

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 4 flats (Use Class 2) to premises of multiple occupancy (Use Class 6), internal alterations and associated works (Protected Building) (Retrospective).

LOCATION: Beausant, 34 Gategny Esplanade, St. Peter Port.

APPLICANT: L & T 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: 31/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/04/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Courtillet Design: 24.820 05B, 06C, 07A

Application Ref: FULL/2025/0514

Property Ref: A108910000

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.Within 3 months of this decision, the bicycle provision hereby approved as shown on drawing 05B shall be made available and retained at all times thereafter.

Reason - To encourage the use of bicycles as an alternative to the car and to take into account Supplementary Planning Guidance - Parking Standards and Traffic Impact Assessment (2016). The timeframe is necessary given the retrospective nature of the works.

5.The number of bedrooms associated with the premises of multiple occupancy shall be retained as shown on the plans hereby approved, and set out in the agent's letter of 21st June 2025, the occupation of the premises as a 'House in Multiple Occupation' (HMO) shall not exceed 21 persons at any one time.

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

Expiry Date: This permission will cease to have effect on 30/07/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The grant of planning permission does not override the need to comply with any other relevant legislation, and your attention is drawn to the forthcoming legislation in respect of premises of multiple accommodation which will be administered by the Office for Environmental Health and Pollution Regulation. Please note that new housing standards legislation, which will include the licensing of houses in multiple occupation, was approved by the States of Deliberation in March 2025 and is expected to commence shortly. This means that all rented properties must meet the minimum standards required, which includes the provision of heating for each habitable room

which can be controlled by the occupant. It is therefore recommended that at least two single sinks are replaced with double sinks and drainers, and at least two of the single ovens are replaced with double ovens to meet the required ratio of one per five occupants. The licensing of houses in multiple occupation is anticipated to commence in the future www.gov.gg/housingstandards.

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/2025/0514
Property Ref: A108910000
Valid date: 10/04/2025
Location: Beausant 34 Gategny Esplanade St. Peter Port Guernsey
GY1 2BP
Proposal: Change of use from 4 flats (Use Class 2) to premises of
multiple occupancy (Use Class 6), internal alterations and
associated works (Protected Building) (Retrospective).
Applicant: L & T 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. Within 3 months of this decision, the bicycle provision hereby approved as shown on drawing 05B shall be made available and retained at all times thereafter.

Reason - To encourage the use of bicycles as an alternative to the car and to take into account Supplementary Planning Guidance - Parking Standards and Traffic Impact Assessment (2016). The timeframe is necessary given the retrospective nature of the works.

5. The number of bedrooms associated with the premises of multiple occupancy shall be retained as shown on the plans hereby approved, and set out in the agent's letter of 21st June 2025, the occupation of the premises as a 'House in Multiple Occupation' (HMO) shall not exceed 21 persons at any one time.

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

INFORMATIVES

The grant of planning permission does not override the need to comply with any other relevant legislation, and your attention is drawn to the forthcoming legislation in respect of premises of multiple accommodation which will be administered by the Office for Environmental Health and Pollution Regulation. Please note that new housing standards legislation, which will include the licensing of houses in multiple occupation, was approved by the States of Deliberation in March 2025 and is expected to commence shortly. This means that all rented properties must meet the minimum standards required, which includes the provision of heating for each habitable room which can be controlled by the occupant. It is therefore recommended that at least two single sinks are replaced with double sinks and drainers, and at least two of the single ovens are replaced with double ovens to meet the required ratio of one per five occupants. The licensing of houses in multiple occupation is anticipated to commence in the future www.gov.gg/housingstandards.

OFFICER'S REPORT

Site Description:

The application site, No.34, consists of a traditional, 4 storey mid-terrace building, located to the west of Gategny Esplanade. The rear of the property is enclosed by high walls, with a metal ladder providing a means of escape for the occupiers of the property.

The whole of the building is recognised as a Protected Building. The extent of listing includes the interior and exterior.

The site is located in a Main Centre Inner Area and Conservation Area as designated in the Island Development Plan Proposals Map.

There is no parking provision on site.

Relevant History:

None germane to this application.

Existing Use(s):

Flats

Brief Description of Development:

Retrospective permission is sought to change the use of the property from 4 flats (Use Class 2) to a House in Multiple Occupation (HMO) (Use Class 6). It is also proposed to make internal alterations and associated works.

The application has been accompanied by a Statement of Significance.

