

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: Demolish former hotel and associated buildings and the removal of protected trees (revised).

LOCATION: St Martins Hotel, Les Merriennes, St. Martin.

APPLICANT: St Martins Hotel (1987) 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: 22/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 12-519 DD/01C
Richard Loyd - Arboricultural Condition and Impact Assessment dated 12/12/2023 and Arboricultural Condition and Tree loss mitigation report dated 12/04/2024

Application Ref: FULL/2024/0037

Property Ref: J003770000

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 demolition shall begin until the tree protection fencing has been installed in accordance with drawing 12-519/DD/01C and the Richard Loyd Arboricultural Condition and Impact Assessment report dated 12/12/2023. 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.

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.

5. No demolition shall begin until a Construction Environmental Management Plan, to include details to limit and manage noise, dust and disturbance during the demolition phase, has been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed Construction Environmental Management Plan.

Reason - To protect the reasonable amenities of neighbouring residents.

6. No demolition shall begin until a method statement, to include details of measures to be undertaken to reduce and mitigate the potential to disturb roosting bats and nesting birds, has been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed method statement.

Reason - To ensure that any protected species present are not impacted by the works in the interests of biodiversity.

7. No trees shall be removed until a revised landscaping scheme noting the species, sizes and numbers of tree/plants has been submitted to and agreed in writing by the Authority (see Advice and Other Remarks below).

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in the interests of biodiversity.

8. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 7, in the first planting season following the removal of the existing trees, 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 help assimilate the development into its surroundings and in the interests of biodiversity.

9. Any temporary storage of inert building waste/rubble resulting from the hereby approved demolition on the site shall not exceed a height of 2 metres above existing ground levels.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 22/11/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant should be aware that it is a requirement of the Office for Environmental Health and Pollution Regulation that any mobile crusher used at the site must be covered by a valid Air Pollution Licence. As part of the licence conditions, that Office must be notified prior to any crushing activity.

With regards to condition 7, the landscape and biodiversity value of the proposed tree planting could be further enhanced by including Silver Birch and/or English Oak.

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/2024/0037
Property Ref: J003770000
Valid date: 17/01/2024
Location: St Martins Hotel Les Merriennes St. Martin Guernsey GY4 6NR
Proposal: Demolish former hotel and associated buildings and the removal of protected trees (revised).

Applicant: St Martins Hotel (1987) 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 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 demolition shall begin until the tree protection fencing has been installed in accordance with drawing 12-519/DD/01C and the Richard Loyd Arboricultural Condition and Impact Assessment report dated 12/12/2023. 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.

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.

5. No demolition shall begin until a Construction Environmental Management Plan, to include details to limit and manage noise, dust and disturbance during the demolition phase, has been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed Construction Environmental Management Plan.

Reason - To protect the reasonable amenities of neighbouring residents.

6. No demolition shall begin until a method statement, to include details of measures to be undertaken to reduce and mitigate the potential to disturb roosting bats and nesting birds, has been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed method statement.

Reason - To ensure that any protected species present are not impacted by the works in the interests of biodiversity.

7. No trees shall be removed until a revised landscaping scheme noting the species, sizes and numbers of tree/plants has been submitted to and agreed in writing by the Authority (see Advice and Other Remarks below).

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in the interests of biodiversity.

8. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 7, in the first planting season following the removal of the existing trees, 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 help assimilate the development into its surroundings and in the interests of biodiversity.

9. Any temporary storage of inert building waste/rubble resulting from the hereby approved demolition on the site shall not exceed a height of 2 metres above existing ground levels.

Reason - In the interests of visual amenity.

INFORMATIVES

The applicant should be aware that it is a requirement of the Office for Environmental Health and Pollution Regulation that any mobile crusher used at the site must be covered by a valid Air Pollution Licence. As part of the licence conditions, that Office must be notified prior to any crushing activity.

With regards to condition 7, the landscape and biodiversity value of the proposed tree planting could be further enhanced by including Silver Birch and/or English Oak.

