

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 existing staff accommodation, erect two-storey staff accommodation with external staircase to west elevation.

LOCATION: Les Douvres Hotel, La Fosse, St. Martin.

APPLICANT: Charisma Investments Limited

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: 16/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3127/DR-001B, DR-100C, DR-200B & DR-300C.

Application Ref: FULL/2022/1551

Property Ref: J011520000

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. Prior to the first occupation of the staff accommodation building or the completion of the development, whichever is the sooner, full details of the trees to be planted, including their size at the time of planting, shall be submitted to and approved in writing by the Authority. The trees shall then be planted in the first planting and seeding seasons following the first occupation of the staff accommodation building or completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season by trees of a size and species similar to those originally required to be planted.

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

5. The existing tree to the north of the staff accommodation building shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. No development, including site works, shall begin until the tree has been protected, in accordance with plan number 3127/DR-001B. The 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 tree is an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.

6. For the avoidance of doubt, this decision authorises the building hereby approved to be used only as staff accommodation in association with and ancillary to the existing hotel and for no other purpose.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

7. The 1.8m high frosted screen to the north elevation of the external walkway shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent), it shall be installed prior to the first occupation of the staff accommodation hereby permitted and it shall be retained as such thereafter in perpetuity.

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

8. No external lighting shall be attached to the staff accommodation building hereby approved until details of any such external lighting have been submitted to and agreed in writing by the Authority. Any external lighting 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.

9. The solar panels shall not be installed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the staff accommodation building hereby approved shall not be occupied until the solar panels have been installed.

Reason - In the interests of sustainable development, the solar panels having been proposed to address the requirements of Policy GP9.

Expiry Date: This permission will cease to have effect on 15/11/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the

development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning

Planning Service

PLANNING APPLICATION REPORT

Application No: FULL/2022/1551
Property Ref: J011520000
Valid date: 23/08/2022
Location: Les Douvres Hotel La Fosse St. Martin Guernsey
Proposal: Demolish existing staff accommodation, erect two-storey staff accommodation with external staircase to west elevation.
Applicant: Charisma Investments Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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seeding seasons following the first occupation of the staff accommodation building or completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season by trees of a size and species similar to those originally required to be planted.

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Reason - In the interests of sustainable development, the solar panels having been proposed to address the requirements of Policy GP9.

OFFICER'S REPORT

Site Description:

Les Douvres Hotel occupies a large corner site situated to the north of La Motte and to the west of La Mare Denis. The site is within the Saints Road Conservation Area and is Outside of the Centres as defined in the Island Development Plan.

The principal access to the site is from La Motte to the south which opens onto an expansive gravelled approach to the entrance of the hotel, with a secondary access to the north-east. The hotel provides 25 hotel rooms. Ancillary staff accommodation providing 6 bed spaces is located within a detached single storey hipped roof building to the east of the hotel which is the subject of this application.

Relevant History:

21/04/2021 – FULL/2020/2401 – Permission granted to erect 1st floor extension to staff accommodation block.

14/04/2020 – FULL/2020/0032 – Application refused to extend staff accommodation block at first floor level and external staircase to north elevation.

02/01/2020 – FULL/2019/2284 – Permission granted to erect single storey flat roof extension to east elevation.

06/03/2018 – FULL/2018/0160 – Permission granted to erect single storey extension to front (south-east) of existing restaurant (revised).

11/10/2017 – FULL/2017/1941 – Permission granted to erect single storey extension to front (south-east) of existing restaurant.

31/08/2010 – FULL/2010/1612 – Application refused for the change of use and alteration of staff accommodation to dwelling.

04/06/2001 – PAPP/2001/1953 – Permission granted to vary works previously approved to erect staff accommodation block.

15/01/2001 – PAPP/2000/4577 – Permission granted to demolish staff accommodation block and store and erect staff accommodation block.

