

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: Erect dwelling with associated parking and landscaping (revised scheme).

LOCATION: Site at Les Picquerel, Route De Picquerel, St. Sampson.

APPLICANT: Mallandaine Properties 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: 14/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates - 21-021-03 & 04B.

Application Ref: FULL/2021/1918

Property Ref: B018340000

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 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.

5.Notwithstanding the information submitted, the windows on the ground floor on the south elevation of the dwelling hereby approved, serving the kitchen/dining area, cloaks/utility and lounge, shall be non-opening and glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6.Prior to the first occupation of the dwelling hereby permitted, the external walls shall be smooth rendered in accordance with approved Dwg. No. 21-021-04B.

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

7.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no additional rooflights, or replacement rooflights in different positions to what is shown on the approved drawings, shall be installed.

Reason - To prevent overlooking in the interests of neighbouring residential amenity.

Expiry Date: This permission will cease to have effect on 13/01/2025 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/2021/1918
Property Ref: B018340000
Valid date: 20/09/2021
Location: Site at Les Picquerel Route De Picquerel St. Sampson Guernsey GY2 4SD
Proposal: Erect dwelling with associated parking and landscaping (revised scheme).

Applicant: Mallandaine Properties 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).

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 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.

5. Notwithstanding the information submitted, the windows on the ground floor on the south elevation of the dwelling hereby approved, serving the kitchen/dining area, cloaks/utility and lounge, shall be non-opening and glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6. Prior to the first occupation of the dwelling hereby permitted, the external walls shall be smooth rendered in accordance with approved Dwg. No. 21-021-04B.

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

7. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no additional rooflights, or replacement rooflights in different positions to what is shown on the approved drawings, shall be installed.

Reason - To prevent overlooking in the interests of neighbouring residential amenity.

OFFICER'S REPORT

Site Description:

The site comprises an L-shaped parcel of land, extending from La Route du Picquerel towards the south-west, between the roadside residential properties, and wrapping around behind the residential property to the south-east. The site comprises the access and amenity space formerly associated with the residential flat known as Ampawan, located in the building to the south-east of the site (known as Shalom), and fronting on to Les Tracheries Road.

The access is located in the north-east boundary, on to La Route du Picquerel. To the north-west the site boundary is formed by the side wall of a two storey garage building associated with the residential property in that direction and a high granite wall, which forms the remainder of the boundary. To the south-west, the site boundary is formed by a low wall separating the site from the parking area

associated with the veterinary practice to the south. The site wraps around a residential property known as Kerribuan and is separated from that property by timber fencing, 1.8m high along the rear boundary of that property and staggered down along the side boundary towards the front.

The property is located within the L'Islet Local Centre as defined in the Island Development Plan, and immediately adjacent to a protected building, the dwelling-house known as Kerribuan located to south-east of the site.

Planning permission was granted in 2017 and 2018 respectively to erect a dwelling-house with associated parking and garden, see history below.

Relevant History:

FULL/2018/2314	Erect residential unit with associated parking and garden (Revised Scheme).	Granted
FULL/2017/1551	Permit to erect residential unit with associated parking and garden.	Granted
FULL/2016/0184	Permit to create new access.	Granted

Existing Use(s):

Access and amenity space associated with a residential flat.

Brief Description of Development:

Planning permission is now sought to erect a dwelling-house similar to that permitted in 2018, although the position of the dwelling is setback further from the road. The forward elevation of the proposed dwelling is set in line with the rear building line of the adjoining building to the north (known as Belvoir Cottage). It is proposed to create a larger single storey flat roof extension and to retain amenity space at the rear of the site to serve the new unit. The previously approved integral garage and vehicle turntable are no longer proposed.

The application was deferred as concerns were raised with regards to overlooking towards the neighbouring property to the south.

The agent has amended the application accordingly and raised the cill heights of the windows serving the property on the south elevation at ground and first floor to 1.7m, in attempt to overcome the concerns raised.

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

- LC2 Housing in Local Centres
- GP5 Protected Buildings
- GP8 Design
- GP9 Sustainable development

- IP7 Private and communal car parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received four representations from two parties objecting to the original and revised proposal. Grounds for objection principally relate to the following issues:-

- Close proximity of the proposed dwelling to neighbouring properties.
- Maintenance concerns of boundary treatments and property to the north and south of the application site.
- Overlooking.
- Traffic calming measures recommended.

An e-mail from one of the parties has also been received in respect of the potential loss of trees to the rear of a neighbouring property.

Consultations:

None undertaken.

Summary of Issues:

Impact on character of area;
Impact on setting of protected building;
Impact on neighbour amenity.
Impact on highway safety and traffic management.

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).**

Use

The use of the site has been established as part of the previous planning application report (FULL/2018/2314).