OFFICER'S REPORT

Site Description:

The site is located on the eastern side of Les Merriennes and comprises the former St Martins Hotel, now a derelict lodging house with considerable fire damage. The building appears to have originated as a two storey Georgian building and adjoining stables and cottages, extended over the years, particularly in the sixties when one, two and three storey mostly flat roofed extensions were added. It now forms a large rambling building of little architectural merit. There is a large car park at the front of the building and extensive grounds to the rear.

The roadside boundary walls are granite with mature planting to all boundaries and the site contains a considerable number of trees.

The western section of the site, including the hotel is within the St Martin Local Centre. The eastern section of the site is Outside of the Centres and designated as an Agriculture Priority Area. The whole of the application site is subject to a Tree Protection Order which relates to all trees in the area of the Order.

Relevant History:

January 2024 - Development Framework approved.

27/03/2017 – FULL/2017/0245 – Permission granted to fell Turkey Oak tree.

21/07/2016 – FULL/2016/1334 – Permission granted to convert hotel to form 35 apartments (renewal).

16/01/2014 – FULL/2013/3921 – Permission granted to convert hotel to form 35 units of residential accommodation.

15/01/2010 – FULL/2009/3540 – Permission granted to convert lodging house to 35 permanent residential apartments.

06/06/2007 – PAPP/2007/0437 – Permission granted for the change of use from hotel to lodging house.

Existing Use(s):

Derelict site, last used as a lodging house.

Brief Description of Development:

Planning permission is requested to demolish the former St Martins Hotel and associated buildings and to remove 17 individual and 1 group of protected trees.

The application is supported by an Arboricultural Condition and Impact Assessment dated 12/12/2023, an Arboricultural Condition and Tree loss mitigation report dated 12/04/2024, and an Ecological Assessment dated September 2024.

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

Policy LC2: Housing in Local Centres

Policy OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP12: Protection of Housing Stock

Representations:

One letter of representation was received on behalf of La Société Guernesiaise which highlights that buildings of this type can be used by roosting bats particularly when a property is located within a variable landscape with habitats such as farmland or woodland nearby. It is also noted that the trees to be felled could host roosting bats and nesting birds. La Société Guernesiaise recommend that the existing buildings, in particular roof spaces, and trees are inspected for current or recent use by bats and birds prior to any building works or felling to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It is requested that any tree felling is undertaken outside of the bird breeding season

(1st March to 31st July). La Société Guernesiaise recommend that an informative note to highlight the above is included in the decision notice.

Consultations:

Agriculture, Countryside and Land Management Services, 29/01/2024

“We are writing in response to your consultation request dated 18 January 2024 regarding the submitted application for the demolition of the former St Martins Hotel and associated buildings and the removal of protected trees.

We note the contents of the draft St Martins Hotel Development Framework which makes several recommendations related to biodiversity and trees. Many of those recommendations are for matters which should be considered within any future landscaping proposals, however the following points are relevant to demolition and tree removal works within the current application:

1. *“The agreed removal of any tree on site, if considered to have a negative effect on biodiversity, should be mitigated against accordingly” (2.18)*
2. *“Any trees proposed to be removed must be justified by the tree survey” (2.19)*
3. *“The possibility of bats using the current buildings for roosting should be considered ahead of any demolition work, and if suspected or proven by a suitably qualified ecologist, appropriate mitigation measures taken” (2.20)*

In relation to point 1 above, the methodology outlined in the Arboricultural Condition and Impact Assessment (ACIA) report does not include an assessment of the biodiversity value of trees on site. Without an understanding of their value, it is not possible to quantify the negative impact which would be caused by their removal and would need to be mitigated. We recommend that an ecological survey, breeding bird survey, and ground level roost assessment (with subsequent bat surveys as required¹) are undertaken of any trees which are scheduled for removal.

