

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 and erect replacement dwelling and alterations to gated vehicle access (revised scheme).

LOCATION: White Heron, Hautes Falaises, Fort George, St. Peter Port.

APPLICANT: P&S Investment Holdings 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: 20/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects 1147_10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 & Appendix_01.

Application Ref: FULL/2021/1652

Property Ref: A41110A073

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 scheme for the treatment of the north boundary or details of the location, height, design and materials of a privacy screen to the north boundary of the ground floor terrace adjacent to the service access has been submitted to and agreed in writing by the Authority. No occupation of the dwelling hereby permitted shall begin until the agreed scheme has been fully completed and it shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

5.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, to include a specification for permeable hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) 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.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 5, 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, and in the interests of sustainable development.

7. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development 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 fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, 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 19/10/2024 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/2021/1652
Property Ref: A41110A073
Valid date: 12/08/2021
Location: White Heron Hautes Falaises Fort George St. Peter Port
Guernsey GY1 2SR
Proposal: Demolish existing and erect replacement dwelling and
alterations to gated vehicle access (revised scheme).
Applicant: P&S Investment Holdings Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 scheme for the treatment of the north boundary or details of the location, height, design and materials of a privacy screen to the north boundary of the ground floor terrace adjacent to the service access has been submitted to and agreed in writing by the Authority. No occupation of the dwelling hereby permitted shall begin until the agreed scheme has been fully completed and it shall thereafter be retained at all times.

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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.

OFFICER'S REPORT

Site Description:

The site is set above the east cliff tops, and the land drops steeply to the adjacent dwellings to the east and rises towards those to the west. The existing dwelling comprises a pitched roof structure built into the rising land, appearing as a single storey structure from the west and a two storey from the east. The site is accessed via a single gateway in the west boundary.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

23/01/2020 – FULL/2019/2420 – Permission granted to demolish existing and erect dwelling with swimming pool and associated landscaping. Install gate to roadside (west) boundary.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Planning permission is requested for a revised scheme to demolish the existing dwelling and to erect a replacement 6 bed dwelling including alterations to and repositioning of the vehicular access, rebuilding and realigning the west and south boundary walls and the creation of a service access along the north boundary. The replacement dwelling comprises of part 2 storey and part 3 storey flat roof elements and would be finished in a mix of rendered, natural stone and blackened timber clad walls.

A paved external terrace will be provided across the rear (east) and to the south of the dwelling. The south and west boundary walls are to be rebuilt, realigned and refaced in natural stone. A blackened timber sliding gate approximately 1.8m in height is proposed to be installed within the altered gateway.

The application is supported by details of the design concept and details of how sustainable design elements have been incorporated into the development. A Waste Management Plan has been submitted with the application.

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

GP1 Landscape character and open land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP9 Highway safety, accessibility and capacity

Representations:

None

Consultations:

None

Summary of Issues:

Impact on the character of the area.
Impact on neighbour amenity.

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).**

Policy GP13 of the Island Development Plan indicates that the demolition of existing and the erection of replacement dwellings on a one for one basis will be supported where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument.

In this case, the proposal must also satisfy the terms of Policies GP1, in respect of landscape character, GP8 and GP9, relating to Design and Sustainable Development, and IP9, relating to highway safety.

Planning permission was granted to demolish the existing and to erect a replacement 2 storey flat roof dwelling in January 2020 (FULL/2019/2420). The current proposal is for a revised scheme on a re-positioned footprint to the west and a section of the dwelling includes an additional storey.

The pre-facing text to Policy GP8 sets out that in less sensitive areas, located outside of the Conservation Areas, Areas of Biodiversity Importance and Site of Special Significance, a good standard of design will be expected. The text however goes on to note that a supportive position will be adopted with regard to building design to enable the property owner to exert personal choice in design matters and to provide for innovative architecture that supports sustainable design.

In this case, the surrounding area is not defined by a uniform character but is characterised by a range of building ages, forms and styles.

The application site is visible in views from Rue Adolphus and Rue Vautier to the north-west, from the lower level of La Corniche immediately to the south-east and in longer views from the Clarence Battery to the north-east. The proposed 3 storey element would be marginally higher than the existing ridge height and would extend to the west towards Rue Adolphus. The 2 storey element would be below the ridge height of the existing dwelling. Despite the increase in the scale and mass of the dwelling, when viewed from the west the overall height and mass of the replacement dwelling would be similar to the adjacent neighbouring property to the north. The submitted details in support of the application emphasises the sustainability approaches that have influenced the proposed positioning, orientation, form and fenestration of the building.

The alterations to the south and west boundary walls and the repositioning of the vehicular access would have no adverse effects on the character and appearance of the area. An indicative landscape plan has been submitted which is broadly acceptable although considering the increase to the scale and mass of the dwelling and the alterations to the access, further precise details of soft landscaping and hard surfaced areas would be required. This could be dealt with by condition.

Overall the proposal would achieve a good level of sustainable design and would be acceptable in terms of the character of the area.

The northern section of the replacement dwelling would involve an increase in the scale and mass of the building when compared to the existing and the previously approved dwelling. However, the replacement dwelling would be set back from the north boundary and any impact on neighbouring properties in terms of overshadowing, overbearing or loss of outlook would not be significant.

The limited fenestration proposed to the side elevations of the building, topography relative to the adjacent properties and intervening vegetation would largely prevent overlooking of those properties. The potential exception to this would be the ground floor terrace to the north of the property serving a bedroom and adjoining the service access, with the existing ground level in this area proposed to be increased by 0.5-0.6m. The agent has subsequently confirmed that a privacy screen could be installed along the north elevation of the terrace to address potential overlooking issues. Precise details of the location, height, design and materials of the privacy screen could be dealt with by condition.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. In particular it is stated that the building has been positioned and design to achieve a positive solar orientation and to maximise passive ventilation, with solar shade and element shelter provided by the cantilevered soffits. The submitted information includes a Waste Management Plan, demonstrating that waste generated on site will be dealt with appropriately. Implementation of this can be monitored by way of condition.

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: 20/10/2021