

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: Conversion of existing hotel into 15 units of residential accommodation.

LOCATION: Le Chalet Hotel, Fermain Lane, St. Martin.

APPLICANT: Hand Picked Hotels 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: 10/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne drawing no's: U73-10567-S1-100A, 101G, 102G, 103G, 104G, 105G, 106G, 108C, 109B, 110E, 111E, 115E, 116B, 117A & 118.
Dorey Lyle & Ashman drawing no's: 219 123 1001 & 1002.

Application Ref: FULL/2022/0085

Property Ref: J017760000

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. Notwithstanding the Ecological Report dated March 2019 produced by Environment Guernsey Ltd, a revised and updated Ecological Report shall be submitted to and approved in writing by the Authority, prior to any works, including site clearance, being carried out on the site.

Reason - Revised information is required to ensure that the scheme has taken into account any changes within the area.

5. Any mitigation measures proposed within the report submitted as a requirement under condition 4 and as approved by the Authority in writing shall be carried out on the site and in full accordance with that report and any indicated timescales.

Reason - To ensure that development is implemented in full accordance with the Ecological Report and any recommendations.

6. No development shall begin on site until details of the

1) Doors

2) Windows

have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

7. No occupation of any dwelling shall take place until such time as the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details.

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

8. No occupation of any of the units shall take place until such time as the footpath and steps between the car parking area and the buildings as shown on the approved plan have been completed in accordance with the submitted details.

Reason - To ensure that safe pedestrian access is provided between the car parking area and the proposed residential units.

9. The turning facilities shown on the approved car parking plan hereby approved shall be retained for such purposes for perpetuity.

Reason - In order to allow vehicles to enter and leave the site in a forward direction, in the interests of highway safety.

10. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been 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 or traffic and pedestrian safety.

11. No development, except the demolition works hereby approved shall commence on site until details of the communal waste/recycling storage area including any means of enclosure and management of this area has been submitted to and approved in writing by the Authority. These works shall then be completed in full accordance with these approved details.

Reason - To ensure that communal waste/recycling facilities have been adequately provided for on site.

12. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;

- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) 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.

13. No development, including site works, shall begin on site until each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

14. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above conditions 12 and 13, 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.

15. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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.

16. No part of the development hereby permitted 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 and monitored fully in accordance with the Site Waste Management Plan approved under Condition 15 above. Where there has been any variation from the approved Site Waste Management Plan, 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.

17. Prior to any demolition a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. The CEMP shall set out aims for the demolition and construction phase, detailing measures to minimise and control, as far as practicable:

- i. the impact on traffic flow, traffic and pedestrian management and safety and public parking;
- ii. negative impacts on residential and business occupiers nearby; and
- iii. waste management and disposal including demolished and/or excavated material.

The CEMP shall detail:-

- a. hours of demolition and building operations;
- b. noise and vibration control;
- c. site lighting and light pollution control;
- d. dust prevention and management;
- e. construction phasing;
- f. traffic and parking management including the movement and use of large scale plant and machinery and parking for site workers during the demolition and construction phase;
- g. pedestrian and construction access and management of access including maintaining public rights of way; and
- h. additional matters that may need to be addressed during the proposed works.
- i. Details of the installation of bat bricks and/or bat boxes into the development
- j. How the mitigation measures noted within the revised ecological report submitted in respect to condition 4 will be incorporated into the development or dealt with during the construction phase.

Reason - To co-ordinate and set out the implementation of construction activities to ensure that the best environmental practice is achieved, reduce the risk of adverse impacts of construction and minimise disturbance and nuisance in the interests of amenity.

Expiry Date: This permission will cease to have effect on 09/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the purposes of condition 10, any lighting scheme should include:

1. a statement of why the lighting is needed;
2. an indication of the proposed frequency of use of the lights and the hours of illumination;
3. two copies of an accurate plan showing the areas to be lit;
4. details of the number, location, height and colour of any lighting columns or other fixtures;
5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
7. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

For the purposes of conditions 12, 13 and 14 the basic design constituents to be considered in any landscape scheme should include:

Landscape design strategy

- Overall design concept
- Soft landscape elements
- Area and type of hard surfaces, including access and site circulation
- Buildings and relationship to external spaces
- Use/function of different areas
- Contours and levels
- Services above and below ground
- Land drainage
- Boundary treatments

