

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: Demolish existing building, outbuildings and substation, erect 3 buildings to contain 15 flats with associated works, erect 2 outbuildings to east of site and alter vehicle accesses.

LOCATION: L'Eree Hotel, Route De La Rocque Poisson, L'Eree, St. Pierre Du Bois.

APPLICANT: Red (L'Eree Bay) 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: 04/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: HD Planning & Design - 4747 - 050 P3, 100 P3, 101 P3, 102 P3, 103 P3, 120 P2, 200 P3, 201 P2, & 900 P3; CEMP amended January 2025; SWMP signed 16/06/2024

Application Ref: FULL/2024/1198

Property Ref: F000860000

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 development, excluding demolition and site works, shall begin until a scheme showing the provision to be made for the parking of visitor cycles has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed schemes for both visitor and resident cycle storage 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.

5.No cladding to be used on the exterior of the buildings shall be placed on the site until such time as samples of that cladding have been submitted to the Authority. Only cladding agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

6.Prior to demolition of any part of the roadside boundary walls, excluding where that wall forms part of the existing building, details showing the extent of demolition and reconstruction of those walls, the means of reconstruction, including details of the type and colour of stone, and a timeframe for reconstruction, shall be submitted to and agreed in writing by the Authority. The replacement walls shall be constructed, including closure of the two existing accesses to the north-west of the site, and making good of the ends of the extended and relocated accesses in the west and north boundaries, in accordance with the agreed details. No part of the walls falling within the visibility splay of either access shall exceed 900mm in height.

Reason - To secure the satisfactory appearance of the completed development and to ensure that the accesses meet road safety standards.

7. Prior to installation, full details of the electric vehicle charge points shall be submitted to and approved in writing by the Authority. The charge points shall be installed and made operational prior to the units hereby approved being occupied.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

8. Prior to the installation of any external lighting, details of that lighting shall be submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity, the character of the area or traffic and pedestrian safety.

9. Prior to the undertaking of any landscaping, 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 hard surfaced areas, including a specification of laying; and
- ii) full details of all planting, including planting schedules, noting the species, sizes, numbers and densities of plants.

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

10. 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.

11. The privacy screens to the north side of the west roof terrace and to the south side of the east roof terrace serving Unit 5 and to both sides of the east roof terrace serving Unit 15 shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the associated terrace being brought into use. The screens shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of occupants of the development and nearby residents.

12.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

13.The development hereby approved shall only be carried out in accordance with the Construction Environmental Management Plan dated January 2025.

Reason - To protect the amenities of the surrounding area and nearby residents.

14.Noise associated with the electrical substation incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason - The substation is close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 04/02/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of the approved Construction Environmental Management Plan, it is brought to your attention that that document requires certain work, in particular the fencing of the site boundaries, to be undertaken prior to the commencement of any other work on site.

Please note that any mobile crusher used at the site must be covered by a valid Air Pollution Licence. As part of the licence conditions, the Office for Environmental Health and Pollution Regulation must be notified prior to any crushing activity.

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/2024/1198
Property Ref: F000860000
Valid date: 01/08/2024
Location: L'Eree Hotel Route De La Rocque Poisson L'Eree L'Eree St.
Pierre Du Bois Guernsey GY7 9LG
Proposal: Demolish existing building, outbuildings and substation, erect
3 buildings to contain 15 flats with associated works, erect 2
outbuildings to east of site and alter vehicle accesses.
Applicant: Red (L'Eree Bay) Limited

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.

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Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity, the character of the area or traffic and pedestrian safety.

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- i) the treatment proposed for all hard surfaced areas, including a specification of laying; and
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Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

10. 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.

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13. The development hereby approved shall only be carried out in accordance with the Construction Environmental Management Plan dated January 2025.

Reason - To protect the amenities of the surrounding area and nearby residents.

14. Noise associated with the electrical substation incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason - The substation is close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

In respect of the approved Construction Environmental Management Plan, it is brought to your attention that that document requires certain work, in particular the fencing of the site boundaries, to be undertaken prior to the commencement of any other work on site.

Please note that any mobile crusher used at the site must be covered by a valid Air Pollution Licence. As part of the licence conditions, the Office for Environmental Health and Pollution Regulation must be notified prior to any crushing activity.

