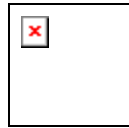


**GROUVILLE BAY HOTEL SITE - DEVELOPMENT (P.2/99) - REPORT**

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**Presented to the States on 19th January 1999  
by the Planning and Environment Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

175

1999

P.2/99 Rpt.

Price code: C

## **REPORT**

### **Response to the proposition**

The Constable of Grouville's proposition appears to accept the highest part of the proposed building in the north-east corner of the site but seems to indicate that only one-storey development should be allowed along the south and south-east edges of the site. To restrict the building to a single-storey development on land surrounded by two-storey buildings would be unreasonable in the Committee's view and would not be defensible in the Royal Court. Such a reduction would involve the loss of at least eight units from the permitted scheme and thus from the Island's housing stock. Equally, such a reduction in height would not make the best use of the land and thus contradicts another part of the Constable's proposition.

### **Introduction**

The following text highlights the various planning considerations needed to be taken into account for the Grouville Bay Hotel site. It provides a chronological summary of the application and the subsequent appeal, ranging from initial negotiations; the refusal of the application; the appeal by the applicant; the consultations undertaken with other States Departments, the professional assessment and finally, to the approval of the appeal.

There follows a more detailed account of the issues relating to the height of the proposed scheme which would appear the principal objection to the scheme.

### **Planning considerations**

#### States strategic policy objectives

The site is located within the boundaries of the built-up area to where the States strategic policy objectives seek to direct development to make full and effective use of land.

## Island Plan

The site is designated as “Built Up Area” in the Approved Island Plan (1987).

Policy HO6 of the Island Plan stipulates that -

“New residential development will be directed to the existing Built Up Area and existing villages. In all cases designs for housing schemes will have to demonstrate economy in the use of land.”

This policy therefore applies to the Grouville Bay Hotel site (once the principle of hotel loss was accepted).

## **Planning guidance**

The Committee have published supplementary Planning Guidance in the form of Planning Policy Note No. “Residential Density Standards”.

This publication gives an indication of an acceptable density for various urban and sub-urban circumstances. In terms of the Grouville Bay Hotel site the “lowest” scale of density was adopted, namely 65 to 75 habitable rooms per acre. The proposed density of the approved scheme is in fact significantly below this at 57 habitable rooms per acre. This is particularly impressive given that most of the car parking is provided underground. The proposal also makes provision for a large area of open amenity space. This space will be overlooked and therefore enjoyed by many of the residents of Le Chemin au Greves and Grouville Park.

The size, scale and massing of the proposed development is considered to be acceptable and, although undoubtedly larger than surrounding development, because of the size of the site, would not be incongruous in this setting.

## **Relevant site history**

In 1981 the then Island Development Committee granted development consent for the redevelopment of the site for a new hotel. This proposal comprised four-storey development along the north, east and south sides of the site, therefore having a size, scale and massing significantly greater than the current approval.

This permit was renewed up to January 1989. The permit lapsed after this date. Notwithstanding this, because the final permit was issued during the lifespan of the current Island Plan, if the owner were to request renewal the Committee would only be able to refuse the application for renewal if there had been significant changes in the circumstances of the site.

The only change since 1989 is that the appearance of the existing buildings is more outworn and highlights the need for an improved replacement.

## **Chronological summary of the application and subsequent appeal**

### Planning application

Dandara Island Homes submitted a planning application on 11th December 1996 seeking permission to redevelop Grouville Bay Hotel to create 37 luxury apartment flats with garaging parking and amenity.

Subject to a provision that “*the principle relating to the loss of tourism beds would be at the discretion of the Committee*”, the scheme was re-negotiated to achieve a reduction in the mass and bulk of the building.

The Applications Sub-Committee (responsible for determining all planning applications) considered the application on 9th April 1997, and in view of the site history and consultations and, noting that 12 representations had been received, decided that the application should be referred up to the full Committee and instructed the applicants to construct a model of the proposal and erect profiles in advance of the Committee visiting the site.

A further amended scheme was submitted on 11th April 1997 which saw a reduction in the bulk of the building and a corresponding reduction in the number of units from 37 to 32. An additional 13 letters of representation were received together with one letter of support in response to these amendments. The Case Officer submitted a written report to the Full Committee on 1st May 1997 with a recommendation for approval.

The full Committee visited the site on 7th May 1997 to view the profiles. The Committee deferred its decision on the application.

On 22nd May the President, together with the Director of Planning, attended a Parish Hall Meeting to hear the comments of those who attended.