Detailed planting proposals

- Relate to landscape character of locality and make use of locally distinctive species
- Provide scientific names including species and varieties, numbers, locations, form, size (height, spread, girth, pot size)
- Topsoil/planting medium (depth, finished level, etc)
- Planting specification including site preparation, irrigation and plant maintenance provisions, mulch (depth and material) and supports for trees/shrubs/climbers
- Doors, windows, overhanging eaves, fire escapes of buildings adjacent to planting areas
- Temporary/permanent protection of existing/proposed planting - Grass/seeded areas
- Remedial surgery pruning to retained trees/shrubs

Landscape structures and surfaces

- Walls, fences, gates, rails - Surfaces (soft, hard, steps, ramps, drainage falls)
- Construction details and specification, noting use of any local materials/building techniques
- Relationship to building form and materials
- Structures for building services (bin stores, etc)

Management plan

- Design concept/objectives
- Provision for long term management
- Maintenance regime (frequency and types of operation for grass, ornamental and native planting, water areas)
- Identify management agency

In reference to conditions 15 and 16 the way in which waste is dealt with on the site (reused, recycled or disposed of) should be recorded during the clearing of the site and the construction process. This information will be required in order to inform the final Site Waste Management Plan document that is required by condition(s) 15 and 16 to be submitted to the Authority at the end of the process. For further information on the Site Waste Management Process please refer to Advice Note for Site Waste Management Plans found under the Site Waste Management Plan link at https://gov.gg/planning_building_permissions.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service

PLANNING APPLICATION REPORT

Application No: FULL/2022/0085
Property Ref: J017760000
Valid date: 24/12/2021
Location: Le Chalet Hotel Fermain Lane St. Martin Guernsey GY4 6SD
Proposal: Conversion of existing hotel into 15 units of residential accommodation.
Applicant: Hand Picked Hotels Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

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. Notwithstanding the Ecological Report dated March 2019 produced by Environment Guernsey Ltd, a revised and updated Ecological Report shall be submitted to and approved in writing by the Authority, prior to any works, including

site clearance, being carried out on the site.

Reason - Revised information is required to ensure that the scheme has taken into account any changes within the area.

5. Any mitigation measures proposed within the report submitted as a requirement under condition 4 and as approved by the Authority in writing shall be carried out on the site and in full accordance with that report and any indicated timescales.

Reason - To ensure that development is implemented in full accordance with the Ecological Report and any recommendations.

6. No development shall begin on site until details of the

1) Doors

2) Windows

have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

7. No occupation of any dwelling shall take place until such time as the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details.

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

8. No occupation of any of the units shall take place until such time as the footpath and steps between the car parking area and the buildings as shown on the approved plan have been completed in accordance with the submitted details.

Reason - To ensure that safe pedestrian access is provided between the car parking area and the proposed residential units.

9. The turning facilities shown on the approved car parking plan hereby approved shall be retained for such purposes for perpetuity.

Reason - In order to allow vehicles to enter and leave the site in a forward direction, in the interests of highway safety.

10. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been 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 or traffic and pedestrian safety.

11. No development, except the demolition works hereby approved shall commence on site until details of the communal waste/recycling storage area including any means of enclosure and management of this area has been submitted to and approved in writing by the Authority. These works shall then be completed in full accordance with these approved details.

Reason - To ensure that communal waste/recycling facilities have been adequately provided for on site.

12. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) 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.

13. No development, including site works, shall begin on site until each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

14. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above conditions 12 and 13, 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.

15. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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.

16. No part of the development hereby permitted 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 and monitored fully in accordance with the Site Waste Management Plan approved under Condition 15 above. Where there has been any variation from the approved Site Waste Management Plan, 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.

17. Prior to any demolition a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. The CEMP shall set out aims for the demolition and construction phase, detailing measures to minimise and control, as far as practicable:

- i. the impact on traffic flow, traffic and pedestrian management and safety and public parking;
- ii. negative impacts on residential and business occupiers nearby; and
- iii. waste management and disposal including demolished and/or excavated material.

The CEMP shall detail:-

- a. hours of demolition and building operations;
- b. noise and vibration control;
- c. site lighting and light pollution control;
- d. dust prevention and management;
- e. construction phasing;
- f. traffic and parking management including the movement and use of large scale plant and machinery and parking for site workers during the demolition and construction phase;
- g. pedestrian and construction access and management of access including maintaining public rights of way; and
- h. additional matters that may need to be addressed during the proposed works.
- i. Details of the installation of bat bricks and/or bat boxes into the development
- j. How the mitigation measures noted within the revised ecological report submitted in respect to condition 4 will be incorporated into the development or dealt with during the construction phase.

Reason - To co-ordinate and set out the implementation of construction activities to ensure that the best environmental practice is achieved, reduce the risk of adverse impacts of construction and minimise disturbance and nuisance in the interests of amenity.