OFFICER'S REPORT

Site Description:

The application site comprises a former hotel building located on the eastern side of the coast road (Route de la Rocque Poisson), at the junction of that road with Route des Sablons and Route des Adams. The site is bounded by residential properties to the south, east and across the road to the north. To the west, across the coast road, is open common land located above the beach.

The site is located Outside of the Centres in the Island Development Plan and is not subject to any other Plan designation.

Relevant History:

FULL/2023/0312 Convert, extend and alter hotel (Visitor Economy Use Class 7) to create 12 flats (Residential Use Class 2) and 2 dwellings (Residential Use Class 1) with associated landscaping, parking, refuse and cycle store. Approved 19/06/2023

FULL/2024/0395 Variations to plans previously approved to convert, extend and alter hotel (Visitor Economy Use Class 7) to create 12 flats (Residential Use Class 2) and 2 dwellings (Residential Use Class 1) - Subdivide unit 4 to create additional flat and alterations to fenestration to east elevation. Approved 18/04/2024

Existing Use(s):

Visitor Economy Use Class 7: Hotel

Brief Description of Development:

Permission is sought to demolish the existing hotel building, outbuildings and substation, and to erect 3 buildings to contain 15no 2 bed flats. Access would be retained in the south-west corner, serving a parking area of 17 car spaces (including 3 disabled spaces) and 4 motorcycle spaces. Access would also be retained in the north boundary, serving a parking area of a further 6 car spaces (including 2 disabled spaces). Existing accesses in the north-west corner would be closed. The existing granite roadside wall will be retained where possible around the north-west corner of the site and infilled and extended along the north and west roadside boundaries. A bicycle store would be erected to the south-east of the site and a further outbuilding containing a substation, bin area and external stores to the north-east.

In support of the application the following documents are submitted:

- A Site Waste Management Plan;
- A Construction Environmental Management Plan

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

S1	Spatial Policy
S4	Outside of the Centres
OC1	Housing Outside of the Centres
GP1	Landscape character and open land
GP8	Design
GP9	Sustainable Development
GP16(A)	Conversion of redundant buildings
GP16(B)	Conversion of redundant buildings – Demolition and Redevelopment
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance:
Parking Standards and Traffic Impact Assessment
Strategy for Nature

Representations:

One letter of representation received raising the following points:

- The area is a rural, coastal location and properties can reasonably expect to benefit from a greater extent of amenities than in an urban location;
- The proposed built form would extend closer to the adjoining property to the south-east, within 11m of the boundary, at a greater height (three storey instead of single storey), and would result in an oppressive and unacceptably overbearing impact on the amenity and enjoyment of that property, exacerbated by the location of primary amenity space, living accommodation and large windows located to the west of that property;
- The application is not supported by a detailed landscape scheme. Indicative tree planting would not overcome concerns regarding overlooking, particularly due to the impermanence of such planting and the impacts on plant growth in a coastal location.

A further email was received in respect of the revised plans noting the following:

- The separation distance between the south block (Block C) and the boundary with the adjacent property to the south-east continues to be misrepresented and the proposed amendment will make no material difference to the oppressive and overbearing impact on that property;
- The addition of privacy screens will serve no useful purpose in preventing harmful overlooking of the adjacent property;
- If approved, it is requested that conditions be applied requiring omission of the rear terrace to Unit 15 and obscure glazing of the south-east corner windows to Unit 14;
- It would be preferred that the existing boundary treatment between the property to the south-east and the application site was retained as existing, with no increase in height or additional landscaping, there are concerns regarding indicative tree planting within the car park and close to the boundary and driveway walls.

Consultations:

The Office for Environmental Health and Pollution Regulation initially noted that there was insufficient information in respect of the elements summarised below to enable full comment to be made:

- 1) Potential contaminated land
- 2) Dust management plan
- 3) Crushing on site
- 4) Site lighting
- 5) Site working hours
- 6) Piling
- 7) Noise monitoring
- 8) Pollution incidents
- 9) Electric substation

Following initial deferral, *The Office for Environmental Health and Pollution Regulation* provided further comment as follows:

In my previous letter about this application, dated 30th September 2024, I requested that the Construction Environmental Management Plan (CEMP) was reviewed and updated and I asked for further information about a new electrical substation being installed at the site. I note the applicant has addressed the points in my letter and based on their response, I have the following further comments:

Regarding the revised CEMP I have the following comments:

1. Site lighting

Whilst a site lighting plan has not been added to the Appendices as requested, I am satisfied that site lighting is addressed in Appendix 3.

