

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 2 dwellings with associated parking and vehicle access.

LOCATION: Les Pieux, Cobo Coast Road, Castel.

APPLICANT: Mr & Mrs J Webster

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: 19/01/2022

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: The Drawing Room drawing no's: 252 C1, C2, C3, C4, C5, C7, C8, C9, & C10.

Application Ref: FULL/2021/2088

Property Ref: D01584A000

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 (including to dormer windows) or hard surfacing 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.The landscaping scheme shall be fully completed in accordance with the details submitted, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner. 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.

6.The roadside wall hereby permitted shall be constructed in accordance with the approved plans before the first occupation of any of the dwellings on the site.

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

7.No occupation of the dwellings shall take place until such time as the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details.

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

Expiry Date: This permission will cease to have effect on 18/01/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Whilst there is no evidence to suggest that the application site may be the subject of contamination, the developer is responsible for ensuring that any development satisfactorily addresses any risk from contamination. It is therefore advised to undertake the following phased approach to establish if the development is likely to be affected by any contamination:

- collection of information about the site to establish if it is likely to be affected by contamination;
- if the first phase indicates potential contamination, a full site investigation to confirm any contamination;
- remediation proposals to satisfactorily address any contamination identified by the site investigation; and
- verification that the necessary remediation works have been fully completed.

It is recommended to refer to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.

The application site falls within a flood risk area as identified in the Royal Haskoning Flood Risk Assessment Studies (2012) and therefore it is recommended that appropriate mitigation measures are considered by the agent and landowner in order to increase the development's resilience to coastal flooding as a result of climate change.

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/2021/2088
Property Ref: D01584A000
Valid date: 20/09/2021
Location: Les Pieux Cobo Coast Road Castel Guernsey GY5 7HB
Proposal: Erect 2 dwellings with associated parking and vehicle access.

Applicant: Mr & Mrs J Webster

RECOMMENDATION - Grant: Planning Permission with Conditions:

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INFORMATIVES

Whilst there is no evidence to suggest that the application site may be the subject of contamination, the developer is responsible for ensuring that any development satisfactorily addresses any risk from contamination. It is therefore advised to undertake the following phased approach to establish if the development is likely to be affected by any contamination:

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The application site falls within a flood risk area as identified in the Royal Haskoning Flood Risk Assessment Studies (2012) and therefore it is recommended that appropriate mitigation measures are considered by the agent and landowner in order to increase the development's resilience to coastal flooding as a result of climate change.

OFFICER'S REPORT

Site Description:

The application site, known as Les Pieux, is located in a Local Centre as defined in the Island Development Plan. The property is located to the west of the application site fronting onto Cobo Coast Road which serves a dwelling-house and a business, with access to the dwelling-house principally served via Rue De Bouverie.

The application site in question relates to a grassed area of land to the rear of the property where a glasshouse once stood (based on orthophotographs) and has since been cleared from the site and appears to be used as garden. The roadside boundary treatment comprises a granite wall and mature hedge which limits views into the site.

Relevant History:

Les Pieux	None pertinent to application site.	
Development site to the south of the dwelling (Bouverie Car Park – FULL/2020/1606 D01471A000).	Erect three dwellings and create new vehicular access and relocate and widen existing vehicular access.	Granted

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to erect a pair of semi-detached, 3 bedroom, dwelling-houses to the east of the application site and to create associated parking and a vehicular access onto Rue De Bouverie.

Amenity space would be provided to the rear (west) of both dwellings, incorporating a shed, with parking provision located to the front (east) of each dwelling. The properties will be served by a shared, 4.5m wide belmouth access point.

In support of the application, a design and sustainability statement has been provided.

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

LC2 Housing in Local Centres
GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment.

Representations:

The Authority has received representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Overpopulated and overdeveloped. Permission granted for 3 houses at the former Cobo Bay Hotel car park site. Understood that 4 more dwellings are to be built to the rear of the former NatWest Bank.
- A change of use is needed to develop on a Greenfield site.
- The proposal would result in a loss of green open space.
- Potential highway safety concerns due to another access being sited on the main road.
- Understood that the proposal is likely to result in the removal of on street parking to enable access to the development.
- Parking measures are needed to control and reduce the speed of traffic.
- Impacts on neighbour amenity.

