

**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:** Extend at second floor level to create 2 self-catering units, install cladding and associated works to east wing of hotel.

**LOCATION:** Le Chene Hotel, Forest Road, Forest.

**APPLICANT:** Mr N Van Zutphen

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:** 10/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Naftel Associates: A201012/PD/10, /20 & /21.

**Application Ref:** FULL/2023/1156

**Property Ref:** H002300001

**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 timber cladding shall be installed until such time as details of the type, texture, colour and finish of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall then be completed in accordance with the agreed details.

Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

5.The existing trees on the site as indicated on plan number A201012/DP/10 attached to this decision notice shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are retained.

6.The second floor bedroom windows in the south elevation of unit 2 shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

7.The additional accommodation hereby approved shall be used only for self-catering accommodation falling within Visitor Economy Use Class 8 or for visitor

accommodation 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, and for no other purpose.

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 09/08/2026 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](http://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](mailto: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/2023/1156  
**Property Ref:** H002300001  
**Valid date:** 26/06/2023  
**Location:** Le Chene Hotel Forest Road Forest Guernsey GY8 0AH  
**Proposal:** Extend at second floor level to create 2 self-catering units, install cladding and associated works to east wing of hotel.  
  
**Applicant:** Mr N Van Zutphen

**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).

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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.

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agreed in writing by the Authority. The work shall then be completed in accordance with the agreed details.

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Reason - The trees are important features in the area and this condition is imposed to make sure that they are retained.

6. The second floor bedroom windows in the south elevation of unit 2 shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

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7. The additional accommodation hereby approved shall be used only for self-catering accommodation falling within Visitor Economy Use Class 8 or for visitor accommodation 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, and for no other purpose.

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## **OFFICER'S REPORT**

### **Site Description:**

Le Chene Hotel comprises of a traditional two storey granite faced pitched roof building with later 2 storey flat roof extensions to the east which have the appearance of being single storey structures from public viewpoints as they are set at a lower level due to changes in ground levels.

The site is situated Outside of the Centres and within a Conservation Area as designated in the Island Development Plan.

**Relevant History:**

Apr-May 2023 – PREA/2023/0605 – Pre-application advice regarding extend east wing at first floor level to form 2 self-catering units.

23/03/2023 – FULL/2023/0192 – Permission granted to raise roof ridge height to create additional self-catering unit at 1st floor level, extend and alter at ground floor level of building, erect single storey self-catering unit to south-west boundary, erect bike stores and infill existing swimming pool.

**Existing Use(s):**

Hotel and self-catering units

**Brief Description of Development:**

Planning permission is requested to extend the east wing of the hotel at second floor level to create 2 self-catering units. The proposal involves a pitched roof extension orientated north to south with a flat roof link between the extension and the main hotel building. The extension is proposed to be finished with timber clad and rendered walls, aluminium fenestration and a slate roof.

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

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

GP1: Landscape Character and Open Land;

GP4: Conservation Areas;

GP8 Design;

GP9: Sustainable Development;

IP9: Highway Safety, Accessibility and Capacity.

**Representations:**

One letter of representation was received from the owners of the neighbouring property to the east, main points as follows:

- Notes that permission has recently been granted for 2 additional self-catering units.
- Proposal will therefore result in the creation of 4 additional self-catering units and concerned about the density of the development, the overdevelopment of the site, the limited amenity space for the extra 4 units and the potential for noise issues to arise for the neighbouring property.



### **Consultations:**

None

### **Summary of Issues:**

The main issues in deciding this application are:

1. Whether the principle of the additional visitor accommodation is acceptable.
2. Design and impact of the development on the character and appearance of the Conservation Area.
3. The impact of the development on the amenity of people living in the area.

### **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 OC8(A) supports proposals to extend existing visitor accommodation establishments where the scale is appropriate to the character of the location, it does not undermine the vitality of a Centre and any additional facilities are ancillary or incidental to the principal use as visitor accommodation.

The proposal will create two, one bedroom self-catering units. The proposed accommodation is of an appropriate scale to provide a suitable living environment for its occupiers, whilst maintaining the character and appearance of the location and would not detract from the openness and landscape character of the area, or undermine the vitality of a Centre.

Furthermore, in terms of the overall scale and use, the facilities proposed are ancillary and ordinarily incidental to the size and principal use of the site as visitor accommodation. However, given the Outside of Centres location of the site and that new housing is precluded by Island Development Plan Policy, it is recommended that a condition is included to advise that the development shall be used only for visitor accommodation purposes.

The existing flat roof wing does not achieve a high standard of design and it detracts from the character and appearance of the area. The proposed extension is subservient to the main hotel building, the pitched roof design reflects the traditional design of the main hotel building and the use of timber cladding to the north and west elevations of the extension and part of the west elevation of the existing wing has the potential to enhance the overall character and appearance of this section of the east wing. Details of the timber cladding can be requested by condition. The fenestration pattern on the east elevation appears disjointed but due to the change in levels and the existing built form, the east elevation would not be

visible in full from the public highway, limiting its impact on the character and appearance of the area.

Existing trees on the site, including trees along the north road side boundary, a multi-stem Bay tree within the car park immediately adjacent to the east wing and large trees along the south boundary, make an important contribution to the character and appearance of the Conservation Area. These trees provide an effective screen of the existing east wing from the public highway and they would partially screen the proposed extension from the public highway. To ensure that the development does not have an adverse effect on the character and appearance of the Conservation Area, it is recommended that these trees are retained, albeit with a slight crown reduction of the multi-stem Bay tree and light pruning of the tree along the south boundary to enable the extension to be constructed, this can be dealt with by condition. Provided that the trees are retained, the proposal would conserve the character and appearance of the Conservation Area, in accordance with Policies GP4 and GP8.

The extension includes a large window at 2<sup>nd</sup> floor level which faces towards a neighbouring residential property and is approximately 2m from the neighbour's boundary. However, a significant degree of overlooking already occurs from first floor windows in this elevation. In addition, to reduce privacy concerns it is proposed to obscure glaze the windows and for them to be inward tilt opening. Taking into account the current degree of overlooking, the measures proposed are sufficient to prevent any significant additional loss of privacy for the neighbouring property.

The additional storey to the extension would cause no significant shading of the neighbouring property due to its siting to the north of the neighbouring property. The additional storey to the extension is also unlikely to cause a significant overbearing impact due to a combination of its siting to the north of the neighbouring property, the orientation and layout of the neighbouring property, the extension would be set back approximately 2m from the neighbour's boundary and taking into account the impact and screening effect of the large mature trees.

Notwithstanding the comments in the letter of representation, the potential 4 additional self-catering units is an appropriate scale and density for the site and is unlikely to result in any significant additional noise issues for neighbouring properties.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

**Date:** 04/08/2023