

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: Variation of previously approved plans to erect 8 flats and 5 dwellings with associated parking and landscaping - Erect detached garages, a garden room, swimming pool and car port, alterations to fenestration and cladding, alterations to the bike, bin store and the parking and landscaping.

LOCATION: La Vigne, Guelles Road, St. Peter Port.

APPLICANT: Infinity Construction 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: 11/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects - 1120-Site-1001H, 1120-Site-1002E, 1120-Site-1006C, 1120-Site-1007E, 1120-Site-1011F, 1120-B-2000F, 1120-B-2001F, 1120-B-2700E, 1120-AU-GF-2000D, 1120-AU-SF-2002F, 1120-AU-ELEV-2700D, 1120-AU-ELEV-2701B, 1120-AL-ELEV-2700B, 1120-AL-ELEV-2701B, 1120-C1-GF-2000E, 1120-C1-FF-2001G, 1120-C1-SF-2002E, 1120-C1-ELEV-2700D, 1120-C2-0200A, 1120-C2-0201A, 1120-C2-ELE-0700A, 1120-C2-ELE-0710A, 1120-C2-ELE-0720A, 1120-C3-GF-2000E, 1120-C3-FF-2001F, 1120-C3-ELE-2700D, 1120-C3-Elev-2701C.

Application Ref: FULL/2021/2101

Property Ref: A10238A000+A10263A000

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 on or by 24/11/2023.

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. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 24 November 2020, issued under planning application reference FULL/2020/1117, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 24/11/2023 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

For the avoidance of any doubt, planning permission is not granted for the installation of any equipment, pumps, or heat pumps associated with the swimming pool hereby approved. Such equipment may require planning permission and in the event that such equipment is required the Planning Service should be contacted in the first instance to confirm the requirement for planning permission.

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/2021/2101
Property Ref: A10238A000+A10263A000
Valid date: 07/10/2021
Location: La Vigne Guelles Road St. Peter Port Guernsey GY1 2DP
Proposal: Variation of previously approved plans to erect 8 flats and 5 dwellings with associated parking and landscaping - Erect detached garages, a garden room, swimming pool and car port, alterations to fenestration and cladding, alterations to the bike, bin store and the parking and landscaping.
Applicant: Infinity Construction 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 on or by 24/11/2023.

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. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the

permission dated 24 November 2020, issued under planning application reference FULL/2020/1117, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

For the avoidance of any doubt, planning permission is not granted for the installation of any equipment, pumps, or heat pumps associated with the swimming pool hereby approved. Such equipment may require planning permission and in the event that such equipment is required the Planning Service should be contacted in the first instance to confirm the requirement for planning permission.

OFFICER'S REPORT

Site Description:

The site is located to the west of Guelles Road on the northern outskirts of St Peter Port. The site area is approximately 0.98 hectares and it is set behind properties fronting Guelles Road. The site is currently being developed subject to permission reference FULL/2020/1117.

The site has two vehicle access points off Guelles Road, one providing access to La Vigne and the other provides access to the fields to the southwest of La Vigne. There is also a right of way from Fosse Andre.

Surrounding the site the area comprises residential properties of mixed building types and design.

The site is situated within a Main Centre Outer Area, St Peter Port Conservation Area, and part of the site is designated as Important Open Land in the Island Development Plan. The existing trees on the site along with those adjacent contribute to the landscape character of the area and are subject to a Tree Protection Order (TPO).

Relevant History:

FULL/2021/1180	Demolish conservatory and shed, erect flat roof extension to south (rear) elevation, install 1st floor Juliet balcony to west (side) elevation and erect canopy to north (front) elevation.	Granted 03/08/2021
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FULL/2021/0701	Variation to plans previously approved to erect 8 flats and 5 dwellings - Erect single storey flat roof extension to west of unit B1.	Approved 08/06/2021
FULL/2021/0479	Install electricity distribution pillar	Approved 04/05/2021
FULL/2021/0002	Variations to plans previously approved to erect 8 flats and 5 dwellings - Raise roof ridge height, increase 1st and 2nd floor footprint and reposition 650mm north to type B unit and alterations to rooflights, fenestration and finish to cladding and omit solar panels to all units and alterations to bike shed.	Approved 12/04/2021
FULL/2020/1117	Erect 8 flats and 5 dwellings with associated parking and landscaping.	Granted 24/11/2020

Existing Use(s):

Residential (La Vigne and garden area);
Main part of the site is currently under construction to create residential dwellings and apartments;
Remainder of site agricultural.

Brief Description of Development:

Planning permission is sought for variations to plans previously approved to erect eight flats and five dwellings with associated parking and landscaping (Ref: FULL/2020/1117). The variations proposed include the following:

- Erect detached garages to units C1, C2 & C3
- Erect a garden room and pump room to unit C2
- Construct a swimming pool to unit C2
- Construct a car port;
- Alterations to the fenestration and cladding;
- Alterations to the bike, bin store and the parking and landscaping.

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

Island Development Plan Policies:

- MC1: Important Open Land in Main Centres and Main Centre Outer Areas;
- MC2: Housing in Main Centres and Main Centre Outer Areas;
- GP1: Landscape Character and Open Land;
- GP4: Conservation Areas;
- GP8 Design;
- GP9: Sustainable Development;
- GP10: Comprehensive Development;

- GP18: Public Realm and Public Art;
- IP1: Renewable Energy Production;
- IP6: Transport Infrastructure and Support Facilities;
- IP7: Private and Communal Car Parking;
- IP9: Highway Safety, Accessibility and Capacity;
- IP11: Small Scale Infrastructure Provision.