Principle of new housing

The principle for new housing in this location has already been established as part of the former permission. The number of bedrooms created will remain unchanged, and therefore is acceptable under Policy.

Design, visual amenity, character of the area and amenity

The design of the proposed building is broadly the same as the same as under the previous applications, albeit the position of the dwelling is setback further into the site and includes ground floor windows on the south elevation and larger ground floor extension.

By setting the forward elevation of the property in the manner adopted is considered to limit the visual impact of the development in public views and would not result in any undue harm to the character or appearance of the area by virtue of its siting.

The design and form of the building has been contrived to fit this constrained site, however the approach replicates the scale and form of the adjoining structure to the north-west.

Due to its close proximity to neighbouring boundaries, it is necessary that a condition be imposed to ensure that the external walls of the building are finished in render as proposed to ensure that the completed development achieves a satisfactory appearance and not left unfinished which would detract from neighbouring amenity and the character of the locality.

The proposal includes an acceptable level of internal and external amenity space, appropriate for the size of the dwelling proposed and with the Local Centre where a higher level of housing density is supported.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Impact on the setting of the adjacent protected building

The adjacent property to the south-east of the proposed building comprises a protected building. The proposal would introduce a new building within the setting of the protected building, although the proposed building is sufficiently setback from the protected building and is on the opposite side of the garage associated with the protected building.

The new position of the dwelling would not cause undue harm to the setting of the protected building as it would be set behind the façade of the protected building and therefore achieves a better relationship as it does not compete with, or detract from, the special qualities of the protected building. The proposal would therefore be acceptable in terms of Policy GP5 (Protected Buildings).

Provision of parking and highway safety

The proposal includes the provision of two car parking spaces to the front of the property which is acceptable under Policy.

The loss of the integral garage and turntable is regrettable as this would enable a vehicular to manoeuvre onto the highway in forward gear much easier than proposed. Consequently, the loss of the turntable and inclusion of two car parking spaces is likely to result in highway safety and traffic management issues, especially as the road is recognised as a Traffic Priority Route. Vehicles are likely to have to reverse into or out of the access, rather than being able to enter and exit in a forward gear as currently or as would have been the case under the previous permission. However, the degree of harm is not considered to be so substantial or represent a significant change to the former permissions given that the access point is set more than 20m from a junction, the access point is approximately 20m from a 'bend' in the road (south of the application site) which would enable adequate sightlines and time for traffic to reduce speed should a vehicle egress from the site, and that it is not entirely uncommon along this Traffic Priority Route for houses not to have a turning point, including that of No.1 Milton Villas on the opposite side of the road.

Overall, some concerns are raised by the parking arrangement of the new dwelling but these concerns would not be so substantial alone to warrant refusal.

Impact on adjoining residential properties

In light of the amendments secured, the proposed fenestration on the south elevation of the new dwelling would not unduly affect the amenities of neighbouring residents. This conclusion has been reached when taking into the cill heights of those windows/roof lights incorporated on the ground and at first floor level. It is also noted on the drawings submitted that the ground floor windows will be fixed and therefore will be non-opening windows.

Whilst the roof-lights at first floor level (including the roof-light installed on the north elevation of the building) will be openable for ventilation purposes, these roof lights are shown to be set at 2550mm above the finished floor level, this would ensure that there would be no undue harm to the amenities of neighbouring residents in terms of overlooking.

To the east (front) and west (rear) the property would immediately face towards the public highway and commercial premises and would have no adverse impacts.

Despite the position of the new dwelling being setback further into the site, the application site is located to the north of Kerribuan and, given the use of the land immediately adjacent to the boundary together with its orientation and relationship, the proposal would not result in a significant overshadowing or overbearing effect of the private amenity space of Kerribuan to justify refusal.

To the north, the proposed building would be located against a high granite wall for the majority of its length and therefore the projection of the proposed building above the granite wall is regarded to have little impact on the adjacent property,

especially as the land that is likely to be affected appears to be used as a driveway. The single storey element would not project above the height of that wall.

As set out in the officer's report as part of the former permission (FULL/2018/2314), it is noted that the proposed building is located immediately adjacent to the property boundaries. Rights of access either for the construction of the building including the digging of foundations, or for on-going maintenance of boundary treatments are a third party legal issue and fall outside of the scope of consideration for a planning application. Approval of this application would not grant consent for access on to land outside of the property ownership, or otherwise impact on third party rights or privileges.

Any traffic calming measure would need to be considered by Traffic and Highway Services separately and thus would fall outside of the consideration of this application.

The loss of trees on the application site can be carried out without planning permission given that the trees are not subject to a Tree Protection Order, or conditioned as part of a former planning application.

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 11/01/22