

**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 and alter hotel complex (Protected Building).

**LOCATION:** Bella Luce Hotel, La Fosse De Bas, St. Martin.

**APPLICANT:** Green Giant 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:** 24/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Soup Architects - 424-080-P3, 424-085-P3, 424-099-P3, 424-100-P3, 424-110-P3, 424-120-P3, 424-130-P3, 424-200-P3, 424-300-P3, 424-310-P3, 424-350-P3, 424-351-P3, 424-600-P3, 424-610-P3, 424-620-P3, 424-650-P3, 424-651-P3, 424-652-P3, 424-653-P3 & 424-660-P3.

**Application Ref:** FULL/2022/1283

**Property Ref:** J012840000

**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 development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting, which shall include specifying the replacement of the existing trees proposed to be removed with new trees of appropriate indigenous species;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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

5. No development, including site works, shall begin on site until each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. 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. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

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.

6. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

7. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of all buildings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

8. No development shall begin on site until details of the proposed treatment of the east (rear) end of the first floor balcony/terrace area serving the proposed guest accommodation have been submitted to and agreed in writing by the Authority, to ensure that neighbour amenity is suitably protected. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

9. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

10. No development, including demolition and site works, shall begin until an amendment to the Construction Environmental Management Plan (CEMP), is submitted to reflect the information set out by the Office of Environmental Health and Pollution Regulation (OEHPR), and which shall contain the following, has been submitted to and agreed by the Authority:

- i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme).
- ii) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.
- iii) Details of hours of construction including all associated vehicular movements.
- iv) Details of the construction compound(s) and lighting.
- v) A plan showing construction traffic routes.
- vi) A scheme of how dust is managed pre and post demolition/construction and continuing mitigations.
- vii) A scheme of any piling and associated noise report and time periods.
- viii) Details of any environmental protection measures that will be adopted.
- ix) Confirmation that the crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete will not take place at the site

The development shall be carried out strictly in accordance with the CEMP so agreed, unless the Authority has given its prior written agreement to any variation.

Reason - To ensure that the construction process is managed in such a way as to minimise adverse impacts on the amenity of the local area as far as possible.

11. No plant or machinery incorporated within the development hereby permitted shall be installed until an acoustic report demonstrating that noise associated with that plant and machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones, has been submitted to and agreed in writing by the Authority. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014, and thereafter all plant and machinery shall be operated and maintained to achieve continued compliance with this condition.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

12. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

13. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, 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 the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

14. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 6 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

**Expiry Date: This permission will cease to have effect on 23/08/2025 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their provisions. The existing building complex may be used by bats or other wildlife for roosting and nesting. We request that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted

by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing [info@societe.org.gg](mailto:info@societe.org.gg).

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

### **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/2022/1283  
**Property Ref:** J012840000  
**Valid date:** 14/06/2022  
**Location:** Bella Luce Hotel La Fosse De Bas St. Martin Guernsey GY4 6EB  
**Proposal:** Extend and alter hotel complex (Protected Building).  
**Applicant:** Green Giant Ltd

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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 development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;

- ii) full details of tree and hedge planting, which shall include specifying the replacement of the existing trees proposed to be removed with new trees of appropriate indigenous species;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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

5. No development, including site works, shall begin on site until each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. 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. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

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.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

7. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of all buildings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the

Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

8. No development shall begin on site until details of the proposed treatment of the east (rear) end of the first floor balcony/terrace area serving the proposed guest accommodation have been submitted to and agreed in writing by the Authority, to ensure that neighbour amenity is suitably protected. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

9. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

10. No development, including demolition and site works, shall begin until an amendment to the Construction Environmental Management Plan (CEMP), is submitted to reflect the information set out by the Office of Environmental Health and Pollution Regulation (OEHPR), and which shall contain the following, has been submitted to and agreed by the Authority:

- i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme).
- ii) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.
- iii) Details of hours of construction including all associated vehicular movements.
- iv) Details of the construction compound(s) and lighting.
- v) A plan showing construction traffic routes.
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- vii) A scheme of any piling and associated noise report and time periods.
- viii) Details of any environmental protection measures that will be adopted.
- ix) Confirmation that the crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete will not take place at the site

The development shall be carried out strictly in accordance with the CEMP so agreed,

unless the Authority has given its prior written agreement to any variation.

