ONLINE VERSION

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: Sub-divide existing dwelling into four residential units with associated amenity space and parking, erect block of four garages and demolish section of roadside wall to form 5m wide vehicular access.

LOCATION: Les Quatres De Nous, Grande Rue, La Turquie, Vale.

APPLICANT: Mr & Mrs M Mahieu

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: 02/05/2018

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/03/2018 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture:MM-17-881-02A & 03B

Application Ref: FULL/2018/0684

Property Ref: C004530000

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 occupation or use of the building hereby permitted as four dwellings shall begin until the agreed car parking, garaging and turning arrangements have been fully completed in accordance with the details approved as part of this permission. Those areas shall not thereafter be used for any purpose other than the parking of vehicles and for on-site turning.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

5.Within four weeks of the access being widened and brought into use, the end(s) of the enlarged opening shall be finished off using materials and a method of construction which match the remainder of the wall.

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

6.Notwithstanding the information shown on drawing MM-17-881-03 B no part of the residential development hereby approved shall be occupied until the roadside wall has been reduced in height to 900mm within the area of the visibility splays at the access to the site. Thereafter no obstruction to vision exceeding 0.9m in height shall be placed within the splay areas.

Reason - To make sure that drivers leaving the access have adequate visibility of vehicles already on the highway, in the interests of road safety.

7.The residential units hereby approved shall not be occupied until the screen walls subdividing the amenity space have been erected in accordance with the approved plans.

Reason - To protect the privacy of the future occupiers of the development.

8.Prior to the commencement of any work in connection therewith details of the proposed refuse store shall be submitted to and agreed in writing by the Authority. No occupation or use of the building for the four residential units hereby permitted shall begin until the agreed refuse store for the units has been fully completed in accordance with the approved details.

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 development is of satisfactory design, does not impede on the visibility splay as specified in condition 6 and does not have any adverse impact on the character of the area.

9.Prior to the commencement of any work in connection therewith a landscaping scheme, to include full details of tree and hedge planting between unit 1 and the garage/parking area, the buffer between unit 1 (lounge window) and the parking area and the front garden to unit 4 as indicated on drawing MM-17-881-03 B incorporating planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Authority.

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

10.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.

Expiry Date: This permission will cease to have effect on 01/05/2021 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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2018/0684
Property Ref:	C004530000
Valid date:	27/03/2018
Location:	Les Quatres De Nous Grande Rue La Turquie La Turquie Vale Guernsey GY3 5EE
Proposal:	Sub-divide existing dwelling into four residential units with associated amenity space and parking, erect block of four garages and demolish section of roadside wall to form 5m wide vehicular access.
Applicant:	Mr & Mrs M Mahieu

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

OFFICER'S REPORT

Site Description:

Les Quatres Des Nous is a detached dwelling located to the west of Grande Rue, Vale. The property benefits from gardens to the west and south of the property with an area of hardstanding for off-road parking to the front/east of the dwelling.

The site is located Outside of the Centres. Auckland, a property to the south is a Protected Building.

Relevant History:

FULL/2012/2682 - Widen existing vehicular entrance and extend parking area to front of property - granted

FULL/2013/2237 - Extend domestic curtilage to west boundary and install raised decking and patio - granted

Pre-application advice was sought in this case.

Existing Use(s):

01 dwelling house

Brief Description of Development:

The application relates to the subdivision of Les Quatres Des Nous into four one bedroom units (Residential Use Class 1: dwelling house) with associated amenity space and the construction of a detached garage block containing four garages.

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

Island Development Plan Policies:

OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the subdivision, the future living environment of occupiers of the development, the design and appearance of the detached garage building and its likely effect on the character and amenity of the locality and the potential impact on residential amenity and the impact of the development on the local area with regard to residential amenity and road capacity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy OC1: Housing Outside of the Centres identifies that new dwellings will only be supported where it is through subdivision of an existing dwelling or the conversion of a redundant building. The policy sets out that the subdivision of a dwelling to two or more dwellings will be supported where the development would be compatible with the character and amenities of the area and

acceptable in terms of provision of a satisfactory living environment and amenities.

