

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 7 self catering units (Use Class 8) to 7 flats (Residential Use Class 2); Install two new windows.

LOCATION: La Collinette Hotel, St. Jacques, St. Peter Port.

APPLICANT: La Collinette Hotel 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: 20/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects: 429_090 (A) & 100 (B),

Application Ref: FULL/2022/1669

Property Ref: A206360000

Conditions and reasons:-

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

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

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

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect

unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

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

4.No apartment shall be occupied for the purposes authorised by this permission until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

The landscaping scheme shall be fully completed, in accordance with the agreed details, in the first planting season following the first occupation of any part of the development for the purposes authorised by this permission, 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 a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in accordance with the Strategy for Nature.

5.No apartment shall be occupied for the purposes authorised by this permission until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

6.Apartments 1 and 3 shall not be occupied for the purposes authorised by this permission until details of the design and position on the relevant elevation of the new

windows to serve Bedrooms 4 and 9 have been submitted to and agreed in writing by the Authority and the windows have been installed in accordance with the agreed details.

Reason - To secure the health and well-being of occupiers of the development.

7. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no fence (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

Reason - The site is located within a Conservation Area and the erection of fencing as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 19/06/2026 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/2022/1669
Property Ref: A206360000
Valid date: 02/09/2022
Location: La Collinette Hotel St. Jacques St. Peter Port Guernsey GY1 1SW
Proposal: Change of use of 7 self catering units (Use Class 8) to 7 flats (Residential Use Class 2); Install two new windows.

Applicant: La Collinette Hotel Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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.

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Reason - To secure the health and well-being of occupiers of the development.

7. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no fence (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

Reason - The site is located within a Conservation Area and the erection of fencing as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

OFFICER'S REPORT

Site Description:

The application site comprises La Collinette hotel complex, which includes the main hotel building to the east, extending to include facilities to the rear of the site, self-catering bungalows to the north-west and a block of self-catering units located in the centre of the southern part of the site. The current application pertains to the block of self-catering units.

The north-west and west parts of the site includes the German Naval Headquarters bunker, which is a protected monument.

Parking is provided forward of the main hotel building, accessed via two gateways from Elm Grove, and to the east and west of the block of self-catering units, each area being independently accessed from St Jacques.

The site is in the St Peter Port Main Centre Outer Area and Conservation Area. The land to the north is designated as Important Open Land and an Area of Biodiversity Importance.

Relevant History:

13/09/1995 Permission to construct block of six self-catering units and owner's flat. No conditions applied.

Existing Use(s):

Self-catering units: Visitor economy use class 8: non serviced visitor accommodation

Brief Description of Development:

Permission is sought for a change of use of 7 self catering units (Use Class 8) located within the building known as Margaret house set centrally to the front of the site, to 7 no 2 bed flats (Residential Use Class 2). The area immediately to the west of the building would be divided into three enclosed amenity spaces, to serve each of the ground floor flats adjacent to that space, with the amenity space serving Unit 1 extending to the south-west of the building. Parking would be retained to the east and south-east of the building and cycle storage provided adjacent to the road.

In support of the application the following points are made in the covering letter:

- The applicant has been directly involved with this hotel since 1960, as a family business;

- The existing 22 serviced visitor accommodation rooms and 7 additional self-catering bungalows would be retained;
- Margaret House currently contains 6 self-catering apartments with a managers flat across the top floor;
- 10 parking spaces would be retained for the flats, 7 shared for us by the occupiers of each flat and 3 for visitor spaces (all disabled compliant), 4 motorcycle spaces and 4+ bicycle spaces would also be provided;
- Electric vehicle charge points are proposed and there is potential for roof photovoltaics and other forms of renewable energy provision;
- The application is to rationalise the site and to facilitate upgrade and a sustainable tourism use via the release of capital from the building in question;
- The proposal would address two current market needs; viable and sustained tourism and local market housing.

The following documents have also been submitted pertaining to the viability of the premises:

- Chartered Accountants letter;
- Maintenance programme costs schedule (Costs Report) – Stated to be prepared by Mawson Collins (May 2022);
- Swoffers Estate Agents letter – Noting the premises were marketed jointly with a UK agent for over 24 months in 2000. Property attracted no interest at the time of active marketing and no one has approached the Estate Agent subsequently.
- Applicant letter.

Additional information was provided 23/10/2022 clarifying that Swoffers have marketed the whole hotel since 2000 with dual agreement with their UK agent Knight Frank. During this time there have been speculative enquiries but none were productive.

As a point of clarification, it is noted that the electronic plans submitted did not match the hard copy, however the hard copy represented the most current drawing number and was taken to represent the proposed development.

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
GP4	Conservation Areas
GP6	Protected Monuments
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking

Parking Standards and Traffic Impact Assessment
Strategy for Nature

Representations:

None.

Consultations:

Tourism Quality and Development comment as follows:

The Collinette Hotel and Self Catering is a family run business and has been run by members of the Chambers family since 1960 in an exemplary manner to a consistent high standard.

La Collinette Hotel (at 3 Stars) offers 22 bedrooms with 41 bedspaces.

The Self Catering side sits comfortably in the 4 Star rating band. Overall, the self catering site comprises of 7 self catering units and 7 self catering apartments, each has capacity for 4 people with 2 bedrooms with an overall total of 56 available bedspaces.

The 7 apartments are in a separate building known as Margaret House and this is the part to which the application refers. The owner's intention is to retain and continue running the hotel and remaining self catering units in the visitor economy.

The Committee for Economic Development has reviewed the Confidential non-viability evidence that has been provided to the Planning Department and notes that it is the owner's intention to reinvest the proceeds from the Change of Use of Margaret House into improving the overall quality of La Collinette Hotel. The Committee for Economic Development therefore does not object to this change of use application as it supports the ongoing viability of La Collinette Hotel within the visitor economy.