The agent has set out in their 'Statement of Need for Alterations to Beausiant, 34', that:

"...There is an acute shortage of HMO accommodation on Guernsey and a desperate need to provide accommodation for hospitality works from overseas. The building has previously been subdivided into 4 flats (in the late 1970s) and will easily be converted into a HMO with little work required and will not affect the protected building status."

The application was deferred as it was advised to improve the sustainability of the design adopted to achieve Building Control requirements, particularly when taking into account the limited internal character and value of the protected building. Some concerns were also raised over the intensity and potential overdevelopment of the site when taking into account; the limited internal and external amenity provision, communal/dining areas, bin storage, bike storage, bathrooms, toilets, laundry and drying provision. Means of escape through the courtyard was also noted due to the extent of proposed domestic paraphernalia which could impede access. Consequently, it was advised that the number of occupants should be reduced to improve the quality of the proposed development and reduce the intensity of the house in multiple occupation.

In addition, concerns raised by the Office of Environmental Health and Pollution Regulation were also raised.

As set out in the agent's letter of 21st June, the revised scheme has:

- Reduced the number of occupants from 25 to 21;

- Increased the size of kitchen and communal dining area at ground floor level.
- Incorporated internal storage of bicycles and storage areas.
- Incorporated a painted walkway marked at ground floor to maintain access to escape ladder.
- Reconfigured the attic floor to provide 2 single bedrooms and change of ensuite to communal shower room.
- Provided 5 shower rooms, plus separate WC's

Despite noting 17 bedrooms on the drawings, the revised proposal contains 1 bedroom on the ground floor (2 persons), 4 bedrooms on the first floor (6 persons), 4 bedrooms on the second floor (6 persons), and 5 bedrooms on the attic floor (7 persons), equating to 14 bedrooms in total, and 21 occupants. A communal kitchen/dining room is located on the ground floor, together with storage for 6 bicycles, and a communal area on the first floor.

It was not considered necessary to inform the representation of revised plans given that the points raised have been taken into account, and that limited changes have been made to the scheme which would not fundamentally alter original issues raised.

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

MC2	Housing in Main Centres and Main Centre Outer Areas
GP4	Conservation Areas
GP5	Protected Buildings
GP8	Design
GP9	Sustainable Development
GP13	Householder Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking

Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance

Representations:

The Authority has received representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Welfare of the occupants, including the number of occupiers for the premises, fire escape maintenance, bike storage insufficient and could obstruct means of escape, drainage.
- Impact on neighbour amenity, including noise.

Consultations:

The Office of Environmental Health and Pollution Regulation's original comments:

I have reviewed the proposed plans for change of use from 4 flats to HMO which were received by email on 11th April and there are a number of issues of concern that I must raise.

The application is for 25 occupants in 16 bedrooms, two of which have en suite shower rooms. There are 4 shared bath/ shower rooms shown, which is insufficient for the remaining 22 occupants as a ratio of one shower/ bath per 5 occupants is needed.

The kitchen facilities are inadequate for 25 occupants. For this number of sharers, we anticipate the facilities being divided between at least two kitchens to ensure there is sufficient space available, at a ratio of one 2 ring hob, one oven, one sink, five meters of work top space and five lockable cupboards per 5 occupants. There is also no provision in the kitchen area for storing waste.

In addition, double rooms may not be shared by two persons of different sex who are not married, or living together as if they are a married couple.

I would be grateful if these issues are considered during the determination of this application.

New housing standards legislation, which will include the licensing of houses in multiple occupation, was approved by the States of Deliberation in March 2025 and is expected to commence shortly. This means that all rented properties must meet the minimum standards required, which includes the provision of heating for each habitable room which can be controlled by the occupant. The licensing of houses in multiple occupation is anticipated to commence in the future www.gov.gg/housingstandards .

The Office of Environmental Health and Pollution Regulation's revised comments:

I have reviewed the revised plans for change of use from 4 flats to HMO which were received by post on 27th June and there are a number of issues of concern that I must raise.

The revised application is for 21 occupants in 17 bedrooms. The plans show five shower rooms with shower, toilet and basin, with an additional two rooms providing a toilet and hand basin. As stated in my response of 14th April 2025, the ratio of showers to occupants is one per five occupants, therefore I recommend the number of occupants is reduced to 20 to comply with the forthcoming requirements for HMO licensing, which is expected to commence later this year, or early next year.

If the total number of occupants is limited to 20, the number of hob rings shown on the plan meets the requirements, however the number of sinks and ovens needs to be increased. I recommend that at least two single sinks are replaced with double sinks and drainers, and at least two of the single ovens are replaced with double ovens to meet the required ratio of one per five occupants.