Reason - To ensure that the construction process is managed in such a way as to minimise adverse impacts on the amenity of the local area as far as possible.

11. No plant or machinery incorporated within the development hereby permitted shall be installed until an acoustic report demonstrating that noise associated with that plant and machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones, has been submitted to and agreed in writing by the Authority. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014, and thereafter all plant and machinery shall be operated and maintained to achieve continued compliance with this condition.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

12. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

13. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, 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.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

## **INFORMATIVES**

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their provisions. The existing building complex may be used by bats or other wildlife for roosting and nesting. We request that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing [info@societe.org.gg](mailto:info@societe.org.gg).

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

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## **OFFICER'S REPORT**

### **Brief Description:**

Extend and alter hotel complex (Protected Building).

The site is situated Outside of the Centres and is within a Conservation Area. The whole of the C17th house and its C19th wing are a Protected Building, with the following Summary of Special Interest: *A traditional 5-bay 17th century house with a 3-bay 19th century wing. Although substantially altered over the C20th and early C21st, important elements remain such as a cross passage wall, chamfered stones, and fabric of fireplace on west roadside wall. Requisitioned during the Occupation (historic associations), but no evidence of alterations made during the Occupation. 2 storey steep pitched building with some projecting stones (indicative of former thatched roof). Random rubble walls with much roughly-squared Cobo stone and Cobo quoins on roadside gable. Galleting to the stone, which is often pointed with cement. (Grade B).*

The application is supported by an Understanding Special Interest report which includes a heritage impact assessment and by a Design Analysis Statement. The

Design Analysis Statement includes a Construction Environmental Management Plan (CEMP) and a site waste management plan.

**Relevant History:**

Pre-application advice was provided in this case.

**Existing Use(s):**

Hotel – Visitor economy use class 7: Serviced visitor accommodation

**Assessment:** *(Tick as appropriate)*

|                     |                                     |
|---------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |

|                              |                                     |
|------------------------------|-------------------------------------|
| visual amenity acceptable    | <input checked="" type="checkbox"/> |
| no material neighbour impact | <input checked="" type="checkbox"/> |
| traffic not affected         | <input checked="" type="checkbox"/> |

**Policies considered most relevant:**

IDP Policy:

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

GP4 – Conservation Areas

GP5 – Protected Buildings

GP7 – Archaeological Remains

GP8 - Design

GP9 – Sustainable Development

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

**Comments received:**

Office of Environmental Health & Pollution Regulation (initial comments)

I have reviewed the proposed plans for the extension and alteration of the hotel complex at the above site, including the Design Analysis Statement and sections titled '03 - Environmental Impact Assessment' (EIA), '08 - Construction Environmental Management Plan (CEMP)' and '07 - Waste Management Plan (WMP)'.

There is currently insufficient information provided within the application and I make the following comments:

- 1) Within the EIA at 3.4, it is stated that Mechanical Ventilation Heat Recovery (MVHR) systems linked to Air Source Heat Pumps (ASHP) will be used in the new

extension building. It is also stated that commercial extracts will be used in the cooking areas of the kitchen.