There does not appear to be explicit justification for the removal of the following trees:

- T16 (classified as B, and not recommended for removal within the ACIA)
- T57 (ACIA described it as “desirable for retention if possible”)
- T92 (outside of the development site as drawn within the Development Framework)
- Group 1 (outside of the development site as drawn within the Development Framework and not recommended for wholesale removal within ACIA)

As per point 2 above, we recommend that justification is provided for the removal of these trees (and, if their removal is justified, that appropriate mitigation be taken).

¹ Bat Conservation Trust survey guidelines, chapter 6 – Trees. Potential Roost Features of moderate or high value should be subject to further surveys, as detailed in chapter 7.

Furthermore, British Standard BS5837:2012 (Trees in relation to design, demolition & construction) recommends that a tree protection plan (TPP) is prepared. The ACIA report provides the data and rationale for protection as well as the type of protection systems required. This should be used to produce a TPP which should indicate root protection areas (RPAs) on all relevant plan drawings. It is important that any TPP is prepared at the feasibility and design stage (i.e., before the design stage) and its implementation must be done before works, including demolition, start.

A Preliminary Roost Assessment (PRA) of the built structures (and subsequent emergence and roost characterisations surveys as required) should be commissioned, to be undertaken by a suitably qualified ecologist, in order to understand the use of the building by bats (as per point 3 above). We would further recommend that a breeding bird survey is undertaken to understand the use of the derelict buildings by birds which are reliant on built structures (e.g., house martins, sparrows, swallows and swifts). The outcome of the bat and bird surveys should be used to determine what measures are required during the demolition process to ensure compliance with the Animal Welfare Ordinance and also what mitigation should be incorporated into the design of any new built structures.

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative”.

Agriculture, Countryside and Land Management Services, 06/11/2024

We are writing in response to your consultation request dated 17 September 2024 regarding the revised plans and further information submitted to support the application for the demolition of the former St Martins Hotel and associated buildings and the removal of protected trees.

We welcome the inclusion of the Ecological Assessment and the Arboricultural Condition and Tree Loss Mitigation report.

In our previous response in January 2024 (which is appended to this letter), we noted that there was not explicit justification for the removal of the following trees:

- T16 (classified as B, and not recommended for removal within the ACIA)
- T57 (ACIA described it as “desirable for retention if possible”)
- T92 (outside of the development site as drawn within the Development Framework)
- Group 1 (outside of the development site as drawn within the Development Framework and not recommended for wholesale removal within ACIA)

As per point 2 above, we recommend that justification is provided for the removal of these trees (and, if their removal is justified, that appropriate mitigation be taken).

The Arboricultural report has provided justification for the removal of T16 and T57, however no reason has been given for the removal of T92 (and to which no reference is made within the report) or Group 1. In the absence of any justification, T92 should be retained. We recommend that Group 1 is retained during the demolition process and is instead considered for removal during any application to redevelop the site (which could also include a detailed landscaping scheme including mitigation for the removal of these trees).

The ecological assessment has considered the potential for bats to be roosting within the current buildings (in line with section 2.19 of the Development Framework). We note that those surveys have not been able to rule out the possibility of the presence of a maternity roost of Pipistrelle bats, nor is a physical survey of the roost structures possible due to the poor structural integrity of the buildings. The report recommends that further consultation is undertaken with an ecologist ahead of demolition. In similar situations we have advised that it may be possible to demolish the buildings provided that the following mitigations are put in place:

- demolition is undertaken before maternity period,
- the buildings roof is removed using soft-strip methods under supervision of a bat ecologist with relevant licence (issued by the States Veterinary Officer),
- a bat box is installed on a nearby tree before works. Should bat(s) be found during demolition works, they are moved to the bat box by the licenced ecologist, and,
- a bat box suitable for use as a maternity roost for pipistrels is installed in any new development.

The applicant will need to be assured that the above mitigations are feasible and can be achieved safely in this scenario.

