

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Change of use of laundry room to ancillary Fitness suite (retrospective).

LOCATION: Peninsula Hotel, Les Dicqs, Vale.

APPLICANT: Grande Havre Holdings 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: 17/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7625-02 B1

Application Ref: FULL/2022/1046

Property Ref: C026330000

Conditions and reasons:-

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

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

2.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the

Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

Expiry Date: This permission will cease to have effect on 16/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2022/1046
Property Ref: C026330000
Valid date: 10/06/2022
Location: Peninsula Hotel Les Dicqs Vale Guernsey GY6 8JP
Proposal: Change of use of laundry room to ancillary Fitness suite (retrospective).

Applicant: Grande Havre Holdings 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 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.

OFFICER'S REPORT

Site Description:

The Peninsula Hotel is a hotel complex situated to the west of Les Dicqs, with the associated car parking to the southwest and an area of open and undeveloped land containing a golf course area to the north. The part of the building the application relates to is a single-storey hipped roof element with render exterior to the west of the main building. External gym equipment has been installed to the south of the building along with a sign on to the south elevation and a directional sign in the car park relating to the fitness suite that is operational on the site.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None relevant in this case.

Existing Use(s):

29 Sui generis (mixed use hotel complex)

Brief Description of Development:

The application relates to the change of use of a laundry room to a fitness suite ancillary to the principle use of the site for a hotel. The application is retrospective as the change of use has already been implemented.

The application was deferred to seek further supporting information regarding the facility that operates from the site and how this complies with the requirements of Policy OC9. It was suggested that a breakdown of users/members be provided along with details of how attendees are split between hotel guests and local residents to help establish whether the use is ancillary to the hotel or how the scheme may comply with Policy OC9.

Further information was supplied by the Hotel setting out that the change of use was needed to ensure that the site remained competitive within the sector having regard to the demographic of Guernsey tourists. Attention is drawn to other hotel sites that incorporate gyms (St Pierre Park, La Grande Mare and OGH) and sets out that these are mainly sustained from non-tourist business given the short tourist season and long winters. Stormforce Fitness operating from the Hotel allows facilities to be offered to guests whilst negating the risks of the hotel taking on and employing full time staff to run the site for half the year. Guests register at reception, complete a form online which then enables them to be issued with 24 hour access to the fitness studio. Anecdotal feedback has been positive.

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

Island Development Plan policies:

OC8(A): Visitor Accommodation Outside of the Centres - New, Extension, Alteration or Redevelopment of Existing Uses

OC9: Leisure and Recreation Outside of the Centres

GP8: Design

GP9: Sustainable Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use and its impact on the local area.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The application has been described as ancillary to the main use of the Peninsula Hotel and this would usually mean that the facility would primarily be available for use by hotel guests, perhaps with a limited proportion of external clients. A brief review online shows that the focus of this fitness suite is however to offer facilities for local residents and this has been confirmed by the Hotel operator in the letter received 09/08/2022.

Although attention has been drawn to other hotel sites incorporating gym facilities no two sites are the same and each must be considered on its own merits and against the policies in place at the time. St Pierre Park and the OGH are both sites situated within Main Centres/Main Centre Outer Areas where different planning policies from the IDP would apply.

With regard to La Grande Mare, this was a hotel and golf course and has subsequently been demolished for redevelopment which was considered to be of strategic importance (Policy S5). The original development on the site was recognised as a 'sui generis' mixed use including visitor accommodation (hotel and self-catering) and ancillary uses and outdoor formal recreation (health club, swimming pools, restaurants, bars and golf course driving range and shop). The development which is currently underway relates to the erection of a "Country Club" building containing golf club, health and fitness club, restaurant and event facilities, self-catering visitor accommodation lodges for up to 90 guests, a new driving range and academy building with ancillary storage sheds and parking and an extension and remodelling of the golf course. The scale of the development at La Grande Mare meant it was recognised to be of strategic importance having regard to Policy S5 of the IDP.

In terms of general principle, IDP para. 17.6.3. recognises that some visitor attractions and facilities are enjoyed by visitors and Island residents alike and may not be exclusively or predominantly part of the visitor economy, so that assessment against a combination of IDP policies may be appropriate. Policies OC8(A) and OC9 are relevant in this case, and provide in principle support for proposals for alteration of existing visitor accommodation and indoor formal recreation uses (gyms).

In relation to proposals for the redevelopment of existing visitor accommodation, Policy OC8(A) requires that:

- a) The development is of a scale that is appropriate to the character of the location, is undertaken sensitively and so as not to detract from the openness and landscape character of the locality and does not undermine the vitality of a Centre; and,*
- b) Any additional facilities are ancillary and ordinarily incidental to the principal use as visitor accommodation in terms of scale and use, are proportionate to the amount of visitor accommodation available at the site and would not have an adverse effect on the visual quality and landscape character of the location.*

The scheme seeks to utilise a former laundry space at the hotel with no external changes to the building, although outside gym equipment has been installed on the site. Nonetheless, the change of use of a small section of the building will not have a detrimental impact on the visual quality, openness and landscape character of the locality. The area of the site given over to the gym is considered proportionate to the amount of visitor accommodation available. In these respects, the scheme does address Policy OC8(A) a) and b).

Notwithstanding the above however, an assessment must be undertaken as to whether the proposal would undermine the vitality of a Centre and whether the facilities are ancillary and incidental to the principle use as visitor accommodation. This is also further reinforced by Policy OC9 which sets out that an Indoor Formal Recreation use Outside of the Centres may be supported where it can be

demonstrated that there is demand for the facility and there is a specific operational or locational requirement that prevents the use of a site within a Main Centre, Main Centre Outer Area or Local Centre and the proposal would not have an unacceptable impact on the vitality of a Centre.

As the fitness facility is operational there is clearly a demand for the facility. It is available for both locals and guests and so does remain ancillary to the principle use of the visitor accommodation. The scale of the facility is also limited to such a degree that it will not undermine the vitality of any of the Main or Local Centres. In terms of operational or locational requirements for the use to be operated Outside of the Centres, this is satisfied in so far as the fitness suite is associated with an existing hotel and provides facilities for hotel guests which would not be achieved through off-site provision in one of the Centres.

Policy OC8(A) offers general support, in principle, to proposals to enhance the quality and marketability of existing visitor accommodation located Outside of the Centres, and recognises that there will be a need for innovation and flexibility in order to facilitate this. Given the scale of the development and that it is available for both guests and locals the scheme accords with the aims of the IDP and it is recommended planning permission is granted for the proposed change of use.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 12 August 2022