We would welcome details of the plant and machinery being installed to be submitted to Planning Services along with evidence that noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

- 2) Within the EIA it is stated at 3.1 that the hotel will incorporate floor to ceiling glazing and at 3.4 that all lighting in the extension will be LED. We would welcome details on the lighting including external lighting and any attenuation measures proposed to reduce light spill and light disturbance on neighbouring properties.
- 3) Regarding the CEMP at 3.10 – I have carried out an historic map search of the site and confirm that I do not believe it necessary for a contaminated land Phase I desktop study to be undertaken. However, we would recommend that 4.15 of the CEMP is expanded as per point 4(f) below.
- 4) We would welcome the following information being incorporated into the CEMP:
  - a) At 3.15 – detail regarding who, how, when and how often residents will be liaised with both pre and during construction.
  - b) At 4.6 – a detailed dust management plan.
  - c) At 4.10 – a commitment for no crushing to take place on site. The site is in a noise sensitive area and crushing is not a suitable option in this location.
  - d) At 4.10 and 6.0 – a detailed noise and vibration management plan.
  - e) At 4.11 – a detailed site lighting plan.
  - f) At 4.15 – expanded to state ‘if, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report
  - g) At 6.13, 6.22.13 and 6.44.4 – if piling is to take place a commitment to informing residents and specifying times in which it will be carried out and noise and vibration attenuation measures to be implemented.
- 5) We would welcome the following information being incorporated into the WMP:

- a) At 6.1.2 – detail on granite and paver cleaning, including the method and noise attenuation measures.

We would welcome ongoing communication and provision of written reports to the OEHPR and we would be happy to review any additional documents as they become available.

I would be grateful if these issues are considered during the determination of this application.

Office of Environmental Health & Pollution Regulation (further comments)

I have reviewed the contents of the letter, dated 8th August 2002, on behalf of SOUP Architects Ltd, written in response to my planning response letter, dated 29<sup>th</sup> July 2022. I thank SOUP Architects Ltd for providing the information I had requested.

In relation to the five points of clarification, I confirm below our response and recommendations for conditions to be attached to any granted planning consent:

1. Regarding any plant or machinery being installed at the site, we recommend the following condition:
  - No plant or machinery incorporated within the development hereby permitted shall be installed until an acoustic report demonstrating that noise associated with that plant and machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones, has been submitted to and agreed in writing by Planning Services. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014, and thereafter all plant and machinery shall be operated and maintained to achieve continued compliance with this condition.
2. Regarding external lighting, we recommend the following condition:
  - No development, excluding demolition and site works, shall begin until details of any external lighting proposed for the site have been submitted to and agreed in writing by Planning Services. Any external lighting to be installed shall only be in accordance with the agreed details and shall thereafter be so maintained.
3. It is noted that the CEMP has been updated as recommended. No further action is recommended in this respect.
4. In relation to point b) we recommend the following condition:

- No development, including demolition and site works, shall begin until an amendment to the Construction Environmental Management Plan (CEMP), is submitted to reflect the information set out by the Office of Environmental Health and Pollution Regulation (OEHPR), and which shall contain the following, has been submitted to and agreed by Planning Services:
  - i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme).
  - ii) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.
  - iii) Details of hours of construction including all associated vehicular movements.
  - iv) Details of the construction compound(s) and lighting.
  - v) A plan showing construction traffic routes.
  - vi) A scheme of how dust is managed pre and post demolition/construction and continuing mitigations.
  - vii) A scheme of any piling and associated noise report and time periods.
  - viii) Details of any environmental protection measures that will be adopted.

The development shall be carried out strictly in accordance with the CEMP so agreed, unless Planning Services has given its prior written agreement to any variation.

In relation to point c) and crushing on site, we maintain that the site is in a noise sensitive area and crushing is not a suitable option in this location. We therefore recommend the following condition:

- The crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete will not take place at the site.

5. In relation to granite cleaning, we recommend the following condition:

- Any granite or paver cleaning should not pose a risk of environmental pollution.

I would be grateful if these issues and the recommended conditions are considered during the determination of this application.

### La Societe Guernesiaise

Buildings of this type can be used by roosting bats and other wildlife and this likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby.

We would recommend that the building complex be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It would also be beneficial to include suitable measures to support roosting bats and nesting birds within the development proposal.

We would request that, if this application is approved, an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their provisions. The existing building complex may be used by bats or other wildlife for roosting and nesting. We request that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing [info@societe.org.gg](mailto:info@societe.org.gg).’

