy OC8 is now no longer relevant.

The location of the site approx. 200m from the cliff/coastal paths and on one of only two roads to Petit Bot Bay, is considered to support the recreational enjoyment of the coast. The change of use of the existing building for the proposed mixed café, restaurant (class 11) and takeaway use (class 12) is therefore supported by Policy OC4 which supports the change of use of existing buildings where the provision of a limited amount of convenience retail development would support the recreational enjoyment of the coast.

Policy GP12 of the IDP has also been considered, this allows for the loss of existing housing subject to the policy requirements, including the demonstration that the accommodation is substandard or can not be upgraded. Notwithstanding the existing use of the site as a public restaurant/café/takeaway, the formal use of the application site is residential (as established by the CLU). The application however relates to part of the ground floor only, which comprises ancillary facilities to the HMO (communal areas and kitchens), it is therefore not considered that this policy specifically applies in this case as there is no loss of existing housing proposed.

The applicant has demonstrated that the site is no longer required for its current ancillary purpose, as the HMO occupants have access to kitchen and laundry facilities on each floor and the previous ground floor bar/function remains within the HMO use for communal use.

This means that the application complies with Policy GP16(A): Conversion of Redundant Buildings because this section of the building is no longer required for its ancillary purpose, it results in the establishment of convenience retail in accordance with Policy OC4, and the building is of sound and substantial construction.

The impact on amenity is acceptable- as considered in further detail below.

Impact on neighbouring amenity

The granting of a permanent consent for the use as a café/restaurant and takeaway could have some harmful impacts on neighbouring amenity arising from noise and disturbance from customers should the hours of use remain unfettered. It is therefore considered reasonable and necessary to limit the hours of use to ensure adequate standards of amenity for both residents of the HMO directly above the café/restaurant/takeaway and nearby neighbouring residents.

Parking and access

The 2018 application granting the temporary change of use was assessed by Traffic and Highways who raised no objection to the proposal in relation to vehicle movements, road safety or from a Traffic Management perspective. The application is therefore considered to accord with the aims and objectives of policies IP6, IP7 and IP9.

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; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and 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).

No impact on any protected trees, monuments, buildings or SSS's.

Recommendation:

Grant with Conditions



Date: 02/03/2023

