

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: Install sauna trailer with signage on verge to west of La Vallette Road opposite bathing pools.

LOCATION: The Verge, La Vallette, St. Peter Port.

APPLICANT: Mr & Mrs R Allen

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: 23/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Location & Block Plan; Ground Floor Plan; Elevation Plan

Application Ref: FULL/2023/1845

Property Ref: A41111D000

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 shall begin on site until a plan showing the extent of the gravel base to be laid and the method of laying has been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and shall not involve any excavation or alteration to ground levels.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the gravel is limited in area and would not impact adversely on the Area of Biodiversity Importance.

5.No development shall begin on site until details of the solar panel/s to be installed have been submitted to and agreed in writing by the Authority. 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 solar panels are of satisfactory design and do not have any adverse impact on the character of the area.

6.The lighting hereby approved shall only be illuminated when the sauna is operational. At all other times the lighting must be switched off.

Reason - In order to avoid light pollution within the Area of Biodiversity Importance and Conservation Area.

7.No amplified music shall be operated within the site at any time.

To avoid potential noise nuisance in the interests of the amenity of the surrounding area.

8. Within six months of the date when the sauna ceases operation, or such other period previously agreed in writing by the Authority, the sauna hereby permitted and any associated structures and hardsurfacing shall be removed from the site. The land shall be re-instated in accordance with a scheme submitted to and agreed in writing by the Authority within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - The proposed structure is not a permanent building and may not be suitable for ongoing retention if the sauna use ceases.

Expiry Date: This permission will cease to have effect on 22/01/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The reference to amplified music in condition no. 7 is not intended to relate to the playing of background music within the sauna which cannot be heard outside the sauna structure.

This permission relates only to the lighting as specified on the approved plans. A separate permission will be needed for any additional lighting. In this respect, your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats.

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

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/2023/1845
Property Ref: A41111D000
Valid date: 01/11/2023
Location: The Verge La Vallette St. Peter Port Guernsey GY1 1AX
Proposal: Install sauna trailer with signage on verge to west of La Vallette Road opposite bathing pools.

Applicant: Mr & Mrs R Allen

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. No development shall begin on site until a plan showing the extent of the gravel base to be laid and the method of laying has been submitted to and agreed in writing

by the Authority. The development shall be carried out only in accordance with the agreed details and shall not involve any excavation or alteration to ground levels.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the gravel is limited in area and would not impact adversely on the Area of Biodiversity Importance.

5. No development shall begin on site until details of the solar panel/s to be installed have been submitted to and agreed in writing by the Authority. 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 solar panels are of satisfactory design and do not have any adverse impact on the character of the area.

6. The lighting hereby approved shall only be illuminated when the sauna is operational. At all other times the lighting must be switched off.

Reason - In order to avoid light pollution within the Area of Biodiversity Importance and Conservation Area.

7. No amplified music shall be operated within the site at any time.

To avoid potential noise nuisance in the interests of the amenity of the surrounding area.

8. Within six months of the date when the sauna ceases operation, or such other period previously agreed in writing by the Authority, the sauna hereby permitted and any associated structures and hardsurfacing shall be removed from the site. The land shall be re-instated in accordance with a scheme submitted to and agreed in writing by the Authority within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - The proposed structure is not a permanent building and may not be suitable for ongoing retention if the sauna use ceases.

INFORMATIVES

The reference to amplified music in condition no. 7 is not intended to relate to the playing of background music within the sauna which cannot be heard outside the sauna structure.

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natural environment and associated wildlife, in particular bats.

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

OFFICER'S REPORT

Site Description:

The application site comprises an elevated grass verge located to the west of, and accessed by stone steps from, La Vallette Road. The verge extends along the road to the north and south, along the base of a cliff face, however access to those areas is limited by security fencing. Vive La Vallette development and La Vallette bathing pools are located to the east. Public parking is provided along the length of La Vallette road.

The site is located within a Conservation Area, Area of Biodiversity Importance, Harbour Action Area and Main Centre Outer Area in the Island Development Plan.

Relevant History:

PREA/2023/1371 Pre-application advice regarding installation of sauna.