INFORMATIVES

For the purposes of condition 10, any lighting scheme should include:

- 1. a statement of why the lighting is needed;
- 2. an indication of the proposed frequency of use of the lights and the hours of illumination;
- 3. two copies of an accurate plan showing the areas to be lit;
- 4. details of the number, location, height and colour of any lighting columns or other fixtures;
- 5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
- 6. a diagram showing the predicted levels of illumination at the site boundaries;
- 7. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

For the purposes of conditions 12, 13 and 14 the basic design constituents to be considered in any landscape scheme should include:

Landscape design strategy

- Overall design concept
- Soft landscape elements
- Area and type of hard surfaces, including access and site circulation
- Buildings and relationship to external spaces
- Use/function of different areas
- Contours and levels
- Services above and below ground

- Land drainage
- Boundary treatments

Detailed planting proposals

- Relate to landscape character of locality and make use of locally distinctive species
- Provide scientific names including species and varieties, numbers, locations, form, size (height, spread, girth, pot size)
- Topsoil/planting medium (depth, finished level, etc)
- Planting specification including site preparation, irrigation and plant maintenance provisions, mulch (depth and material) and supports for trees/shrubs/climbers
- Doors, windows, overhanging eaves, fire escapes of buildings adjacent to planting areas
- Temporary/permanent protection of existing/proposed planting - Grass/seeded areas
- Remedial surgery pruning to retained trees/shrubs

Landscape structures and surfaces

- Walls, fences, gates, rails - Surfaces (soft, hard, steps, ramps, drainage falls)
- Construction details and specification, noting use of any local materials/building techniques
- Relationship to building form and materials
- Structures for building services (bin stores, etc)

Management plan

- Design concept/objectives
- Provision for long term management
- Maintenance regime (frequency and types of operation for grass, ornamental and native planting, water areas)
- Identify management agency

In reference to conditions 15 and 16 the way in which waste is dealt with on the site (reused, recycled or disposed of) should be recorded during the clearing of the site and the construction process. This information will be required in order to inform the final Site Waste Management Plan document that is required by condition(s) 15 and 16 to be submitted to the Authority at the end of the process. For further information on the Site Waste Management Process please refer to Advice Note for Site Waste Management Plans found under the Site Waste Management Plan link at https://gov.gg/planning_building_permissions.

OFFICER'S REPORT

Site Description:

The application site is within the Fermain Valley and is accessed, along with the Fermain Valley Hotel, via a narrow, steep road served off Fort Road/ La Route De Sausmarez.

The site is occupied by a currently vacant 39 bedroomed hotel with pool area, terraced gardens and car parking. There are a number of outbuildings within the site forming staff accommodation. Car parking is sited to the north of the site lower in the valley.

The existing building is a mix of 2, 3 and 5 storeys. The main reception building has an 'alpine chalet' style appearance (facing onto the access road) with later extensive additions of modern construction often flat roof in form.

The site is nestled within the valley with significant tree cover, adjacent to a Site of Special Significance (SSS) as defined within the Island Development Plan.

Relevant History:

FULL/2018/2814	Conversion of existing hotel into 15 units of residential accommodation. Approved 9 th September 2019
PAP/004/2017	Planning Appeal against the decision to refuse application FULL/2016/0213. The appeal was dismissed.
FULL/2016/0213	Alter and convert hotel into 17 residential units with associated car parking and landscaping and demolish staff accommodation blocks and outbuildings. Refused 14/10/2016

The application FULL/2018/2814 was approved in September 2019 but is due to lapse this year (2022). The site has recently been sold along with the Fermain Valley Hotel; the new owners have submitted a letter stating that due to the new hotel acquisition and the main focus of the business being on operations it will not be possible to implement the permission prior to the September expiry. As such they are seeking to renew the existing permission for a further 3 years.

Existing Use(s):

Visitor Economy Use Class 11

Brief Description of Development:

The application seeks to renew the permission as originally applied for, that being for the alteration of and conversion of the hotel into 15 residential units with associated car parking and landscaping.

The application proposes the demolition of the existing staff accommodation blocks, outbuildings and the glazed link to the rear of the main building. Landscaping works are also proposed which include the removal and setting back further north of the existing retaining wall adjacent to the north face of the hotel. The existing car parking area will be retained, resurfaced and laid out providing 28 car parking

spaces. The existing steps and path between the car park and buildings will be refurbished.