On 5th June 1997, the Committee considered the application in the morning and agreed that the loss of view was not a significant planning issue and that the scheme does not have an overbearing impact on the surrounding buildings. Notwithstanding this the Committee noted that a following item on the agenda concerned the loss of beds to the tourism industry and decided to defer any decision on the application until that item had been considered. In the light of its discussion on the loss of tourism beds, the Committee decided to refuse the application on the following grounds -

“The proposal represents the unacceptable loss of tourism accommodation on a prime hotel site, not serving the best interests of the community”.

### Appeal

Bailhache Labesse, acting on behalf of Dandara Homes submitted an appeal on 10th June 1997 seeking the Committee’s reconsideration of its decision. Bailhache Labesse submitted their full case on 11th July 1997.

The Committee considered the Appeal on 7th August 1997 and agreed that this appeal should be submitted to all parties (Planning and Environment, Finance and Economics, Tourism, Establishment and Housing) who attended a joint meeting on 15th July 1997, with the Policy and Resources Committee, to consider the policy on the conversion/redevelopment of hotels/guest houses and the loss of tourism beds in the Island.

## Responses

### *Housing*

Reiterated their remit, as defined in the Strategic Policy Review “to ensure that all individuals living in the Island are adequately housed, with priority given to those with residential qualifications”. Therefore, the best benefit from the housing point of view would be the conversion of this property into residential units. If that were not allowable, then a second favourite option would be that it be converted to a registered lodging house.

### *Finance and Economics*

The Finance and Economics Committee advised that they have yet to receive an application for a licence under Part III of the Law in respect of the proposed redevelopment of the Grouville Bay Hotel. If such an application was to be received, however, the policy of the Committee to-date would be to grant consent for the construction of residential accommodation if that accommodation is to be occupied by persons with residential qualifications.

### *Tourism*

The Grouville Bay Hotel is situated on one of the finest hotel/tourist sites in the Island, golf course, beach and uninterrupted views of Mont Orgueil Castle. It accommodates 125 guests, all rooms with en-suite facilities, 91 per cent with bath. It is graded three-sun and has very good visitor amenities including swimming pool, gardens and car park.

### *Policy and Resources*

Were of the view that unless it can be demonstrated that there is an investor willing to develop a hotel on the site, it would be difficult to resist a development proposal to construct dwelling accommodation on the understanding that the accommodation would be for those qualifying under Housing Regulations (a) to (h).

If the Planning and Environment Committee wanted to test the viability of a hotel use on the site it would need to commission an independent consultant to do this.

### *Planning and Environment*

The Committee considered the responses at the meeting on 2nd October 1997 and considered that Tourism had provided insufficient information and therefore sought a new comprehensive response. It also sought the Attorney General’s specific advice with regard to this particular case.

The Committee finally considered all the responses at their meeting on 13th November 1997. In the light of these responses, the Committee agreed that the principal factor for consideration in this matter was the economic viability of the Grouville Bay Hotel, and it would therefore be necessary to have a professional assessment of the hotel and its site. It was recommended that a report should be commissioned to consider the viability of the hotel -

- (a) in the existing buildings in their present state; or
- (b) in the existing buildings suitably refurbished, or rebuilt in part; or
- (c) in a totally new building constructed on the same site.

The Department was in receipt of the report (extract from report) undertaken by Deloitte and Touche (Hospitality and Leisure Division-St. Albans) on 3rd April 1998 and the conclusions, as feared are that “*the Grouville Bay Hotel, under the option, considered is unlikely to have a viable future*”.

On 28th May 1998 the President and Chief Executive of Tourism attended the Planning and Environment Committee Meeting. The President and Chief Executive of Tourism objected to the loss of a hotel on this prime site and questioned some of the assumptions used by Deloitte and Touche.

The Planning and Environment Committee duly disputed Deloitte and Touche’s assumptions. On 9th June 1998 the Committee was in receipt of a letter from Deloitte and Touche which incorporated the assumptions suggested by Tourism. Deloitte and Touche concluded that even when using these assumptions the site remained unviable for a hotel use.

On 11th June 1998 the Planning and Environment Committee agreed, with much regret, that there was no justification in

planning terms for maintaining its previous decision to refuse planning permission for the redevelopment of the site. It directed the Assistant Director of Planning to advise the applicant company of its decision.

A planning permit, with conditions attached, was issued on 17th June 1998. A condition was attached which required the reduction in size of one of the components of the scheme to reduce the impact on an adjoining neighbour.

### **The Committee's case with regard to the height of the building**

The Committee, at their meeting on 5th June 1997, considered that the size, scale and mass of the replacement building was acceptable. Although it was undeniably larger than the existing building on the site, it was considered that this large site could comfortably accommodate a larger building. Moreover, because the site is located in the "Built Up" area as defined by the Island Plan, there is no presumption against development.