2. Piling

Piling is addressed in Appendix 4, which states:

“If piling is required then the necessary OEHPR noise and vibration report will be issued to address type of piling, hours, duration, and neighbour notification.”

I request that this is updated to read:

“If piling is required, a specific noise and vibration report will be issued to the OEHPR at least 21 days before any piling works begin. This report will include:

- i. the type of piling,
- ii. the hours that piling works will be carried out,
- iii. the duration of piling works,

- iv. details of communication with residents living in all properties that may be affected by piling works.

Any noise and vibration management plan created in relation to piling works will be devised in accordance with BS5228.”

Piling is also mentioned in paragraph 6.23.1 and I request this is updated to read:

“... If, for any reason, piling is required then this will be specifically noise controlled and a specific noise and vibration report will be issued to the OEPR once the final construction design is agreed and no later than 21 days before any piling works begin. If necessary, a specific noise and vibration report will be issued by the Contractor and using the expert team and in direct consultation with OEPR and with full community advertising taking place no later than 21 days before any piling work begin. Such detailed facts to include:...”

3. Noise monitoring

Whilst noise monitoring is mentioned in Appendix 4, I would request that the CEMP is updated to state:

“Noise monitoring is contractual on the Principal Contractor who will keep a written record of the following information:

- i. The full names of those personnel who will carry out noise monitoring,
- ii. what training they have received,
- iii. what type of noise monitoring equipment / sound level meter will be used,
- iv. if the noise monitoring equipment / sound level meter has been calibrated, and
- v. how the networked boundary monitor system will be set up and how it works.

The written record will be made available to the OEPR upon request.”

Should further information be submitted, I would be happy to look at this and provide further comments.

Regarding the installation of a new electrical substation, I do not require any further information and would recommend that the following condition is attached to any permission granted for this application:

- Noise associated with the electrical substation incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Summary of Issues:

Floor space and volume of the proposed development relative to the approved scheme;

Impact on the character of the area;

Sustainable design;

Impact on landscape character and openness;

Impact on the amenities of neighbouring properties;

Access and parking;

Amenity of the proposed development;

Accessibility and adaptability;

Waste and construction 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).**

Policy OC1 (Housing Outside of the Centres) indicates that new dwellings will only be supported where the proposal is achieved through the subdivision of an existing dwelling or the conversion of a redundant building, in accordance with Policies GP16(A) and GP16(B) (Conversion of Redundant Buildings).

In this case, permission has been granted for the conversion of the building which forms the subject of this application under Policy GP16(A), and permission is now sought for the demolition of that building and the construction of a new dwelling under Policy GP16(B).

Policy GP16(B) states that the demolition and redevelopment of a building that is able to accord with the requirements of the conversion of redundant buildings policy may be acceptable without the need to implement the permission for conversion by physically carrying out the development, provided that:

a. the conversion scheme has first been granted planning permission;

The conversion of this building to form 12 flats and 2 dwellings was approved 19/06/2023, under reference FULL/2023/0312, and the scheme was varied to create an additional flat 18/04/2024 under reference FULL/2024/0395.

b. the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded;

The approved scheme is for:

4no 1 bed flats

9no 2 bed flats and 1no 2 bed dwelling

1no 3 bed dwelling

The current application is for 15no 2 bed dwellings, representing the same number of units across the site. Whilst this does not represent a mix of units, and differs slightly from the mix proposed under the approved scheme, there is no requirement for the units to match the mix of the approved scheme or for the development to achieve a mix of units under Policies OC1 or GP16. The type of unit proposed addresses the predominant housing requirement as set out in the States Strategic Housing Indicator 2023-2027 and would therefore be acceptable.

In respect of the floor space and volume, further clarification is provided within the pre-facing text, where there is reference to the floor space and volume of the new building, not to individual units within the building.

In this case, the stated floor space of the approved scheme is 1776sqm, and that of the proposed scheme 1569sqm and this appears to be accurate. No statement is provided in respect of the volume of the approved or proposed schemes however, measuring from the approved and submitted plans, it is apparent that the proposals would also comprise a reduction in the volume of the scheme.

In light of the above, the proposal would accord with this criterion.

c. where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area;

The existing hotel building comprises a substantial and distinctive structure located prominently within a flat coastal area, and is therefore highly visible within its surroundings. The scale, mass and form of the building is however out of character with its context and the design is very much of its time. The existing building could not therefore be considered to make a particular positive contribution to the character of the area.

