

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: Alter house of multiple occupancy (Use Class 6) to form 4 dwellings and 4 flats with associated works and create parking area.

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

APPLICANT: Blue Horizon Hotel Ltd

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: 20/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7687-01 B1A, B2A, B3 & B4.

Application Ref: FULL/2023/1889

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.Prior to the undertaking of any landscaping, including the laying of any hardsurfacing, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all new hard surfaced areas, including a specification for laying;
- ii) full details of tree, hedge and other planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to limit flooding.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6.The cycle storage shall be fully completed, in accordance with the approved plans, prior to the first occupation or completion of the development whichever is sooner. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

Expiry Date: This permission will cease to have effect on 19/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2023/1889
Property Ref: J015350000
Valid date: 27/10/2023
Location: Blue Horizon Le Mont Durand St. Martin Guernsey GY4 6DL
Proposal: Alter house of multiple occupancy (Use Class 6) to form 4 dwellings and 4 flats with associated works and create parking area.

Applicant: Blue Horizon Hotel Ltd

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. Prior to the undertaking of any landscaping, including the laying of any hardsurfacing, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all new hard surfaced areas, including a specification for laying;
- ii) full details of tree, hedge and other planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to limit flooding.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. The cycle storage shall be fully completed, in accordance with the approved plans, prior to the first occupation or completion of the development whichever is sooner. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The application site comprises the former Blue Horizon Hotel at Le Mont Durand, St Martin, now in use as a premises of multiple occupation. 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/manager's accommodation to the east, along with amenity areas including a swimming pool to the north of the main building 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/2022/2259 Change of use of Manager's accommodation (Use Class 6) to Residential dwelling (Use Class 1). Approved 25/01/2023. On site it did not appear that Condition 4 or 5 had been complied with, therefore this permission cannot have been lawfully implemented.

FULL/2022/0762 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. Approved 30/05/2022

Existing Use(s):

Main building: Residential Use Class 6 (Premises of Multiple Occupation with ancillary staff and manager's accommodation)

Brief Description of Development:

Permission is sought to subdivide the existing premises of multiple occupation to form 4 dwellings (3no 2 bed, 1no 3 bed) and 4 flats (1no 1 bed, 3no 2 bed). The existing outbuilding along the north boundary and the entrance foyer/dining area located adjacent to the northern access would be demolished and the swimming pool removed. A bike store would be constructed against the north elevation of the main building.

In addition the following alterations would be undertaken to each unit:

- Unit 1: Block up door (South gable), replace window with double doors (east elevation), replace window with door (west elevation)
- Unit 2: Replace window with double doors (east elevation), install new door and replace and reposition window (west elevation)
- Unit 3: Replace window with door (west elevation)
- Unit 5: Install new window and door (south elevation), replace windows with doors (east elevation), install folding doors (north elevation), block up door (West elevation)
- Unit 6: Block up door (North elevation), removal oriel window and install window (west elevation), install window and door (south elevation)
- Unit 7: Replace window with Juliet balcony (south elevation), install new window (north elevation)
- Unit 7 & 8: New access door installed at ground floor level to south elevation

The existing parking and associated access in the north-west of the site would be retained as existing, providing 7 parking spaces. A bin store was initially proposed in that area, but has been omitted following deferral. A new parking area would be formed to the south-west of the building, providing a further 8 spaces, served by the existing access point in the south-west corner of the site. A bin store was also initially provided within that area, but was omitted following deferral.

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:

Four letters of representation received to the application as initially submitted raising the following points:

- Currently the site provides 20 parking spaces, and is licenced for 28 single rooms. Despite the HMO not being fully occupied these spaces are normally full and cars have often overflowed on to the small turning space opposite the main drive, blocking access to the adjacent field. The proposal would potentially result in 34 bed spaces, with a reduction in parking spaces to 13. There is not room on the land for adequate parking, as part of the parking has been made over to the bungalow to the rear of the site, and there is no other parking capacity in the area;
- The increase in traffic resulting from the change to a HMO has resulted in bank erosions along the lane, and a land slip onto the lane. The increase in

traffic has had a significant environmental impact and an environmental impact survey must be undertaken;

- The septic tank provision is insufficient for current use and tankers can attend the property 2-3 times a day. The sewage emptying point is located so that the sewage lorry has to park in the lane to take the sewage and blocks the lane;
- The proposals show a window in the west elevation which would look directly into the front garden of the Mouilliere property, as well as the windows serving an office and child's bedroom, and would impact on privacy. This could be resolved through removal of the pedestrian steps in the front boundary and extending the planting along the boundary;
- The service block is located on a concrete slab that is also the foundation of the boundary wall and fence, and removal of the slab could cause collapse of the boundary features and would therefore need to be treated carefully;
- There is a right of way along the south boundary of the site to the adjacent fields to the east, and this must be maintained as part of any proposals;
- There is significant water run-off from the front car park, causing flooding of the road;
- Bin storage is proposed at the front of the site, directly opposite neighbouring properties. There are concerns regarding odours and access for rubbish trucks.

Those who had made representation were renotified of the revised plans, however no further comments were received.

Consultations:

None undertaken.

Summary of Issues:

The amenity of the proposed units;
Impacts on the character of the area;
Parking provision;
Impacts on road safety and traffic management;
Sustainable design;
Impacts on neighbour amenity.

