

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: Widen vehicle access to west boundary for a temporary period, and widen vehicle access to north boundary (part retrospective).

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

APPLICANT: Green Giant 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: 18/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects: 424.005.P3, 424.080.P4 & 424.085.P4.

Application Ref: FULL/2023/0052

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.Within four weeks of the extension of the access point to the north of the site being undertaken, the end of the extended opening shall be finished off using materials and a method of construction which match the remainder of the boundary.

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

5.Planning permission is hereby granted for the temporary removal of the section of wall immediately to the north of the west access as shown on the approved drawings ref: 424.085.P3 & P4. Upon completion, or prior to the first occupation (whichever is the sooner) of the approved works to extend and alter the hotel complex (approved under Planning application ref: FULL/2022/1283), this wall shall be reconstructed using materials and a method of construction which match the remainder of the wall to the satisfaction of the Authority.

Reason - To define the permission for the avoidance of any doubt, in the interest of visual amenity and to protect the character and appearance of the Conservation Area and the setting of the Protected Building in accordance with Policies GP4, GP5 and GP8 of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 17/05/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

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

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

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

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

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

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

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel 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/2023/0052
Property Ref: J012840000
Valid date: 09/02/2023
Location: Bella Luce Hotel La Fosse De Haut St. Martin Guernsey
Proposal: Widen vehicle access to west boundary for a temporary period, and widen vehicle access to north boundary (part retrospective).

Applicant: Green Giant Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Within four weeks of the extension of the access point to the north of the site being

undertaken, the end of the extended opening shall be finished off using materials and a method of construction which match the remainder of the boundary.

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

5. Planning permission is hereby granted for the temporary removal of the section of wall immediately to the north of the west access as shown on the approved drawings ref: 424.085.P3 & P4. Upon completion, or prior to the first occupation (whichever is the sooner) of the approved works to extend and alter the hotel complex (approved under Planning application ref: FULL/2022/1283), this wall shall be reconstructed using materials and a method of construction which match the remainder of the wall to the satisfaction of the Authority.

Reason - To define the permission for the avoidance of any doubt, in the interest of visual amenity and to protect the character and appearance of the Conservation Area and the setting of the Protected Building in accordance with Policies GP4, GP5 and GP8 of the Island Development Plan.

OFFICER'S REPORT

Brief Description of the site:

The application relates to the existing access points serving the Bella Luce Hotel along the north and west boundaries of the site. The site is situated Outside of the Centres and within a Conservation Area as designated in the Island Development Plan. The whole (interior and exterior) of the hotel building and its 19th century wing are protected.

The main hotel building is currently being redeveloped subject to application reference FULL/2022/1283.

Relevant History:

FULL/2022/1283 - Extend and alter hotel complex (Protected Building) - granted

Existing Use(s):

Hotel – Visitor economy use class 7: Serviced visitor accommodation (currently closed for redevelopment)

Assessment: *(Tick as appropriate)*

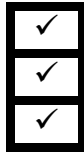
no representation



visual amenity acceptable



accords with policy
within curtilage
design acceptable



no material neighbour impact
traffic not affected



Policies considered most relevant:

Island Development Plan policies:

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

IP9 – Highway Safety, Accessibility and Capacity

Consultations

By proforma dated 6th April 2023 States Traffic and Highway Services stated the following:

"I advise that an access should: -

- a) Enable a driver 2.4m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic;*
- b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;*
- c) Have sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway;*
- d) Be square to the carriageway;*
- e) Be sited at a distance not less than 20m from a junction.*

THS has noted the proposals to temporarily widen the south-west access by 2.8m as per photo - West Entrance 02. Given the apparent extent of works taking place at the site and noting that whilst Fosse de Bas is a narrow Neighbourhood Road, the site access is only circa 20m into the lane. Taking these factors into account there are no road safety and no significant traffic management grounds to oppose this element of the application.

With regard to the proposed widening of the upper car park access (north-east corner of the site), THS has noted that the existing access is constrained and located on a junction with a sightline of 4m along Rue Jacques Guille, 12m to the east along Les Camps du Moulin and 7m in a westerly direction. The sightlines are limited due to a combination of roadside banks, walls, trees and bushes which all significantly exceed 900mm high.

The proposal (upper car park access) would marginally increase the sightline to the west and improve ease of vehicular access/egress. With this in mind and taking into account it is an existing access, there are no road safety or traffic management grounds with regard to this element of the proposals, albeit they will still result in a significantly sub-standard access design. "

Conclusion/Brief comment:

The application relates to the widening of two vehicular accesses, one to the north site boundary (on a permanent basis) and the other to the west boundary (for a temporary period only). The alterations are proposed to provide better access for construction traffic at the current time (west boundary) and to improve access arrangements for larger delivery vehicles and general traffic in the longer term (north access).

Following a visit to the site it was evident that works to the west boundary wall had already commenced. The application was subsequently deferred to seek an additional fee and retrospective planning permission is now sought in part.

Policy OC8(A) supports proposals to extend, alter or redevelop existing visitor accommodation establishments where:

- (a) The development is of a scale that is appropriate to the character of the location, is undertaken sensitively and so as not to detract from the openness and landscape character of the locality and does not undermine the vitality of a Centre; and
- (b) 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 a location.

Planning permission was granted to extend and alter the hotel complex in 2022 (Ref: FULL/2022/1283). The alterations to the vehicle entrance points as proposed would be used to facilitate the previously approved works and would not increase the scale or amount of accommodation on offer. The scheme would therefore comply with criteria (a) and (b) of Policy OC8(A).

The site is within a Conservation Area. 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.

Within Conservation Areas Policy GP8 seeks to ensure that new development achieves a particularly high standard of design whilst making effective and efficient use of land and respecting the character of the local built environment or the open landscape concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours, provide soft and hard landscaping where this reinforces local character or mitigates the development.

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

Both of the walls proposed to be altered are of granite construction and provide attractive features within the Conservation Area. Although the proposal will result in the demolition of two separate sections of wall, the west wall is proposed to be demolished to facilitate the construction of the approved development and will be rebuilt in a like for like manner to match the remainder of the wall. Demolition of the northern wall will also facilitate construction of the development, but will be permanently removed to improve access/egress for larger vehicles and delivery vehicles entering the site in the future.

The boundary walls do not form part of the protected building, but do form part of its setting and contribute to the character of the surrounding Conservation Area. Their removal would have a slight negative effect on the Conservation Area and setting of the protected building but given that this will facilitate the regeneration of a protected building and an existing hotel complex, any negative effect would be outweighed by the benefits of the development.

The proposal would not harm residential amenity or impact on the landscape character and provided that a condition is included on any permission for the timely reconstruction of the westernmost wall (prior to the first occupation of the completed development) then the scheme accords with Policies GP1, GP4, GP5 (setting) and GP8 of the IDP.

Taking into account the comments received from Traffic and Highway Services and subject to no objections being raised from a Highway Safety perspective, the scheme would not cause harm to the surrounding highway network or to highway safety and complies with Policy IP9 of the IDP.

Given the nature of the proposed development Policy GP9 is not required to be assessed in this instance.

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.

Recommendation:

Grant with Conditions



Date: 12/05/2023