The submitted scheme indicates that four one bedroom units will be provided each with amenity space and off road parking. Residential development exists in the vicinity of the application site and plot sizes in the locality are varied. It is concluded that as the scheme relates to the subdivision of an existing dwelling Policy OC1 would be satisfied in this case. Matters relating to the living environment of future occupiers and the amenities of surrounding residents will be considered in more detail below with regard to Policy GP8.

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting.

In this regard policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The policy recognises the importance of development of a residential nature to allow for flexibility and adaption to suit needs whilst also assuring that proposals have addressed the health and well-being of the future occupiers and neighbours.

External alterations to Les Quatres Des Nous are limited with minor changes proposed to the fenestration in the south east elevation and south west elevation of the building. These changes are in keeping with the property and will not result in harm to the character and appearance of the locality.

The building is located well away from properties to the east of Grande Rue and Auckland to the south. The proposed change of use and alterations to fenestration will not result in harm to the amenities of surrounding residential occupiers with regard to overshadowing and loss of light. Although the introduction of three additional units of residential accommodation on the site may increase the perception of overlooking, as the building is single-storey and set away from all residential neighbours it is concluded that the proposed subdivision will not result in an increase in overlooking and loss of privacy beyond that which currently exists in this case.

Each of the dwellings proposed has been allocated an area for amenity space and the scheme has been amended to provide enhanced space to serve Unit 4. The space proposed to serve all units is now concluded to be ample to serve the one bedroom dwellings proposed.

A new boundary hedge is shown to be provided to mark the boundary between the parking area and turning and the amenity space to serve Unit 1. The single-storey garage building proposed has a low, sloping roof and will not result in

overshadowing and loss of light to the garden serving this accommodation and the scheme has been designed to limit the potential for noise and disturbance from the parking area to Unit 1.

The detached garage building proposed is set back from the road and being single-storey in height will not appear unduly visually intrusive in the locality. The building will not result in undue harm to the amenities of surrounding residents with regard to overshadowing or overlooking.

Policy IP7 of the Plan relates to the provision of off-road parking for developments with regard to the adopted Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment (December 2016). The guidance relates primarily to new developments but does identify that although the standards will be expected to be met they are intended as guidance and are not, therefore inflexible. The Supplementary Planning Guidance identifies that Outside of the Centres development is generally of lower density and there tends to be less pressure for development and less congestion caused by it. Within these areas therefore, general car parking requirements are assessed on a case by case basis taking into consideration the type of development proposed and its impact on the character of the area, surrounding uses and the existing road network as well accessibility to public transport.

The scheme submitted makes adequate provision for off-road parking within the site with one space per one bedroom unit and with two visitor spaces. Formal cycle parking has been omitted from the scheme but it can clearly be provided within the garden areas of each unit.

Policy IP9: Highway Safety, Accessibility and Capacity identifies that consideration must be given to the existing road network's ability to cope with an increase in demand that would be generated by the development and that may require alterations/mitigation measures and the access requirements of all people.

The existing property benefits from 5 bedrooms therefore the formation of four one bedroom units does not represent a significant change in traffic movements to and from the site with regard to Policy IP9. Through the course of the application the scheme has been amended to include the widening of the existing vehicular access from 3.5m to 5m wide. The scheme, with visibility splays in both directions, will not result in unacceptable harm to highway safety onto Grande Rue. The amendments to the scheme have resulted in improvements to the functioning of the parking/turning to serve the development. Ramped access is shown to be provided on site which should enable access for all to this single storey building in accordance with the aims of Policy IP9.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

In view of the above it is recommended that permission is granted for the subdivision and alterations proposed subject to appropriate planning conditions.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites. Auckland is set sufficient distance from the application property that the development will not have an unacceptable impact on the setting of the Protected Building with regard to Policy GP5 of the Island Development Plan.

Date: 02 May 2018