### Nearby resident

No specific objection and broadly supportive of improvement to the hotel, but concerned regarding possible overlooking of their property. Also concern expressed regarding adequacy of drainage and potential for flooding.

### **Conclusion/Brief comment:**

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.

### Principle of the development

The principle of the proposals is acceptable under Policy OC8(A) – Visitor Accommodation Outside of the Centres – New, Extension, Alteration or Redevelopment of Existing Uses, and a policy gateway therefore exists to consider the proposed development in light of other relevant Plan policies.

### GP5 - Protected Building

As part of the pre-application advice process the extent of the protected building was reviewed and was reduced. The Protected Building therefore only includes parts of the buildings that have special interest, as described earlier in this report.

The application is supported by an Understanding Special Interest report which includes a heritage impact assessment. This is a proportionate study of the special interest of the protected building. The conclusions of the report are accepted as regards the degree of the effect/harm on the special interest and that it would be outweighed by the reasonable aspirations of the property owner and the contribution the development would make to the economic objectives of the States of Guernsey.

### Setting of the Protected Building.

Policy GP5 and GP8 require the setting of the protected building to be considered. The Building Survey Report prepared by the Authority when re-assessing the extent of the protected building at the pre-application stage notes: "Walled garden to the south of the 17th century house and 19th century wing. Prominent roadside wall. At the head of the Moulin Huet valley within mature landscape." It is also worth noting that to the east and south the setting has been incrementally eroded by mid-late 20th century development.

The application proposes to demolish the 20th century buildings to the north and east. These buildings currently detract from the setting of the Protected Building. They are to be replaced with new buildings. The building to the north will be set away from the Protected Building to create a courtyard. This will help to reveal the rear elevation of the protected building that is currently obscured and slightly enhance its setting. To the south a three-storey building is proposed which contains administration areas as well as guest accommodation and external terraces. This will be of a similar height to the existing buildings, but has a larger footprint. This part of the development will be inter-visible with the front elevation of the protected building and its walled garden. The effect of this on the setting will be negligible when compared to the existing situation.

### GP4 - Conservation Area

The application site lies within the Saints Road conservation area as identified on the Proposals Map of the IDP. Policy GP4 is therefore engaged. The aim of Policy GP4 is to ensure that development respects, conserves and, where possible, enhances the character and appearance of the particular Conservation Area and its special interest rather than the application of the policy in the same way across all Conservation Areas regardless of their particular special interests.

A Conservation Area Character Appraisal has not been published, however paragraphs VII.140 of VII.146 of the IDP summarise the special interest of this conservation area, which can be used to describe below the characteristics of the application site.

- Attractive C16th, C17th and C18th buildings, which include the protected building on the application site
- tall boundary walls and former barn that define the property boundary
- earthbanks and mature trees and hedges some of which overhang and provide shade to the highway
- when approached from the east along Camps Du Moulin, the back of the hotel can be seen through gaps in the boundary walls and landscape screen.

The application includes the demolition of a number of buildings. These buildings do not contribute to the character and appearance of the Conservation Area and there is no objection in principle to their demolition, subject to the quality of the replacement buildings.

The proposal will improve the buildings that are viewed when approaching from the east along Camps Du Moulin. New buildings will also be visible when viewed through gaps in the landscape and boundary walls along La Fosse De Bas, but this will not impact on the character and appearance of the Conservation Area.

The proposals include the removal of five trees (not subject to a TPO) within the car parking area adjacent to Camps Du Moulin. These trees contribute to the character and appearance of this part of the Conservation Area. Their removal will cause harm to the Conservation Area by eroding the green canopy. The application also involves the removal of a tree within the grounds (T6). T6 is not readily visible from the lanes, so its removal will have a negligible effect on the conservation area.

In conclusion, whilst the development includes the removal of a five trees (and conditions can be imposed on any consent to require that these trees be replaced on a one-for-one basis), overall the development will improve the quality of buildings when viewed from the surrounding lanes. It is therefore concluded that the development will enhance the character and appearance of the Conservation Area.