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative”.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of demolition.
2. The impact of the vacant site on the character and appearance of the locality.
3. Loss of protected trees.
4. 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).**

The former hotel was converted into a lodging house in June 2007. The site has remained vacant for approximately 10 years and the building was severely damaged by fire in June 2016. The building is currently derelict and uninhabitable. A Development Framework was approved for the site in January 2024 which envisages a relatively high density residential development of the site which is only likely to be achieved by the demolition of the existing buildings on the site. As a result the principle of demolishing the existing buildings is supported by the approved Development Framework. Whilst a planning application for the redevelopment of the site has not been submitted and it is unclear when the rebuilding of the site would commence, the site is within the St Martin Local Centre and the approval of the Development Framework for the site provides a clear indication that the site will be redeveloped.

The existing derelict buildings have a negative impact on the character and appearance of the area. The agent advises that it is intended to temporarily retain building waste/rubble on the site in low stacks up to 2m high prior to their removal from the site or prior to them being processed to form hardcore in the future development. Whilst the clearance of the site for an extended period would be unfortunate, due to a combination of the high walls and/or banks along the roadside frontages and the well-established vegetation, the site is relatively well screened from public view which will limit the visual impact of the clearance of the site on the character and appearance of the wider area. In addition, existing boundary planting is proposed to be supplemented by 4 additional areas of tree planting where gaps currently exist which will further limit the visual impact of the development.

The majority of trees on the site are to be retained and tree protection fencing is indicated to create a demolition/construction exclusion zone around the development site. The proposal includes the selective removal of 17 individual trees and 1 group of trees. An Arboricultural Condition and Impact Assessment and an Arboricultural Condition and Tree loss mitigation report has been submitted which provides details of the condition of existing trees and includes justification for the removal of the trees. Following concerns raised during the application process about the removal of trees, trees T92 and Group 1 are now shown to be retained and the position of the tree protection fencing along the east boundary has been amended to reflect this, and 4 areas of tree planting are indicated to mitigate the loss of the existing trees.

An ecological assessment has been submitted which concludes that the site includes grasslands and woodland habitats of low to moderate ecological value. The ecological assessment goes on to state that although any redevelopment would significantly impact existing habitats and associated biodiversity of the site, the severity of impacts could be reduced by retaining as much of the existing habitat as possible and by implementing appropriate mitigation and offsetting where feasible.

The ecological surveys undertaken have not been able to rule out the possibility of roosting bats within the buildings and the ecological assessment recommends that further mitigation measures are undertaken prior to demolition. This approach is supported by Agriculture, Countryside and Land Management Services and can be controlled by condition. Together with the additional areas of tree planting and the proposed tree protection measures, it is likely that the demolition of the buildings and the selective removal of a limited number of trees can be adequately mitigated and would not have a significant adverse effect on the biodiversity of the site. The landscape and biodiversity value of the proposed tree planting could be further enhanced by including Silver Birch and/or English Oak, this can be dealt with by condition.

Due to the scale of the demolition works and the proposal to crush rubble on site, there is the potential for the demolition phase of the works to have some adverse effects on the amenities of neighbouring residents. A degree of disturbance is an inevitable but temporary consequence of most building operations and separate controls exist under Environmental Health legislation to deal with any statutory nuisance that may arise. In this case, to limit and manage noise, dust and disturbance during the demolition phase, it is recommended that a Construction Environmental Management Plan is submitted prior to the commencement of works. In addition, it is noted that it is a requirement of the Office for Environmental Health and Pollution Regulation that any mobile crusher used at the site must be covered by a valid Air Pollution Licence. As part of the licence conditions, that Office must be notified prior to any crushing activity.

Due to the size of the site (it exceeds 1 hectare) and the proposed removal of protected trees, an assessment is required as to whether or not an Environmental Impact Assessment is required. Due to the likely minor impact on the group of protected trees as a whole and the nature of the development and the character of the existing derelict site, the proposal is unlikely to have a significant adverse on trees, the quality of the environment, natural resources or biological diversity and an Environmental Impact Assessment is not required.

Information has been submitted, including a Site Waste Management Plan, 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 Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 19/11/2024