Existing Use(s):

Hotel – Visitor economy use class 7: serviced visitor accommodation

Brief Description of Development:

Planning permission is requested to demolish the existing staff accommodation and erect an enlarged two-storey pitched roof staff accommodation building providing 11 bedrooms with an external staircase to the west. The building is proposed to be finished with rendered walls at ground floor level with vertical Siberian Larch cladding at first floor level, white PVCu windows and a natural slate roof.

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

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

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Two letters of objection were received, main points as follows:

- Impact on neighbours to north due to overlooking/loss of privacy.
- Light and noise pollution is already an issue and would be made worse with more staff living on the site and due to the external stairs facing north.
- The extension would be out of keeping with the existing hotel building and other properties within the Conservation Area and it would be far too big and imposing.
- Increased pressure on car parks which are already at capacity, lack of parking provision.

Consultations:

The Office of Environmental Health and Pollution Regulation, 21/10/2022

“As already mentioned, we are currently drafting housing legislation which is likely to include the requirement to provide suitable access to cooking facilities and it is unclear how the current application plans would be retrospectively applied. It would be our recommendation that the applicant provides access to kitchen facilities in the footprint of the staff accommodation. If no kitchen or cooking facilities are being provided in the staff accommodation I would welcome information on the

accessibility to alternative kitchen / cooking facilities for staff being housed in this accommodation”.

The Office of Environmental Health and Pollution Regulation, 09/09/2022

“I have reviewed the proposed plans to erect a two-storey staff accommodation block which were received by email on 30th August 2022 and there is insufficient information for me to comment.

As a minimum, please provide the following information:

- Facilities contained within each room;
- How the applicant will meet the requirements of the enclosed leaflet ‘Standards for Houses in Multiple Occupation (HMO)’.

Introducing a new General Housing Law has been prioritised as part of the Government Work Plan. It is hoped that the new legislation will be forthcoming and available in the near future, therefore, there may be additional / specific requirements once this Law is in force”.

Summary of Issues:

The main issues in deciding this application are:

1. The design, scale and impact of the development on the character and appearance of the Conservation Area.
2. The impact of the development on the amenity of people living in the area.
3. Parking and traffic management.

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).**

Planning permission was refused to extend the staff accommodation block at first floor level in April 2020 (FULL/2020/0032). The application was refused on account that the scale, proportions and design of the extended building did not respect the traditional character and appearance of buildings within the vicinity, including the width of the gable, the shallow pitch of the roof and the detailing and the fenestration pattern, and consequently the proposal would not conserve or enhance the character and appearance of the Conservation Area and would not achieve a particularly high standard of design as required in such sensitive areas, contrary to Policies GP4, GP8, GP9 and OC8(A). In addition, the external stairs to the north gable were concluded to be unneighbourly and have the potential to adversely affect the amenities of neighbouring residents by virtue of the loss of privacy, contrary to Policies GP8 and GP9.

Planning permission was subsequently approved for a revised scheme to erect a first floor extension to the staff accommodation block in April 2021 (FULL/2020/2401). The revisions involved alterations to the scale and design of the building and the approved building included an external stairs to the west of the building.

This current application is for a revised scheme to demolish and rebuild the staff accommodation block. During the course of consideration the application was deferred due to concerns about the design of the building and to request further information about the provision of external lighting and how the design has taken into account the use of energy and resources. Revised plans have been submitted which include introducing a gable to the east elevation, alterations to the cladding at first floor level, details of the retention of existing trees and additional tree planting to screen the building, the installation of solar panels to the south and west roof slopes, the siting of low level bollard lighting and details of staff meals and facilities within the main hotel building.

Policy OC8(A) supports alterations to existing visitor accommodation establishments where the development is of a scale that is appropriate to the character of the location and does not detract from the openness and landscape character of the locality; and any additional facilities are ancillary or ordinarily incidental to the principal use as visitor accommodation in terms of scale and use, are proportionate to the amount of visitor accommodation available at the site and would not have an adverse effect on the visual quality and landscape character of the location.