The scale and massing of the building has been very successfully broken down by creating separate components. The building does not suffer a monolithic appearance, as potentially could have been the case (i.e. as would be the case with the four-storey development approved in 1982). The design of the elevations is evocative of the Victorian tradition and would resemble current examples in the Island, including the Omaroo Hotel in Havre des Pas and the Sommerville Hotel in St. Aubin. It is a fact that each of these examples is significantly larger in size, scale and mass than that proposed for the Grouville Bay Hotel site though, at the time, these were not considered to be unacceptable, albeit they are equally as close, if not closer, on all sides to residential development.

The Grouville Bay Hotel comprises part three (one flat is formed within the roofspace of a three-storey block) part two and part one-and-a-half-storey development. The highest part of the development, located on the north east corner of the site, is a natural position to create the architectural focal point and is also the furthest point from any of the adjoining residential properties. The building at this point is only nine feet higher than the existing building at this point. From hereon, the development is graded from three-storey to two-storey, to the south (on that part of the site which adjoins Golf Lane) and from three-storey to one-and-a-half-storey to the east (on that part of the site which adjoins Grouville Park) which, incidentally, was stamped, not approved, on the originally passed plans because of its likely prejudice to the adjoining property.

The transition from the pivotal point, the three-and-a-half-storey element (marked A on attached plan), through to three-storey (marked B) and to two-storey (marked C) and one-and-a-half-storey (marked D), elements at the edges of the site, reflects classical architectural principles and the two-storey elements facing Golf Lane and adjoining Grouville Park, respectively, are domestic in scale to reflect the size and scale of other residential properties in the area.

The distances and relationships between the proposed building and adjoining properties is such that no undue prejudice is caused by reason of loss of light or loss of privacy.

For instance, the properties along Le Chemin au Greve are two-storeys and face the proposed amenity area and two-storey houses. It is common to have two-storey development either side of a street (this is evident in other residential roads in the area). However the minimum distance is 23 metres (75 feet) which is significantly greater than that normally found in a suburban area. The contention that the proposed development would be overbearing and cause overlooking is untenable given these distances between the proposed building and the facing properties.

The other neighbours closest to the proposed development are the occupants of 1 Grouville Park. That part of the original scheme closest to this property was not initially approved as it would have had an unreasonable impact on the property. However, it was subsequently reduced in height, effectively to one-and-a-half-storey, set further back from the building line and moved further away from the boundary it shares with this property. Notwithstanding this, the Planning and Environment Applications Sub-Committee visited the site to view profiles of the amended scheme and confirmed that it was acceptable.

The Committee understand that the residents are aggrieved because the development represents an increase in size of development compared to the existing buildings on site. This is not however a valid reason to refuse an application. Refusal on these grounds could certainly not be substantiated in the Royal Court. Moreover the proposal complies with all of the policies contained in the Island Plan, approved by the States.

It is generally the case that people are comfortable with what they know, and dislike change and that this is the principal reason for opposition. The Committee would further support the proposed scheme for its architectural quality and the fact that it will replace a set of discordant buildings, which are mostly in a state of disrepair and which do the area no favour whatsoever.

### **Consideration of representations**

Reference to the history will show that representatives were taken into account at all stages throughout the application process. The following steps were taken -

- certain elements of the proposed scheme were modified in response to specific objections;
- the access onto Le Chemin au Greves was restricted for sole use by the emergency services;
- the application was referred by the Applications Sub-Committee to the Committee given the level and nature of objections;
- the applicant was required to make a model of the proposal and erect profiles on site to show the height of the proposed building;
- the Committee visited the site to assess the size and impact of the scheme from those profiles and viewed the proposal from an adjoining property following an invitation to do so;
- the determination of the application was deferred so that the President and Director of Planning could attend and hear the comments of residents at a Parish Hall Meeting (22nd May 1997);
- the permit was subject to a condition which required the applicant to modify the north-western part of the scheme to make it acceptable in relation to an adjoining property;
- the attendance of the President and Vice-President at a later Parish Hall Meeting (30th September 1998) to explain why the scheme had been approved;
- incidentally, a subsequent application which had different access arrangements was refused as the Committee agreed with objections that it would cause undue prejudice.

### **Summary**

All objections to the scheme were fully addressed at all the various stages in the consideration of the scheme by the Committee.

The Committee considers that it has approved a scheme which is appropriate for the area, with a very high quality of design replacing a set of outworn and unsightly buildings which presently spoil the character of the area, and which has no unreasonable impact on the amenities of any of the nearby properties.

The approved application confirms to the policies of the Island Plan, and the States' strategic policy objectives.

The reduction in building height proposed by the Constable is entirely arbitrary and cannot be justified on any planning grounds.