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 current application comprises the subdivision of an existing building in residential use, and Policy OC1 would provide a gateway for the proposal.

The site is located on the edge of relatively high density residential development, predominantly comprising either detached or semi-detached dwellinghouses, along Route de Jerbourg and Le Courtillet, and the change in the nature of the residential use at the site would be consistent with the character of the surrounding area.

The proposed units would all exceed the minimum standards set out within the best practice space standards, and, in respect of the ground floor units, would benefit from good provision of private amenity space, with outlook over that space from the primary living areas. The amenity spaces would be defined with 1.8m fencing or walls. The two upper floor units would have access to a communal green space to the front of the building. Following deferral, the boundary between the amenity spaces for Units 3 & 4 has been altered, and the window serving the Unit 3 dining area, which previously looked out on to the amenity space for Unit 4, would no longer do so. Whilst the proposal is now to infill this window, given the amended division of amenity space this would not be a planning requirement. The development would therefore provide satisfactory living environments and amenities for the proposed units.

All habitable accommodation would be provided within the existing building envelope. The only extension proposed is to provide a communal bike store, and that extension would be modest relative to the overall scale of the building and would not form part of any new unit.

The proposal would therefore comply with the requirements of Policy OC1. The remaining relevant policies outlined above are addressed below.

The proposed alterations to the building would not significantly alter the overall scale, form or appearance of the existing building and would not therefore have any significant impact on the character or visual amenity of the area.

Existing planted areas would be retained to the west of Units 1 & 2, with new areas created to the south of Units 4-6 and new hedge planting to the west of the southern parking area and along the path to the south of Units 4-6. Following deferral, the entrance to the southern parking area has been amended, extending the roadside hedging and creating a planting area, which would screen views of the parking from the road. The proposed landscaping would satisfactorily mitigate any visual impacts arising from the proposals and details can be required by condition.

The proposed accommodation has been designed to be accessible for all, including single storey and/or open plan layouts, wide doors and good circulation space, with level access or ambulant stair access.

In respect of sustainability, the proposals result in the reuse of an existing building, upgraded where necessary to meet Building Regulations in respect of energy and water efficiency. The northern parking area is existing and there would be no alteration to the existing surfacing. It is not therefore within the scope of this application to require alteration to a permeable surfacing material, or the infill of the pedestrian access in the west boundary. Following deferral, the plans however show removal of the pedestrian steps in the site boundary, and infill of the space with landscaping, in an effort to alleviate run off in that location. Whilst that work is supported, it would not be reasonable to control the works by planning condition. The new parking area to the south of the site is to be surfaced in permeable tarmac, a specification and implementation of which can be controlled by condition.

Units 1-4, 7 & 8 would each be served by a single parking space, whilst Units 5 & 6 would be served by two spaces each and three spaces would be provided for visitors. Whilst this provision is low for the size of units provided, parking is provided for each of the units proposed and the ethos within Development Plan policy and Supplementary Planning Guidance is to encourage alternative modes of transport, limiting car usage. Furthermore, the provision of additional car parking could only be achieved by compromising the green space to the front of the building, with associated impacts on visual amenity, environmental quality and surface water run off. In light of the above it is considered that the proposed parking provision is adequate to meet the requirements of Policy IP7.

Following deferral, bicycle and bin storage is provided within the amenity space of each ground floor unit, with provision for the upper floor units made within the new store to the north of the building. Provision of such storage can be controlled by condition. These amendments would address concerns initially raised in letters of representation regarding the appearance and impacts of communal bin storage, including access by refuse trucks.

Taking into account the limitations on car parking, vehicle movements associated with the proposed units would not be significant, particularly relative to those associated with either the former use of the site as a hotel or the present use of the site as a premises of multiple occupation. The development would continue to use the existing accesses at the site, and would not represent an increased use of those accesses. The proposal would not therefore result in road safety concerns and would accord with Policy IP9. The proposal does not comprise either Schedule 1 or 2 development as set out within the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007, the site does not fall within a Site of Special Significance designation and does not support any Protected Trees. The proposal does not therefore comprise development which requires an Environmental Impact Assessment.

The submitted plans indicate retention of a right of way to the dwelling and field to the rear of the site. There would be no apparent obstruction to any existing right of way and the grant of planning permission would not overturn any such existing legal obligations.

Neither the change of use of the building, in itself, nor the alterations to fenestration proposed to facilitate that change of use, would result in any additional impacts on the amenity of adjoining properties. The box window to the west elevation is existing, and the alteration of that window to a standard window would not result in any increased impacts, however it is noted that the revised proposal includes the infilling of the pedestrian steps in the west boundary, which would block any views from that window.

The staff block to the north of the site is set off the boundary, which is formed by high fencing and demolition of that structure in itself would not result in adverse impacts on the adjoining property. It has been noted in the letter of representations that the concrete pad on which the block is built extends below the boundary fence. The demolition works would therefore have to be carefully undertaken to prevent adverse impacts on the integrity of the fence. The grant of planning permission for demolition would not override any obligations in respect of third party property.

The management of sewage from the site does not fall within the remit of the Planning Service, however the points made in the letter of representation were referred to the applicant and it has been confirmed that the cesspit associated with the on road emptying point will be rendered redundant as a result of the demolition of the staff block and the emptying point will no longer be used once the development has been implemented.

Overall, the revised plans accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 14/02/2024