The provision of 11 staff accommodation bedrooms would not increase the number of bedrooms previously approved and would remain ancillary or ordinarily incidental to the scale and use of the existing hotel and is proportionate to the amount of visitor accommodation/facilities available at the site. A condition could be applied to ensure that the staff accommodation is used only in association with this hotel.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Annex VII (Conservation Areas) sets out a summary of the special interest of the Saints Road Conservation Area. It states that this Conservation Area *“has many fine, mainly domestic-scale, buildings scattered along small rural lanes with occasional views out to impressive undulating landscape or open space beyond”*. It goes on to conclude that *“The area predominantly contains buildings of domestic scale. Although some of the twentieth century development detracts from the setting of the historic cores, many of the buildings have fine architectural quality, which combine with the topography, boundary walls, rural lanes, open fields and mature vegetation to create a very high quality environment with high architectural special interest so*

that it is desirable to preserve or enhance its character and appearance as described above”.

Policy GP8 seeks to ensure that new development achieves a good standard of design making effective use of land whilst respecting the character of the open landscape concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours and provide accessibility for all. Policy GP8 sets out that some parts of the Island are more sensitive to building design than others, such as within Conservation Areas, and in these cases development is expected to achieve a particularly high standard of design which should respect the character of the particular environment concerned. In addition, Policy GP8 sets out that the Strategic Land Use Plan identifies multi-storey buildings as constituting a more efficient use of land than single storey buildings and that development proposals should consider a multi-storey design from the outset, unless there are overriding reasons why this design approach would be unacceptable within a particular locality.

Although the ridge height of the proposed staff accommodation building would exceed the ridge height of the adjacent hotel building, the scale, proportions and design of the revised building does respect the traditional character and appearance of buildings within the vicinity. The additional storey and proposed design would result in the building becoming far more prominent within the area, with this accentuated by its elevated nature above the highway when viewed from the east. However, the overall quality of the revised design would conserve the character and appearance of the Conservation Area. Furthermore, the additional tree planting would help to soften the impact of the development. The proposal accords with Policies GP4, GP8, GP9 and OC8(A).

The siting of the building to the south of neighbouring residential properties together with its increased scale and bulk has the potential to have an increased impact on the amenities of neighbouring residents. However, due to the distance to and layout of neighbouring residential properties, the proposal is unlikely to have a significant overshadowing or overbearing effect. The external stairs are located to the west of the building in a similar position to the previously approved application and their location to the west of the building, compared to their location to the north of the building for the previously refused scheme, has increased the distance to neighbouring properties and is sufficient to address previous concerns about the potential loss of privacy. No glazing is included at first floor level in the north gable and the external walkway includes a 1.8m high obscure glazed screen at its northern end to limit overlooking of neighbours. The ground floor window in the north elevation would be set back a sufficient distance from the neighbouring properties to the north to prevent a significant loss of privacy. Overall, the proposal is unlikely to have a material adverse effect on the amenities of neighbouring residents.

A representation has raised concerns about existing parking provision and traffic management issues and the potential for further issues resulting from the development. In response to similar concerns raised as part of previous applications,

Traffic and Highway Services raised no objections to the development and did not consider that there would be any significant intensification of traffic and concluded that the parking arrangements were more than adequate. There is no material difference in the scale of the development and operation of the site since the previously approved application and consequently it is concluded that the proposal does not conflict with Policies IP7 and IP9.

The proposed staff accommodation includes en-suite bathrooms for 9 of the 11 rooms and the agent confirms that there is a staff communal area within the hotel and all staff receive their meals within the hotel. This addresses comments made by The Office of Environmental Health and Pollution Regulation. The proposed staff accommodation provides a satisfactory living environment.

Low level bollard lighting is unlikely to result in any significant light pollution and it is recommended that details of any additional external lighting attached to the staff accommodation building is submitted to and approved by the Authority prior to its installation. In this respect, it is recommended that any external lighting is kept to a minimum and is directed away from neighbouring properties.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, including the installation of solar panels. The proposal accords with Policy GP9.

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

It is recommended that the application is approved.

Date: 16/11/2022