The requirements of Policy GP8 (Design) however go further than this criterion, and require a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development.

In this case, the proposal is to replace the existing building with three separate three storey blocks. Whilst those blocks would be of comparable height to the existing building, the separation of the buildings and stepped nature of the building forms, together with the use of materials, would break up the overall massing. The proposed form, design and, to some extent materials, are of a contemporary nature, diverging from the characteristics of the surrounding built form, however such an approach can be supported under policy where there are opportunities for enhancements, including in the sustainable design of the development. In this case, the proposal comprises a considered development which represents an enhancement over the existing form and has been designed to address the site constraints whilst maximising opportunities and providing sustainable enhancements. The multi-storey nature of the development minimises the footprint of the buildings, allowing a greater part of the site to be landscaped. The proposed ancillary buildings are discretely located on the site and designed as coherent additions to the main buildings. Samples of the proposed cladding should however be required prior to any such cladding being brought onto site.

A high proportion of the existing site is hardsurfaced. The development as proposed would remove a significant proportion of that hardsurfacing, replacing it with “dunescape”, “rockscape” and “beachscape” landscaping. Subject to provision of a detailed landscaping scheme, this approach would be consistent with this coastal location and would reinforce and enhance the landscape character. Consideration should be given as part of any scheme submitted as to impacts of landscaping on neighbouring property, specifically proximity of trees to boundary treatments and unnecessary obscuring of views.

There are conflicting remarks on the plans and in the supporting information regarding the roadside wall, however either retention, making good and infilling sections or wholesale replacement would be acceptable, subject to the approval of details.

Overall, the proposed scheme would achieve a good level of design, which would not have an adverse impact on the character of the area, in accordance with Policy GP8 (Design).

d. it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design;

This criterion reflects the requirements of Policy GP9(a) (Sustainable Development).

The existing building is dated and has been extended and altered over time, resulting in a piecemeal building with little evident consideration of sustainable design principles.

The buildings now proposed have fundamentally been designed to address the constraints and opportunities of the site, in respect of managing impacts on neighbour amenity and maximising views over the coast. The division and orientation of the buildings and internal arrangement of spaces does however allow a dual west-east aspect, maximising solar benefits as well as views, and achieving efficiencies through the formation of a central core for communal access and facilities.

It is confirmed that the proposals will meet or exceed the requirements of the Building Regulations, including enhanced thermal installations relative to the existing building. Sustainable features have also been included in the development, including the materials proposed and use of sedum roofs to all buildings.

The provision of rain water harvesting for irrigation and installation of photovoltaics has been considered, and it is stated there is scope for retrofitting, but this does not form part of the current proposal and cannot therefore be considered against this criterion.

The proposals do include 7 electric vehicle charging points, positioned to service 14 parking spaces and there is good provision of bicycle storage, promoting sustainable forms of transport. Implementation of these features can be managed by planning condition.

It is stated that outside lighting would be minimal, and could be solar. No details have however been provided in respect of a lighting scheme and this cannot therefore be taken into account at this point.

The submitted Waste Management Plan details reuse of demolition material where possible, such as within the building foundations and site landscaping. The proposed building design is intended to minimise waste.

The site is located outside of the identified 1:10-1:250 year flood risk areas and any coastal flooding is not therefore considered a significant risk and could be managed on site.

All proposed hardsurfacing is to be permeable, a matter which can be managed by planning condition.

Overall, it is considered that the improvements in sustainable construction outlined within the application would be sufficient to meet the terms of this criterion and address the requirements of Policy GP9.

e. it can be demonstrated that the new building can be constructed in such a way as to not have any unacceptable adverse impacts on the landscape character or openness of an area;

As set out above, the proposal would provide enhancements to landscape character through the appropriate landscaping of the site. In respect of the openness of the area, the site is located within a developed area to the east of Route de la Rocque Poisson and replaces existing built form at a reduced volume, albeit spaced over a slightly greater area of the site. Whilst Block C may impede some views from the common area to the west towards the rising escarpment to the east, any such impact would be offset by additional glimpsed views between the buildings, not currently available. The proposal would not therefore have any adverse impacts on openness.

f. it can be demonstrated that the new building can be constructed in such a way as to not have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area.