The proposed residential accommodation would comprise 15 units made up of 5 x 1 beds, 9 x 2 beds, 1 x 3 beds over 5 floors. Each unit is proposed as single level except units 1 and 12 which are spilt over the basement and lower ground (unit 1) and 1st and 2nd floors (unit 12). The building is proposed to be both horizontally and vertically subdivided with the units served by lifts and stairs. Access to the units would be provided from individual access (units 3 – 6) or communal accesses with the majority of units having access to individual balcony or terrace areas (units 8 – 11 and 13 – 15 served by Juliet balconies) in addition to communal gardens to the south of the site.

The application has been submitted with the same information as originally submitted in 2018 including:

- Structural report
- Conditions survey
- Viability reports including estimation of costs survey for baseline works and to bring the hotel back into different forms of tourist accommodation – baseline costs for the refurbishment of the existing hotel; hostel accommodation; room only accommodation; self-catering/serviced apartments and residential units have been submitted. However it is concluded that residential use offers a viable alternative due to the lack of certainty within the tourism market and the lack of viability in terms of investment.
- Dilapidation report
- M&E reports which looks at the estimation of costs to bring the hotel back into different forms of tourist accommodation
- Traffic Impact Assessment
- Photographic record
- Costings for works previously granted planning permission (now lapsed)
- Marketing information including interest arising from this marketing
- Bank information focussing on financing the scheme
- Viability figures for various uses over 10 years.

In addition further information is provided in relation to the Strategy for Nature in line with a document approved by the States in 2020. The new submission refers to the submission of the previously and resubmitted Environment Guernsey Report and reiterates the high level goals of the strategy. A re-dated design statement (December 2021) has also been submitted however the contents remain consistent with that originally submitted for the 2018 application.

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

OC1: Housing Outside the Centres

OC8(C): Visitor Accommodation outside the Centres – Change of Use

GP1: Landscape Character and Open Land

GP2: Sites of Special Significance
GP8: Design
GP9: Sustainable Development
GP11: Affordable Housing
GP16(A): Conversion of Redundant Buildings
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance (SPG): Visitor Accommodation (2016)
Supplementary Planning Guidance - Strategy for Nature

Representations:

One representation has been received from La Societe Guernesiaise noting that whilst the application has been submitted with an Ecological Report and therefore it is acknowledged that the applicant has given consideration to the natural environment that the report was written in respect to the previous plan. As such the life span of the report is brought into question particularly as new information in relation to biodiversity is now available.

The representation requests that an up-to-date survey is conditioned to be requested prior to any clearance or development work taking place.

Consultations:

None.

Summary of Issues:

Any material change in circumstances since the previous approval of the proposed development.

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).**

Given that the principle of the proposed development has already been considered and the conversion of the site for 15 residential units previously agreed, the main considerations of this current application focus on the design of the scheme and any subsequent significant changes either in policy or physically within the vicinity of the site which would alter the previous decision.

In relation to the design of the scheme this remains consistent with the previously approved proposals both in relation to the works to the building and the associated development such as car parking and landscaping.

The original application was assessed and approved in 2018, falling to be considered under the policies of the Island Development Plan (2016). As the IDP remains the adopted plan there has been no change in Development Plan policy since the previous approval. However notwithstanding this, further supplementary planning guidance (SPG) has been adopted, in the form of the Strategy for Nature.

As noted by the representation from La Societe Guernesiaise, the application has been supported with the original Ecological report written in 2018. On this basis and coupled with the adoption of the SPG on the Strategy for Nature, it is considered that a revised report should be submitted prior to any works taking place. A condition requiring a revised report will therefore be attached to any permission. It is not considered that a revised report is necessary prior to the determination of the application on the basis that the original report will provide a baseline for any subsequent report and mitigation measures, that the principle, design, scale and form of the proposed development has not changed and because of the fall-back position presently available to the applicant, that being the potential to implement the permission in its original form and under the original conditions.

Since the approval in 2018 there have been no significant changes within the site or its surroundings to alter the original decision.

The application site falls partly within the SSS. An EIA screening opinion was originally carried out in 2018 assessing the same scheme in every aspect as that now proposed. The Screening Opinion concluded that providing the mitigation measures indicated within the original Environment Guernsey report were put into place, the proposal overall would be unlikely to have significant impacts on the flora and fauna of the designated SSS. Notwithstanding the representation from La Societe Guernesiaise and requirement for an updated ecological report, the conclusions of this screening process remain valid and no EIA is required.

For the reasons above, there have been no significant changes either in policy or physically to alter the previous decision to grant planning permission. Providing that all previous conditions are attached to this permission along with a further condition requiring the submission of an up-to-date Ecological Report with the requirement to implement any mitigation measures proposed, the application is recommended for approval.

Date: 8th March 2022