Consultations:

None generated.

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of a new dwelling is appropriate in this location;
2. The impact of the development on the character and appearance of the area;
3. The impact of the development on the amenity of people living in the area, including neighbouring residents and those occupying the new house; and

4. Parking and access issues; taking into account the above planning policies.

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).**

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

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

Whether the principle of a new dwelling is appropriate in this location

The application site is situated within a Local Centre as defined within the Island Development Plan (IDP).

The spatial strategy of the Strategic Land Use Plan (SLUP) requires the Island Development Plan to provide limited opportunities for housing development in Local Centres to enable community growth and to reinforce them as sustainable centres. To ensure that provision is effectively made to meet the annual requirement for the creation of new homes, the SLUP directs new development to provide an appropriate mix of tenures, housing sizes and types.

Drawing from this strategic direction, Policy LC2 (Housing in Local Centres) in the Island Development Plan supports housing development within the Local Centres, providing that each proposal is of a scale that is appropriate to maintain or enhance the character and vitality of the particular Local Centre concerned and will not negatively affect the vitality and viability of the Main Centres or otherwise undermine Spatial Policy; and where they are able to accommodate a variety of dwellings they provide an appropriate mix and type of dwellings.

The proposal is of a density and form that respects the residential character of the Local Centre and, whilst it is noted that other developments have received approval, two additional dwellings proposed under this application would not have an unacceptable cumulative impact on the vitality and viability of the Main Centres.

In respect of the mix and type of housing proposed, the preceding text (which carries equal weight) states that, where new housing proposals can accommodate a variety of dwellings, it will normally be expected that the mix and type of dwellings is reflective of the demographic profile of households requiring housing. To establish this housing requirement, the text sets out a list of documents produced by the

States of Guernsey relating to this issue, including the most recent Housing Needs Study or any subsequent amended or revised document provided by Housing.

The Guernsey Housing Market Review published by KPMG in 2017 provides an analysis of the local housing stock in the Island and identifies the additional housing requirement for the period 2014-2021. That report identifies an additional requirement for 1, 2, and 3 bedroom houses.

The Guernsey Annual Residential Property Stock Bulletin provides statistics on the Island's existing housing stock. Applying the findings of the 2019 bulletin to the requirements identified in the KPMG report, it is clear that the additional housing requirement remains for 1-3 bedroomed properties, with an emphasis on 2-3 bedrooms.

In this case, the proposal is for a pair of semi-detached, 3 bedroom dwellings, which meets the identified housing requirements.

Consideration has also been given to the representation received. Whilst it is recognised that glasshouses once stood on the site in the mid-20th Century, the structures were later cleared from the site by the 1980s. Soon after, it appears that a driveway was created through the area of land in question serving the rear of the property, and has been in use ever since. In addition, the land is surrounded by development on all sides, therefore for the reasons set out above and for all intents and purposes, the land is regarded as domestic curtilage.

Consequently, the contribution of this brownfield site (domestic curtilage) to the character and appearance of the area would not be sufficient to warrant refusal of the current application, which is supported in principle under Policy LC2 (Housing in Local Centres). In addition, the site is not regarded as forming an Important Area of Open Land within the Local Centre.

Overall, the principle to erect such dwellings in this locality is acceptable under policy, irrespective of whether the land is regarded as greenfield or brownfield land as noted in the representation received.

Design & impact on the character of the area

Policy GP8 (Design) sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment.

The application site is located within ribbon development along Rue de Bouverie, and is only visible in public views from along that road. That said, views into the site are limited due to the position and height of the roadside hedge which forms the east boundary of the site.

Development along the road is generally characterised by traditional properties to the west and more modern properties to the east, of single or 1.5 storeys. The scale, form and design of the proposed dwellings, together with their positioning on the site and orientation relative to the road, draws from and respects the surrounding development, similar to that approved under FULL/2020/1606. The proposed dwellings would achieve an acceptable level of design which would not have an adverse impact on visual amenity or the character of the area.