Existing Use(s):

Grass verge

Brief Description of Development:

Permission is sought to install a 4.26m x 2.22m x 2.93m (high, including trailer) sauna on a gravel base. The sauna is designed to be mobile, and will not therefore require any permanent fixing, although it is proposed to be positioned on a permanent basis. The sauna will seat 6 people, with a small changing room and a small office/store. The sauna will be finished in scorched larch and have external downlighters.

The sauna will operate year round, with maximum hours of operation of 0700hrs to 2100hrs Monday to Saturday, and 0700hrs to 1700hrs Sundays.

- 10-16 sessions per day, either 30min private sessions or 50mins communal sessions

Clientele will have access to facilities at Vive La Vallette. There will be no music system or speakers. A solar panel will be fitted to the roof and there will be no need for a generator. There are no drainage requirements.

No signage is proposed as part of this application.

In support of the application, a Biodiversity Statement has been provided by Environment Guernsey and copies of emails with Agriculture, Countryside and Land Management Services, Traffic and Highway Services, the Office for Environmental Health and Pollution Regulation, States Property Services and the Health & Safety Executive.

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

GP1 Landscape character and open land
GP3 Areas of Biodiversity Importance
GP4 Conservation Areas
GP17 Public Safety and Hazardous Development
MC9 Leisure and Recreation in Main Centres and Main Centre Outer Areas
MC10 Harbour Action Areas

Representations:

One letter of representation received raising the following points:

- An independent survey of the cliff face above and adjacent to the proposed site should be provided by the applicant to ensure the site is safe and there would be no sudden, unexpected rockfalls. The last survey was apparently undertaken in 2018;
- Is the sauna in the right location: there is no mention of access for those with mobility issues, in contrast to the requirements placed upon the Vive la Vallette development, and there is stepped access;
- The site is within an important Conservation Area and sensitive Area of Biodiversity Importance, and is being spoilt by development and over use;
- The hut is not mobile, it will be a permanent installation and would require an Environmental Impact Assessment;
- There will be impacts on traffic and parking, in an area already under pressure due to lack of short term parking, especially in winter months when parking is changed to long term. Given the number of sea swimmers, together with other users of the area, the pressure on parking will not be insignificant and is reflected in a recent Press article;
- The proposed material would compliment other structures in the area or the character of the area;
- The sauna guests will be using the facilities within Vive la Vallette, and there are already issues with those facilities, specifically with regard to the removal of waste water.

Consultations:

The Office for Environmental Health and Pollution Regulation comments as follows:

I have reviewed the proposed plans for the installation of a sauna trailer to the verge at the above site and I do not wish to raise any objections to the proposals. I would however like to highlight that there is a requirement under the Environmental Pollution (Air Pollution) Ordinance, 2019, for the applicant to seek the approval of the Director of Environmental Health and Pollution Regulation for use of the Narvi Stony 20 Wood Burning Sauna Heater. I can confirm that the applicant has previously been in correspondence with the department and the plans and specifications submitted would meet the Director's approval. Should planning consent be granted, the applicant should contact OEHPR so a formal approval letter can be issued.

States Property Services comment as follows:

This area is monitored, with specialist inspections taking place every 5 years. An inspection is planned for Q1 of 2024. The last assessment did not highlight any rockfall risks in the particular area.

Any potential small rock fall will be mitigated as follows:

- The sauna sits approximately 2ft off the floor;
- A quantity of logs will be stored under the rear of the sauna facing the cliff face, this will provide protection should there be a small fall of rocks, preventing any from rolling under the sauna, or from hitting the building itself.

Agriculture, Countryside and Land Management Services viewed the plans and verbally agreed with the Environment Guernsey Biodiversity Statement.

Summary of Issues:

Whether there is locational justification for the proposal;
Impact on the character of the Conservation Area;
Impact on the Area of Biodiversity Importance;
Impacts on parking and road safety;
Impacts on the amenity of the area.

