

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, demolish dwelling and erect Wellness Centre and staff accommodation and flat (Protected Building) (Revised Scheme).

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: 26/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects Ltd: 448.080 (P1), 090.P1, 100.P1, 120.P1, 300.P1, 310.P1, 320.P1, 330.P1, 400.P1, 410.P1, 420, 1154-110-P2

Application Ref: FULL/2023/1338

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. Prior to the first use of the new primary access in the north boundary of the site by hotel guests or by members of the public visiting the site, precise details of the achievable visibility splay to the east in the direction of oncoming traffic and of mitigation measures to overcome any obstruction to visibility arising from vehicles using the adjacent sewage emptying point shall be submitted to and approved in writing by the Authority. The required mitigation shall be carried out within two months of such written approval being granted by the Authority.

Reason - In the interests of highway safety.

9. The new access in the north boundary of the site shall not exceed 5.5 metres in overall width in accordance with drawing 1154-110-P2. Within four weeks of the new access being brought into use, the ends of the new 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.

10. Upon completion, or prior to the first occupation (whichever is the sooner) of the approved works to extend and alter the hotel complex the wall immediately to the north of the west access, subject of temporary planning permission granted under reference FULL/2023/0052 on 18/05/2023 to Widen vehicle access to west boundary for a temporary period, shall be reconstructed using materials and a method of construction which match the remainder of the wall to the satisfaction of the Authority.

Reason - In the interests 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.

11. 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.

12. The development shall be carried out strictly in accordance with the updated Construction Environmental Management Plan (CEMP) submitted as part of this application, 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.

13. 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.

14. 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.

15. 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.

16. The spa/wellness centre and staff accommodation shall not be used other than in association with and ancillary to the Bella Luce 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.

17. 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 25/09/2026 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.

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 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/2023/1338
Property Ref: J012840000
Valid date: 15/08/2023
Location: Bella Luce Hotel La Fosse De Bas St. Martin Guernsey GY4 6EB
Proposal: Extend and alter Hotel complex, demolish dwelling and erect Wellness Centre and staff accommodation and flat (Protected Building) (Revised Scheme).
Applicant: Green Giant Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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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;
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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.

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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. Prior to the first use of the new primary access in the north boundary of the site by hotel guests or by members of the public visiting the site, precise details of the achievable visibility splay to the east in the direction of oncoming traffic and of mitigation measures to overcome any obstruction to visibility arising from vehicles using the adjacent sewage emptying point shall be submitted to and approved in writing by the Authority. The required mitigation shall be carried out within two months of such written approval being granted by the Authority.

Reason - In the interests of highway safety.

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Reason - In the interests 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.

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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.

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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.

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.

OFFICER'S REPORT

Brief Description:

Extend and alter Hotel complex, demolish dwelling and erect Wellness Centre and staff accommodation and flat (Protected Building) (Revised Scheme).

Relevant History:

FULL/2022/1283 - Extend and alter hotel complex (Protected Building). Granted 24/08/2022.

FULL/2023/0052 - Widen vehicle access to west boundary for a temporary period, and widen vehicle access to north boundary (part retrospective). Granted 18/05/2023.

Existing Use(s):

Hotel – Visitor economy use class 7: Serviced visitor accommodation.
Dwellinghouse – Residential use class 1.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☐
design acceptable	☒		

Policies considered most relevant:

IDP Policies:

OC1 – Housing Outside of the Centres

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

GP12 – Protection of Housing Stock

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

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.

Planning permission was granted in August 2022 to Extend and alter hotel complex (Protected Building). This development has begun and the site has been cleared except for the Protected Building the renovation of which has commenced.

The current application is for a revised scheme which incorporates the site of the neighbouring dwelling 'Santa Lucia'. It is proposed to redevelop this part of the site to provide an ancillary spa/Wellness Centre, staff accommodation and a flat.

Other proposed variations to the previously approved scheme include:-

- Increase in height of finished floor levels of main hotel extension by approximately 600mm to apply a level threshold throughout;
- Lowering of north-west roadside wall from height previously approved to allow increased views of the Protected Building;
- North-west aspect of top floor of hotel extension reduced and changes to design of top floor 'east' balcony;
- New access to the north east. The width of this access has been reduced to 5.5m during consideration of the application.

Although the existing housing stock is protected under Policy GP12, in this case the proposed redevelopment includes residential accommodation which is consistent with Policies OC1 and OC8(A) and there is therefore no conflict with GP12.

The proposed access would ordinarily meet sightline standards and provides a better method of access and egress than the previous long-standing arrangements. However there is a potential conflict with the existing sewage emptying point that operates on the northern boundary in terms of driver visibility from the access when the emptying point is in use. It is understood that the applicant is seeking to address this point and it would be appropriate to impose a condition on any permission granted to ensure that suitable egress visibility is achieved before the site becomes operational.

The other proposed changes to the previously approved scheme are relatively minor and would result in no greater impacts on the Protected Building, Conservation Area or on the amenities of adjoining residents.

An updated CEMP and site waste management plan have been submitted.

The Office of Environmental Health and Pollution Regulation has been consulted and does not raise any objections to the proposals.

Recommendation:

Grant with Conditions



Date: 26/09/2023