Supplementary Planning Guidance - La Vigne Development Framework (December 2019)

Representations:

One letter of representation has been received from the occupier of a neighbouring residential property. The grounds for objection are summarised as follows:

- Views from the upper fenestration will overlook directly towards the neighbouring property, The Mount;
- The heat source to the swimming pool could cause noise and disturbance to neighbouring properties;
- No details have been provided of any heat source pumps required for the swimming pool;
- No details have been provided to demonstrate how the swimming pool will be maintained (drained etc);
- The alterations alter the aesthetic appearance of the scheme to the detriment of the locality;
- Although fixed shut the window in the north facing elevation of Unit C2 should be installed with level 5 privacy glazing and details should be provided of such. This window in its current form will undermine privacy;
- Loss of personal enjoyment to the use of the garden area (due to overlooking etc) of the Mount;
- The variations proposed do not accord with the relevant provisions of the Island Development Plan;
- Maintenance concerns in relation to the proposed garden room for Unit C2;
- No consideration has been given to the potential impact on the St Peter Port Conservation Area;
- The proposal does not respect the built form of the surrounding area;
- The alterations applied for have already been formed and the application is therefore retrospective;

Consultations:

None

Summary of Issues:

1. Impact on the character and appearance of the Conservation Area and whether the variations proposed are acceptable.

2. The impact of the variations on the amenity of people living in the area.
3. Road safety, traffic management and parking issues.

Assessment against:

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.

Impact on the character and appearance of the Conservation Area and whether the variations proposed are acceptable.

The Authority has a duty under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4: Conservation Areas of the IDP which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The site is generally enclosed with well-established trees and hedging on all sides with the exception of the east boundary to rear gardens of the properties fronting Guelles Road. The built form surrounding the site comprises a mixture of dwelling types and design with two storey dwellings situated to the east, south and southwest, and to the west is a single storey building set at a lower level currently used by the RAF Association.

The variations as proposed are in-keeping with the overall design, scale, layout and form of the original scheme and will not compromise the space around buildings or the pedestrian environment. The garages and outbuildings are well positioned to have minimal impact on the character of the surrounding area and are well related to neighbouring dwellings both within the site and surrounding the site.

The information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

Overall, in design terms the variations proposed are considered to be acceptable and would not compromise the character or appearance of the surrounding Conservation Area. The proposal therefore complies with the relevant provisions of the Island Development Plan in this respect.

The impact of the development on the amenity of people living in the area.

A representation has been received from a neighbouring property with particular regard to the impact of the variations proposed on residential amenity.

In particular concerns are raised with regard to the views from the upper floor window proposed in the north facing elevation of unit C2, the requirement for heating pumps/equipment for the swimming pool, maintenance of the swimming pool and the maintenance of the outdoor garden room to unit C2.

The concerns raised with regard to the window in the north elevation of unit C2 are noted as is the request from the objector for this window to be obscure glazed. However, the approved Development Framework (DF) sets a 10m buffer zone which is concentrated along the sensitive boundaries of the site that border neighbouring properties. Within the buffer zone the DF restricts any new buildings over one storey in height but does allow for this area to be used for access roads, or external spaces associated with the residential development. This is to ensure that any development does not unreasonably affect the amenity of neighbouring properties.

The new window proposed is limited in terms of its width, and will serve a dressing room (non-habitable accommodation) it is positioned 10m from the boundary shared with The Mount to the north. At this distance, the window will comply with the 10m buffer zone requirement of the approved DF and given that as part of the approved scheme much more prominent windows (required for outlook and serving habitable rooms) are situated at the same distance and facing towards neighbouring properties, the requirement for this window to be obscure glazed would be neither reasonable nor justifiable in planning terms.

With regards to the swimming pool, a pump room is proposed to house all ancillary equipment. Given that any equipment associated with the swimming pool will be housed internally within this building it is unlikely that planning permission would be required for such equipment. This would in effect be like a boiler for a property situated within a garage. Furthermore, if disturbance occurs, then this can be investigated and controlled under separate legislation by the Office of Environmental Health and Pollution Regulation. However, it is recommended that in the event that planning permission is granted an informative is included on any permission to inform the applicant that no permission is granted for any swimming pool pumping equipment and that planning permission may be required for such installation.

With regard to swimming pool maintenance, this is not a material planning consideration that can be taken into account in the determination of the planning application.

With regard to the close proximity of the outbuilding to the neighbouring property, the landowner has a right to build up to the boundary shared with any neighbouring property provided that no part of the proposal extends onto land not in their ownership. However, in this instance and despite there being no requirement in planning terms, sufficient space has been provided around the garden room for it to be maintained.

The garages and the car port as proposed are limited in terms of their overall scale and height and have been appropriately positioned to have minimal impact on neighbouring properties both within the site and surrounding the site. The alterations to the parking layout, bin stores and ancillary infrastructure would not cause harm to residential amenity.

Overall and for the above reasons any additional impact on neighbour amenity resulting from the variations proposed would not be so substantial to warrant refusal of planning permission.

Road safety, traffic management and parking issues.

The alterations proposed to the car parking and ancillary infrastructure (bin stores etc) would not compromise the free flow of pedestrian or vehicles within the site. The car parking provision would not be affected by the variations proposed.

Any impact on highway safety resulting from the proposed variations would not be so substantial to warrant the refusal of permission.

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; the effect of the proposed which the site could be put without further planning permission; 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 not impact on any Protected Buildings, trees, monuments, or on any SSS's.

For the reasons set out within this report the variations proposed comply with the relevant provisions of the Island Development Plan and the development guidelines as set out within the approved Development Framework and satisfy the other

relevant material planning considerations; it is therefore recommended that planning permission be granted subject to conditions.

Date: 11/11/2021