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).**

The proposed development is not located within a Site of Special Significance, there are no Protected Trees at the site, and the development does not comprise Schedule 1 or 2 development as set out with the Land Planning and Development

(Environmental Impact Assessment) Ordinance, 2007. An Environmental Impact Assessment is not therefore required in respect of this application.

Policy MC9(A) supports new leisure and recreation developments only where there is a specific locational requirement that prevents use of a site within a Main Centre. The proposed sauna is intrinsically linked to sea swimming activities. In this case, there is a clear functional relationship with La Vallette bathing pools. Location of the sauna within the Main Centre Inner Area would be likely to result in conflict with port and harbour related activities, which in themselves limit sea swimming within the Inner Area. The proposed location would therefore be acceptable in respect of MC9(A).

The proposed sauna would be limited in size and of high quality design, finish and materials. Located at the bottom of the cliff face, between two areas of fencing and well grouped with the Vive La Villette development the sauna would not have any significant adverse impacts on the character of the Conservation Area and, in longer views from the pools and sea, the dark finish would blend into the vegetation on the cliff face. The proposal would therefore be acceptable in respect of GP4 and GP8. Given the temporary nature of the structure, it is however recommended that the decision be conditioned to ensure removal once the sauna is no longer operational.

The application states that solar panels will be mounted on the roof to provide all of the power required by the operation. No details are however included on the submitted plans, and this should be required by condition.

A Biodiversity Statement has been submitted as part of the application, prepared by Environment Guernsey. That Statement identifies that the habitat at the site is of Amenity Grassland, corresponding with the 2018 Habitat Survey, and a species study in 2023 indicated that the verge was of lower botanical value. The Statement reviews potential options for enhancement, however concludes that opportunities in this area are limited and suggests a less frequent mowing regime to improve the grassland immediately surrounding the sauna. This land however falls outside of the ownership of the applicant and cannot therefore be a condition of this decision. The application relates to a very limited area, of low ecological value, and the application has satisfactorily demonstrated that the biodiversity interest of the site has been taken into account, in accordance with GP3.

The ground levels at the site slope away towards the road, however within the Biodiversity Statement is noted that no engineering works will be undertaken and the sauna will be levelled through the use of jacks and props. There would therefore be no impacts on existing features, such as the row of cobbles running across the site. The sauna is to be positioned over a gravel base, which would be easily removable and would not impede drainage of the area. Precise details of the extent of this surfacing, and removal of the surfacing once the sauna is no longer in place, should be controlled by condition.

The sauna would be positioned at the base of a cliff, parts of which have experienced rockfall and have subsequently been reinforced with netting and protected with areas of safety fencing. As identified in the response from States Property Services above, the rock face is however regularly monitored and the most recent assessment did not highlight any risk of rockfall in this area. States Property Services confirm that the applicant is aware of the potential risk, however any such risk has been identified as low and is mitigated by the design of the proposals. The proposal would therefore be acceptable in respect of Policy GP17.

The email supplied as part of the application from Traffic and Highway Services notes that the proposal would likely marginally increase pressure on short-term public parking in the area, but this impact would not be significant given the capacity of the sauna. No traffic management or road safety issues are raised. Notwithstanding the comments made in the letter of representation, it is considered that the proposed use would comprise a small part of the mixed use of this area and would not place undue pressure on parking.

There are no residential properties located in the area. It is however noted that this area could be sensitive to noise disturbance and light pollution. The application material states that there will be no music system at the sauna, however it is recommended that this is reinforced by condition. Lighting proposed is limited to downlighters located on the structure overhangs and would be of a low level, and not of significant impact on the character of the area. It is however recommended that the use of lighting is limited to the times at which the sauna is operational. Given the low level of nuisance likely to arise from the operations as proposed, the absence of residential property in the immediate area, and the absence of any conditions limiting the hours of operation of the adjacent, and larger, Vive la Vallette development, it would not be necessary, or reasonable, to limit the hours of operation associated with the proposed sauna.

The proposal would not prejudice any future Local Planning Brief for the Harbour Action Area, or the implementation of any such Brief, in accordance with MC10.

Overall, and subject to the conditions set out above, the proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 16/01/2024