This criterion is reflected in Policies GP8(d) and GP9(b).

The properties to the north are set away from the site boundary, on the opposite side of Route des Adams. The proposed development would not result in any increased impacts on those properties in respect of overshadowing or overbearing. The amenity space associated with the property immediately to the north is located to the side of that dwelling, adjacent to the road but screened by mature planting. The orientation of the northernmost building, together with the size and positioning of the proposed fenestration, would however prevent any significant overlooking of that space. The inclusion of a privacy screen to the north side of the front terrace would further funnel views away from that property, and installation of that screen could be managed by planning condition.

The proposed flat buildings would be set further from the residential property to the north-east of the site than the existing three storey structure, and would not give rise to any additional impacts in terms of overshadowing or overbearing. The proposals would introduce additional fenestration facing towards the adjacent property however, taking into account the relative distances, layout of the adjacent site, intervening outbuilding proposed, use of the facing rooms as bedrooms, and design of the roof terrace (set back from the roof edge to limit views), any overlooking generated is not considered so significant as to warrant refusal of the application. The storage/substation outbuilding is to be located along the shared boundary, however this is single storey and partially replaces an existing 1.5 storey structure. The outbuilding would serve as a buffer to the adjacent property and would not, in itself, give rise to any adverse impacts. The proposal is to relocate the existing substation to within that building however, given that the existing substation, whilst located slightly further from the boundary, is currently unenclosed, this is unlikely to give rise to additional impacts on the adjoining property.

The Office for Environmental Health and Pollution Regulation however recommended a condition restricting any potential noise emissions to ensure that amenity is protected.

A further residential property is located to the south-east of the site. The dwelling on that property is located in close proximity to the site boundary and faces west across an amenity space associated with that dwelling and the car park associated with the former hotel. Representation has been received regarding the impacts of the proposed development on both the internal and external amenity of that property. The existing building is located c21m from the boundary of the adjacent property at the closest point, however it is noted that that element of the building is single storey only and the three storey part of the existing building is located c30m from the boundary. The proposed development would extend the built form to the south of the existing building and Block C would be located just over 11m (2 storey element) and 15m (3 storey element) from the boundary with the neighbouring property. Taking into account the separation distances involved and the orientation of the buildings, it is not however considered that the proposal would result in significant overshadowing or overbearing of the adjacent property. The building will impinge on views from the adjacent property, however no protection is afforded to private views under planning law or policy. In respect of the proposed upper floor fenestration, the building has been orientated and the fenestration positioned to avoid direct overlooking of the adjacent property. Any views from the first floor corner bedroom in Unit 14 would be at an obscure angle and over 12m from the site boundary at the nearest point, and c23m to the dwellinghouse itself. Equally the orientation, height and design of the roof terrace, together with the distance to the boundary and, to a limited extent, the inclusion of a privacy screen, is, on balance, sufficient to limit any overlooking impacts on the adjacent property. Whilst it is appreciated that the development will introduce new built form closer to the adjacent property, including the provision of fenestration and a roof terrace, these elements are designed to minimise impacts on the adjoining property and any impacts arising are within acceptable parameters when considering the relationship between the properties, and would not be of sufficient impact to warrant refusal or further alterations to the proposals. The owner of the neighbouring property has confirmed that any increase in height to the boundary wall or introduction of a buffer along the boundary would not be welcomed.

The residential properties further to the east, and that to the south, of the site are set away from the key areas of development and would not be significantly impacted upon by the proposals.

The supporting statement notes that lighting would be minimal, however no scheme has been provided and this should be required by planning condition to ensure no adverse impacts arise.

Overall, and subject to the conditions outlined above, it is considered that the proposals would not have an unacceptable impact on the amenities of neighbouring properties and would therefore meet the terms of Policies GP8(d) and GP9(b).

Access and parking

The proposed development would be served by 23 retained spaces, stated to comprise a single allocated space for each ground and first floor flat, two allocated spaces for the second floor flats and four visitor parking spaces (although this would equate to 22 spaces). Five spaces are to disabled compliant and four motorcycle spaces are provided. The proposed parking provision would be appropriate to serve the number of flats proposed and would accord with Policy IP7.

A substantial bicycle store is proposed to the rear of the site, which would provide storage for at least 24 cycles, when considered against Planning Advice Note 11: Bicycle Parking. This provision would meet the requirements set out with the Parking Standards Supplementary Planning Guidance. There is no separate provision for visitor cycle parking, however there is sufficient space on site to cater for such provision and this matter can be managed by planning condition.