I would be grateful if these issues are considered during the determination of this application.

New housing standards legislation, which will include the licensing of houses in multiple occupation, was approved by the States of Deliberation in March 2025 and is expected to commence shortly. This means that all rented properties must meet the minimum standards required, which includes the provision of heating for each habitable room which can be controlled by the occupant. The licensing of houses in multiple occupation is anticipated to commence in the future www.gov.qg/housingstandards.

Summary of Issues:

- Principle of development;
- Impact on Protected Building and Conservation Area;
- Amenity of the proposed HMO;
- Provision of parking and cycle storage;
- Impact on neighbouring 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).**

Principle of development – loss of 4 flats to create a House of Multiple Occupation (HMO):

Whilst the permeant loss of housing provision in the Main Centres would not be supported under Policy GP12 (Protection of Housing Stock), the change of use from one type of residential accommodation to another is acceptable in principle. In this case, the switch between for 4 flats to a HMO, housing 21 occupants, provides an appropriate mix and type of dwelling within the Main Centre, and therefore is acceptable under Policy MC2, subject to complying with all other relevant planning policies.

Impact on Protected Building and Conservation Area:

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

The agent has satisfactorily demonstrated an understanding of the significance of the building in accordance with Policy GP5.

The interior of the building has been altered over the years which to some degree has diminished the special interest of the building. The proposed alterations to the interior of the building in order to facilitate the HMO are considered to respect the special character of the building, whilst achieving Building Regulation requirements. Consequently for the purposes of Policy GP5, the proposal is considered to preserve the special interest of the building.

With regards to the Conservation Area, the limited external changes to the building are not considered to harm the character or appearance of the Conservation Area, and therefore complies with Policy GP4.

Amenity of the proposed HMO:

Policy GP8, amongst other criteria, requires consideration to be given to the health and well-being of occupiers of the accommodation.

In light of the amendments secured, the accommodation proposed is considered to achieve a satisfactorily living environment for 21 occupants when taking into account factors such as the reduced number of bedrooms from 17 to 14, increased size of the kitchen and communal dining area at ground floor level, communal area at first floor, the number of W.C.'s and shower rooms provided, internal and external bicycle provision, bin storage, general storage areas.

In addition, the agent has included a painted walkway to the rear courtyard to demarcate between storage areas and to maintain means of escape access.

Whilst the Office of Environmental Health and Pollution Regulation's revised comments are noted, these requirements fall under separate legislation, and therefore it is not considered necessary nor reasonable to impose such requirements as a planning condition, particularly as such requirement will be regulated under forthcoming legislation. It is however reasonable to attach an informative to make the applicant aware of these changes and to take into account the Office of Environmental Health and Pollution Regulations recommendations.

Consequently, sufficient information has been provided to ensure that the design of the development accords with Policy GP8 and GP9. A condition should be attached to ensure that the communal area and associated facilities are implemented within a

reasonable timeframe to ensure that the amenities of the occupiers are not undermined.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Provision of parking and cycle storage;

In light of the amendments secured, the proposal includes 8 bicycles sited within and outside of the building. This is considered a reasonable and appropriate level of bicycle provision given the constraints of the site. Furthermore, the building is sited within the Main Centre Inner Area, has good transport links to and from Town, and is closely sited to Salerie Car Park which contains both car parking and bicycle provision. The proposal is in accordance with the SPG (Parking Standards and Traffic Impact Assessment) with regards to bicycle provision which allows for a degree of flexibility to be applied on a case-by-case basis when taking into account the specific nature of the development and the characteristics of the site in question. The site is not possible to accommodate off-street car parking provision.

A condition should be attached to the decision to ensure that the bicycle provision is implemented within a reasonable timeframe given the retrospective nature of the works.

Impact on neighbouring amenity.

Careful consideration has been afforded to the impact of the development on neighbour amenity. Whilst it is recognised that intensifying the use of the site from four flats to 14 bedrooms (21 occupants) is likely to result in additional noise and disturbance to neighbouring properties by the additional comings and goings and noise associated with the number of occupants; the degree of harm is unlikely to be significant to reasonably justify refusal, particularly when taking into account the characteristics of this large, 4 storey building and its proximity to Town which makes it an appropriate location for this type of housing provision. Furthermore, the agent has made amendments to the scheme to limit the number of occupants. A condition should be attached to ensure that the number of occupants is controlled in the interests of amenity.

Conclusion

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 29/07/25