#### GP8 - Design

The Policy Box to Policy GP8 has seven criteria which summarise the preceding supporting text. Whilst the preceding text and Policy Box have the same weight, the seven criteria provide useful headings to assess the application, as below:

*a) achieve a good standard of architectural design, including the design of necessary infrastructure and facilities*

The application is supported by a Design Analysis Statement. This document helps to demonstrate how the proposed design positively responds to the site – its strengths, weaknesses and constraints – and assimilates into its context.

The proposed architectural style is contemporary – it has a flat roof, large areas of glass and materials that are detailed to give a minimal appearance. The building has a coherent architectural composition and its details (e.g. services, balconies, junction of materials, bicycle store, bin store) are well considered and form a coherent architectural design. Therefore, taking into account the visibility of the building from the surrounding lanes, the high standard of design that is

required in the Conservation Area and the setting of the Protected Building, it is considered that the development meets this criterion.

*b) demonstrate the most effective and efficient use of land*

The proposed development is multi-storey so this criterion has been met.

*c) respect the character of the local built environment or the open landscape concerned*

This criterion has been assessed above against Policy GP4. It is concluded that the proposed development meets Policy GP4, so it is considered that the application also meets this criterion.

*d) consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space*

This criterion is explained in more detail in Annex I of the IDP. Annex I provides an explanation of each of the above and that a design process is necessary to achieve a satisfactory design.

The proposed development is for a hotel complex including guest rooms, conference facilities etc. Due to the transient nature of guests, slightly lower standards for amenity can reasonably be applied when compared to permanent residential accommodation. Nevertheless, the application has sufficient amenity for intended users of the development.

*e) provide soft and hard landscaping where this reinforces local character and distinctiveness and/or mitigates the impacts of development and/or contributes to more sustainable construction*

The proposals include a landscaping scheme which confirms that the majority of the existing trees will be retained. Subject to imposition of appropriate conditions to ensure that trees are protected and, where removed, are replaced with suitable species, the application satisfies this criterion.

*f) demonstrate accessibility to and within a building for people of all ages and abilities*

The proposed development includes level entrance to the lower ground floor (from the gardens) and upper floor plan (from the car park). Within the buildings corridors and doors are sufficiently wide, stairs have a sufficient rise/going and lift access is provided between all floors. The application therefore meets this criterion.

*g) with regard to residential development, offers flexible and adaptable accommodation that is able to respond to people's needs over time*

The development is for a hotel and associated facilities. Therefore this criterion does not apply.

In summary, the application meets all the criteria of GP8.

### Effect on the amenity of neighbours

Having regard to the location and design of the proposals, along with the topography of the site and existing landscaping, it is considered that there would be no adverse effect on neighbouring properties by virtue of overlooking, overshadowing or overbearing impacts. A condition should however be imposed regarding the treatment of the east (rear) elevation of the first-floor terrace area, to ensure that this element is satisfactory.

The Office of Environmental Health & Pollution Regulation has commented on the application and has reviewed further information submitted by the applicant to address its initial comments. Planning conditions are recommended to deal with the matters raised where these would be enforceable and relevant to planning and the development proposed.

### Traffic and parking

The development is within the existing hotel site and would not result in a significant intensification of use. Existing access points would be used, albeit that one is currently blocked and would be re-opened. Car parking provision is adequate to serve the proposed development.

### Other matters

The application contains information to address IDP Policy GP9: Sustainable Development including a site waste management plan.

The comments of La Societe Guernesiaise are noted and a suitable informative is recommended on the decision. It is understood that a bat roost has been identified in the roof of the hotel by visiting experts.

Details of drainage will be considered at the Building Regulations stage, in the event of planning permission being granted. The application specifies use of permeable SUDS paving for the upper car park area which is finished in tarmac at present.

There is the possibility of buried archaeology being found in this area and a suitable informative note should be attached to the decision.

### **Recommendation:**

Grant with Conditions



**Date:** 24/08/2022

