

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 Visitor Accommodation (Use Class 7) to staff accommodation (premises of multiple occupation Use Class 6) for a temporary period.

LOCATION: Hotel Ziggurat, 5 Constitution Steps, St. Peter Port.

APPLICANT: Hand Picked Hotels

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: 22/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawing: Ziggurat Sv1.

Application Ref: FULL/2022/1559

Property Ref: A302050000

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. This permission is given for a maximum period of three years from the date of this decision notice. On or before 21/12/2025, the use of the premises shall revert back to a hotel, falling within Visitor Economy Use Class 7 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - The permission is granted to meet an operational need associated with the current circumstances experienced in the sector. A permanent change of use would raise additional planning policy considerations.

5. During the authorised period for the change of use set out under the above condition, the premises shall be used only for staff accommodation in association with the operation of other premises falling within Use Class 7 in the Land Planning and Development (Use Classes) Ordinance, 2017 and for no other purpose including any other purpose in Residential Use Class 6 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 21/12/2025 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/2022/1559
Property Ref: A302050000
Valid date: 14/09/2022
Location: Hotel Ziggurat 5 Constitution Steps St. Peter Port Guernsey
GY1 2PN
Proposal: Change of use from Visitor Accommodation (Use Class 7) to
staff accommodation (premises of multiple occupation Use
Class 6) for a temporary period.
Applicant: Hand Picked Hotels

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. This permission is given for a maximum period of three years from the date of this decision notice. On or before 21/12/2025, the use of the premises shall revert back

to a hotel, falling within Visitor Economy Use Class 7 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - The permission is granted to meet an operational need associated with the current circumstances experienced in the sector. A permanent change of use would raise additional planning policy considerations.

5. During the authorised period for the change of use set out under the above condition, the premises shall be used only for staff accommodation in association with the operation of other premises falling within Use Class 7 in the Land Planning and Development (Use Classes) Ordinance, 2017 and for no other purpose including any other purpose in Residential Use Class 6 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

OFFICER'S REPORT

Site Description:

The site is situated on a terraced hillside within the St Peter Port town area and is accessed via Constitution Steps. The site is in the St Peter Port Main Centre Inner Boundary and Conservation Area.

Relevant History:

None relevant to this application.

Existing Use(s):

Hotel - Visitor economy use class 7: serviced visitor accommodation

Brief Description of Development:

Permission is sought for a change of use from Visitor Accommodation (Use Class 7) to staff accommodation (premises of multiple occupation Use Class 6) for a temporary period of at least three years.

In support of the application the following points are made:

- The hotel forms part of the portfolio of Hand Picked Hotels, including the Fermain Valley Hotel and St Pierre Park;

- The hotel has remained closed since acquisition due to its poor configuration, small size and lack of vehicular access, a position further aggravated by the pandemic;
- There is a difficulty in recruiting staff to serve the hotels, which is impacting on the operation of the other two hotels, and good quality staff accommodation is needed to facilitate recruitment;
- Minimal building works will be required to facilitate the change of use.

Following deferral a minor departure from Plan policy has been requested and further clarification provided as follows:

- There is no car parking associated with the property. There is no vehicle access or potential to create vehicle access. The staff would have to travel by foot, public transport or bicycle;
- The premises is not thought to add a significant contribution to the island's bed stock, with 14 guest bedrooms, some of which would likely be required for staff working at the site were the hotel operational, therefore making operation as a hotel unviable in the current climate;
- The property's services and infrastructure are antiquated and a number of upgrades are required, which could be carried out whilst the rooms were used for staff accommodation but would not be acceptable during the tenure of paying guests.

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

MC8 Visitor Accommodation in Main Centres and Main Centre Outer Areas
 MC2 Housing in Main Centres and Main Centre Outer Areas
 GP8 Design
 GP9 Sustainable Development
 IP7 Private and Communal Car Parking

Representations:

Two letters of representation raising the following points:

- Potential for noise problems from this use of the property, especially given the predominantly residential nature of the area;
- There were licencing restrictions in place as a hotel which limited noise;
- There is no parking for the property, and little public parking available in the area;
- There is no reason the hotel could not continue to operate;
- Three years is not 'temporary', and the use is likely to become permanent in three years' time.

Consultations:

Tourism Quality Development comment as follows:

Tourism Quality Development have received a request from Planning, which asks for our comments in respect of the proposed Change of Use.

Hotel Ziggurat has a current permit for 27 people (this comprises 14 bedrooms – 13 doubles and 1 single). At its last Assessment Visit it was graded at 3 Stars with a Silver Accolade, Breakfast Award and Gold Guest Dining Award.

Permission for Change of Use to staff accommodation is being sought for a period of at least 3 years. Hand Picked Hotels wish to maintain a high quality of staff and service in their Guernsey Portfolio of Hotels i.e. Fermain Valley & St Pierre Park Hotels. The proposed change of use of the Ziggurat Hotel would provide a good standard of staff accommodation and associated facilities, which is an important factor in the recruitment and retention of high quality staff in the hotel sector.

The Committee *for* Economic Development support the Change of Use from Visitor Accommodation to Staff Accommodation in order to support the Visitor Economy in recruiting and retaining staff members.

However, it should be clearly be understood that should Hotel Ziggurat no longer be used as staff accommodation, the Department would expect it to return to visitor accommodation use, and in particular would not wish its use to be changed to residential accommodation.

Summary of Issues:

Loss of visitor accommodation;
Provision of parking;
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).**

Policy MC8 sets out specific policy criteria which must be met to allow a change of use away from visitor accommodation, and this is expanded upon in the Supplementary Planning Guidance (SPG) for visitor accommodation. The information provided as part of the current application is not sufficient to address those policy criteria, and does not include the evidence set out within the SPG, and would not therefore be adequate to allow for a permanent change of use away from

tourist accommodation. It is however noted that the proposed change of use is for a limited period only, and the proposed use would be to support and sustain the ongoing viability of two other premises falling within the same use class. Furthermore the change of use, on a temporary basis, is supported by Tourism Quality Development. In light of the above, and in accordance with a written request submitted by the agent for the application, it is considered that the temporary use of these premises for staff accommodation in association with the ongoing operations of other premises falling within Visitor Economy Use Class 7 could be accepted as a minor departure to Plan policy. The decision should however be conditioned to ensure that the staff accommodation is limited to the timeframe and purposes specified. Any increase to the time frame indicated, or use for any other purpose, including as staff accommodation for a use falling outside of Visitor Economy Use Class 7, would require a separate application for planning permission.

Policy MC2 would not militate against the proposal.

The proposal would not result in any physical alterations to the property and there would therefore be no impacts on the character and visual amenity of the area.

The proposed use would comprise a residential type use and would not therefore be expected to raise additional noise related amenity issues, particularly when taking into account the previous use of the premises as a hotel and restaurant. Licencing laws fall outside of the remit of the Authority, and it would not be reasonable to impose conditions otherwise limiting the activities of the occupants.

There is no car parking at this site. In this case, there is not however likely to be a significant need for car parking. The premises is located with good access to all of the facilities and amenities of the Town, and, given the generally seasonal nature of the occupants, it is unlikely that there will be significant car ownership. Parking provision is not therefore considered to be a constraint on the proposed development.

In light of the above, it is recommended that the change of use of the premises for a temporary period of three years and only for use as staff accommodation in association with the operation of premises falling within Visitor Economy Use Class 7 is approved as a minor departure from the Development Plan under section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007.

Date: 22/12/22