Summary of Issues:

Impact on visitor accommodation;
Provision of housing;
Amenity of the proposed units;
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).

Principle of development

Policy MC8 relates to proposals pertaining to visitor accommodation in Main Centres and Main Centre Outer Areas.

In this case, the proposal relates to the change of use of only part of the offer which forms the visitor accommodation establishment, retaining the majority of the accommodation in visitor accommodation use. Taking into account the proportion of the site to which the application relates, the proposal would not result in the loss of a visitor accommodation establishment and would not comprise a change of use for the purposes of Policy MC8. In this context, the proposal could reasonably be considered as an alteration to the existing visitor accommodation establishment, which does not amount to a change of overall use, and the proposal would fall to be considered under the first part of Policy MC8.

Policy MC8 supports alterations to existing visitor accommodation establishments, where all relevant policies of the Island Development Plan are met. The pre-facing text identifies that this support is generally given where proposals enhance the quality and marketability of existing visitor accommodation, however does not make this a requirement to satisfy the policy. Whilst the submitted application proposes to reinvest the finances released through the proposed development, and this is encouraged by Tourism Quality and Development, there is no planning mechanism to ensure that this is achieved and no policy mechanism to require it in this instance.

Policy MC2 supports housing development, where the proposal provides an appropriate mix and type of dwellings. In this case the proposal would result in the creation of 7 no 2bed apartments. Whilst this does not represent a mix of accommodation, it does provide accommodation which has been identified as most required in respect of housing needs. The apartments already exist in this format, and it would not be efficient or sustainable to require unnecessary alterations to the existing layout.

Detailed considerations

The application site is located within a Conservation Area and there is a protected monument on site. The proposals must therefore satisfy the terms of Policies GP4 and GP6 of the Plan, and meet the statutory duties with regard to conservation areas and protected monuments, in addition to complying with Policies GP8 and GP9, relating to Design and Sustainable Development, and the relevant Infrastructure policies.

External alterations would be limited and the proposal would not have any adverse impacts on the character of the Conservation Area. The area of application is set away from the areas of special designation to the north and the proposed works would not have any impact on the protected monument at the site.

All units would exceed the nationally described space standards and would be served by appropriate levels of fenestration with generally reasonable outlook.

There were initially concerns regarding the amenity of the ground floor second bedrooms to Units 1 and 3, served only by windows facing onto the shared access road. The application however proposes to obscurely glaze those windows, and has been amended to include new windows in the external walls of those rooms which face away from the shared access. This would resolve the amenity concerns in respect of those rooms, and the design and installation of the new windows can be controlled by condition. The provision of obscure glazing is a matter for the owner/occupier and it is not considered necessary to control this by condition.

It is also noted that there would be some impact on the privacy of the windows serving the bedrooms numbered 17 and 34 within Units 2 and 5, located immediately adjacent to the access to adjacent units. Whilst obscure glazing is proposed to the ground floor window, that in itself would be likely to impact on the amenity of the room. There are however no other apparent options for addressing this issue and, on balance, it is considered that any impact on amenity arising from this arrangement is not sufficient to justify refusal of the application.

The three ground floor units would be provided with dedicated private amenity space, enclosed around the perimeter with hedging and separated internally by 1.8m high fencing. This provision would be ample for the ground floor units served, and the proposed boundary treatments would be appropriate in terms of the character of the area. The use of fencing on the perimeter of the amenity spaces could however have adverse visual impacts and it is recommended that exemption rights for the erection of fencing are removed by condition. The first floor units would all have balcony areas, providing limited external amenity space. There appears to be a small balcony/roof terrace area serving the second floor unit, although it is not entirely clear from the plans provided. Within the Main Centres, in the context of these units and in accordance with the comments set out in Annex 1 of the Island Development Plan, this level of provision is however considered acceptable. Visibility between the balconies will be limited by the distance between each and the position on the building. Although there will be some overlooking from the balconies on to the ground floor amenity spaces, this overlooking is not considered to be of an extent which would warrant refusal of the application and a small area of private space would be provided below each balcony.

Level access and thresholds are proposed, and potential for the installation of a lift is shown. Whilst it is noted that, if the flats were sold independently, installation of a lift within the communal area of the building may be a difficult proposition, retrofitting accessibility features to an existing building, particularly where the accommodation is provided over multiple levels, is difficult to achieve and, overall, the application as submitted satisfactorily demonstrates that the proposed accommodation is accessible, flexible and adaptable, within the constraints of the existing building.

Each unit would be provided with a designated parking space, and three visitor parking bays are proposed, together with 4no bicycle bays. The vehicular parking provision would be within the maximum standards set out within the Parking Standards and Traffic Impact Assessment SPG, and would be located on existing areas of hardstanding. The parking would be as existing, and, whilst the access through to the rear of the site appears narrow at points, it is clearly workable at present. The proposed cycle parking falls short of the required standard of 1 space per dwelling, which should be covered and secure. There is however sufficient space to address this on site and this matter can be controlled by condition.

To address the requirements of the Strategy for Nature, additional planting is shown enclosing the perimeter of the proposed gardens, where hedging does not already exist, and within the parking area. Details of this planting can be controlled by condition to ensure the species proposed is appropriate to this particular area and the planting is implemented within an appropriate timescale. Additional planting is also shown on the grassed area to the north of the application site. Whilst appropriate planting in this area to enhance biodiversity would be encouraged, it is not necessary to meet the requirements of policy in this instance and, as it is located outside of the application site boundary, cannot be controlled under the terms of any permission granted.

Conclusion

Overall, the proposals accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 20/06/2023