The covering letter for the application states that the proposal would comprise a traffic reduction over the activity associated with the former hotel and restaurant, taking into account both the clientele attending the site and requisite delivery and utility services. The proposal certainly comprises a reduction in the number of parking spaces proposed at the site, and in the number of access points on to the adjacent highways.

The existing vehicular accesses in the north-west corner of the site would be closed, and this matter can be controlled by planning condition.

The access in the south-west corner would be retained, extended to 6m in width, to serve the parking area to the south of the site. This would improve the functionality of the access without detriment to the character of the area. In this case, whilst there would be no objections to the access being widened to service the construction vehicles, the existing access is serviceable with good sightlines and it is not therefore considered necessary to require the access to be extended prior to any other works on the site nor, given the nature of the existing boundary treatment and that the boundary to either side of the access is to be replaced as part of the wider works to the site boundary, is it considered necessary to require the ends of the extended opening to be made good prior to the construction of the rest of the site boundaries.

Access would also be retained in the north boundary, re-positioned to the east and increased to 6m, to serve the parking area to the north of the site. The existing access in that location is narrow with poor sightlines, impeded by the high boundary treatments. The proposed new access would be located closer to a bend in the road to the east, however it is proposed to replace the intervening boundary treatment with a wall of less than 900mm, improving visibility. On balance therefore, taking into account the existing situation and the limited number of parking spaces served, it is considered that the proposed access would be acceptable. The decision can be

conditioned to manage the boundary treatment. The submitted Construction Environmental Management Plan shows primary site access to be through the south-west access, with the north access retained only for emergency access during the course of works. It is not therefore necessary to require upgrades to this access during the construction phase.

The pavement would be extended along the length of the west boundary and, following deferral, the new roadside boundary wall is to be positioned to ensure sufficient space for the retention of the existing bus shelter and pedestrian movements behind that structure.

Overall the proposals are designed to minimise any road safety impacts and would be acceptable in respect of Policy IP9 (Highway Safety, Accessibility and Capacity) and the material considerations in respect of roads.

Amenity of the proposed development

The accommodation of the proposed flats is generous, exceeding the Nationally Described Space Standards, and would benefit from excellent outlook over the coast. The buildings have been positioned to avoid inter-visibility between units and, following deferral, privacy screens have been added to the sides of all second floor terraces to further enhance this separation. Whilst there is no objection to the inclusion of these screens to all second floor units, for the avoidance of doubt, it is noted that there were only concerns regarding potential for the rear terraces of Units 5 & 15 to overlook that of Unit 10 and it is therefore only recommended that installation of the screens relating to those terraces is managed by planning condition. A planting buffer is proposed around each building, protecting the amenity of the ground floor units, details of which can be required by planning condition. Additional storage is provided within the outbuilding adjacent to the east boundary for the ground and first floor flats, and for the second floor flats on the second floor landings within the main buildings. Whilst the latter would have some accessibility constraints, there is no policy requirement for the provision of storage with ground level or external access. Overall the proposed accommodation would achieve a good level of amenity, in accordance with Policy GP8(d).

Accessibility and adaptability of accommodation

Each flat is arranged over a single level, with generous circulation space and lift access, and is therefore accessible for all users, and the internal spaces are easily adaptable to suit any future changes in occupier needs, in accordance with Policy GP8 (f)&(g).

Waste and construction management

A Construction Environmental Management Plan has been submitted as part of the application and amended following deferral in line with comments made by the Office for Environmental Health and Pollution Regulation (reproduced above). That

document states that the site will be enclosed by 2-3m solid fencing around the boundaries prior to any works commencing to protect amenities in the area. The proposed site compound initially extended across the whole of the south part of the site to the boundary with the adjacent residential property to the south-east, however this has been reduced following deferral to provide a buffer to that property. Implementation of the CEMP can be managed by planning condition.

A comprehensive Waste Management Plan has been submitted in support of the proposal, the implementation of which could be monitored by way of condition. As noted by the OEHPR in their consultation response, any use of a mobile crusher on site must be covered by a valid Air Pollution Licence, and that office must be notified prior to any crushing activity.

Conclusion

On balance, and subject to the conditions outlined above, the proposal is considered to accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 31/01/2025