The design of the dormer windows achieves a balance of modern and simplistic architecture, with particular emphasis on the single span of glass when compared to a traditional sliding sash window for example. Whilst the resultant visual effect is likely to 'draw-the-eye' when compared to other traditional configuration of windows in the vicinity, this aspect arguably contributes to the modernistic design of a traditional, 1.5 storey, Guernsey style cottage. Policy GP8 also gives scope for a degree of flexibility in respect of design matters, which this aspect of the design is considered to fall within.

The buildings would include appropriate circulation space, with provision of ground floor WC facilities and the potential for provision of a stair lift, if necessary, providing accessibility for people of all ages and abilities, and to be adaptable to changing needs over time.

Amenity of the proposed units

The proposed dwellings would be served by adequate external amenity space, and the arrangement of both the proposed, and existing adjacent properties, would prevent any significant overlooking of the garden areas created.

Provision of access and parking

The proposed accesses are of appropriate size for domestic use and provision is made for on-site turning. The wall proposed along the roadside boundary would be appropriate to the character of the area whilst maintaining sightlines. The creation of a 4.5m access serving both properties is considered reasonable whilst retaining the majority of the roadside frontage. The proposed accesses would therefore accord with Policies IP9 (Highway Safety, Capacity and Accessibility) and GP8 (Design).

The vehicle movements associated with a pair of semi-detached properties would not have a noticeable impact on highway capacity in this area, or on a cumulative basis with regards to other developments in the vicinity.

The retention or removal of any yellow line on the main road would fall under the remit of Traffic and Highway Services.

The provision of on-site parking is appropriate to the dwelling size, and cycle storage is provided within the sheds in the rear gardens, in accordance with policies IP6

(Transport infrastructure and support facilities) and IP7 (Private and Communal Car Parking).

Impact on neighbour amenity

The site is bounded by residential properties to the north, south west, and across the road to the east.

The positioning of the proposed dwellings on the site, and the location of the proposed fenestration and blank gables, would prevent any significant impact on the amenity of adjoining properties in terms of overshadowing, overbearing or overlooking. This assessment has included the relationship between the proposed Juliet balconies to the rear of the development and the views afforded towards neighbouring properties, particularly to the south of the application site, which is likely to result in oblique angles and thus would not be so substantial to justify refusal.

Sustainable development

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and the current Building Regulations in accordance with Policy GP9 (Sustainable Development).

Consideration has also been given to the potential effect of coastal flooding in light of the Royal Haskoning Flood Risk Assessment Studies (2012) which highlight the risk associated with parts of the Cobo area, including the application site which falls within the 1:10 flood risk area.

Whilst the information submitted by the agent is more focused on surface water rather than flood risk, it is conceivable that permeable paving to the front of the properties would help to alleviate surface water as a result of any flood event, to a degree. Furthermore, a flood barrier could easily be installed to the front of the property to 'block off' the access point, subject to appropriate consent.

However, it is the responsibility of the agent and landowner to consider possible mitigation measures along the north boundary and west boundary of the site, such as low walls, as these are likely to be more affected due to the proximity and orientation to the coast as a result of any potential flood event. However, when taking into account the topography of the entire site, it would appear that any surface water flooding would cumulate at the lowest point of the site, thus being at the middle, and therefore would be setback from the proposed dwellings.

Other measures such as raising the ground floor level and internal appliances could also be considered by the agent and landowner in order to future proof the development. It is considered reasonable to highlight this consideration through an informative.

A Waste Management Plan is not required in this case.

The representation received has been taken into account as part of this assessment and is addressed above where appropriate.

Conclusion

The contribution the land makes to the character and appearance of the area would not be sufficient to warrant refusal of the current application, which is supported in principle under Island Development Plan policy.

The proposed development is for a pair of semi-detached, three bedroomed dwellings. This form of development is consistent with the density and residential character of the area. Analysis of the KPMG Guernsey Housing Market Review (2017) and the Annual Housing Stock Bulletin (2019) demonstrates that this provision would accord with the identified requirement for housing in the Island and the application would therefore comply with Policy LC2 (Housing in Local Centres).

The detailed design of the scheme accords with Policies GP8 (Design), GP9 (Sustainable Development), IP7 (Private and Communal Car Parking) and IP9 (Highway Safety, Accessibility and Capacity), as set out above, and consequently it is recommended that the application be approved, subject to appropriate conditions.

Date: 18/01/22

