

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 5 dwellings and alterations to vehicle access (Revised Scheme).

LOCATION: Highgrove, Monument Gardens, St. Peter Port.

APPLICANT: Fontaine Developments 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: 02/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 277/F1, F2, F3, F4, F5 & F6

Application Ref: FULL/2021/2599

Property Ref: A115030000

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 hard surfacing shall be installed until such time as full details of the permeable hard surfacing material/s and construction specification/s have been submitted to and approved in writing by the Authority. The development shall thereafter be completed in accordance with the details so approved before the first occupation of any dwelling.

Reason - To make sure that surface water is dealt with within the site, in the interests of sustainable development.

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, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) functional services above and below ground; and
- vi) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
- vii) arrangements for the ongoing management and maintenance of all communal landscaped areas, including the allotment area.

Reason - To make sure that a 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 the above 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. Management and maintenance of the communal landscaped areas, including the allotment, shall continue in perpetuity in accordance with the details approved under condition 5vii) above.

Reason - To ensure that the agreed landscaping scheme is implemented in the interests of visual amenity and to help assimilate the development into its surroundings.

7. The hedge along the east boundary of unit 5 shall be completed in accordance with the details agreed under the terms of the above condition 5, prior to the first occupation of unit 5. Any 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 protect the reasonable amenities of neighbouring residents.

8. The ends of the new vehicular opening shall be completed using materials and a method of construction which match the existing roadside granite wall prior to the first occupation of any part of the development or completion of development whichever is the sooner.

Reason - To secure the completion of the access in the interests of visual amenity.

9. Details of the solar panels to be installed on the flat roofs to the rear of units 2 - 4 shall be submitted to and approved in writing by the Authority before the development hereby permitted progresses beyond DPC level. The development shall thereafter be completed in accordance with the details so approved before the first occupation of any one of those three dwellings.

Reason - In the interests of sustainable design.

10. 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 01/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regards to condition 4, all surface water will need to be dealt with on site to the satisfaction of the Authority and not enter into the existing surface water system.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiale for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net. It is also noted that it would be beneficial to include suitable measures to support roosting bats and nesting birds within the development.

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/2021/2599
Property Ref: A115030000
Valid date: 01/12/2021
Location: Highgrove Monument Gardens St. Peter Port Guernsey GY1 1UL
Proposal: Demolish existing and erect 5 dwellings and alterations to vehicle access (Revised Scheme).
Applicant: Fontaine Developments 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.

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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).

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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.

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in accordance with the details so approved before the first occupation of any dwelling.

Reason - To make sure that surface water is dealt with within the site, in the interests of sustainable development.

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

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Reason - To ensure that the agreed landscaping scheme is implemented in the interests of visual amenity and to help assimilate the development into its surroundings.

7. The hedge along the east boundary of unit 5 shall be completed in accordance with the details agreed under the terms of the above condition 5, prior to the first occupation of unit 5. Any 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 protect the reasonable amenities of neighbouring residents.

8. The ends of the new vehicular opening shall be completed using materials and a method of construction which match the existing roadside granite wall prior to the

first occupation of any part of the development or completion of development whichever is the sooner.

Reason - To secure the completion of the access in the interests of visual amenity.

9. Details of the solar panels to be installed on the flat roofs to the rear of units 2 - 4 shall be submitted to and approved in writing by the Authority before the development hereby permitted progresses beyond DPC level. The development shall thereafter be completed in accordance with the details so approved before the first occupation of any one of those three dwellings.

Reason - In the interests of sustainable design.

10. 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.

INFORMATIVES

With regards to condition 4, all surface water will need to be dealt with on site to the satisfaction of the Authority and not enter into the existing surface water system.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiale for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net. It is also noted that it would be beneficial to include suitable measures to support roosting bats and nesting birds within the development.

OFFICER'S REPORT

Site Description:

The site formerly comprised of a detached two storey hipped roof dwelling situated on a good size plot. The dwelling was finished with rendered walls and a tiled roof and was elevated approximately 2 metres above the highway. Permission was granted to demolish the dwelling and erect 4 dwellings in January 2021 (FULL/2020/1845). Works have commenced and the existing dwelling has been demolished.

The site forms the south-west corner plot which fronts onto Monument Gardens and is in the St Peter Port Conservation Area and Main Centre Inner Boundary. The site is bounded to the south by an observatory at Lukis House which is a protected building.

Relevant History:

20/09/2021 – FULL/2021/1755 – Permission granted for variation to previously approved plans to demolish existing dwelling and erect 4 dwellings - alter roof form from hipped to pitched.

22/01/2021 – FULL/2020/1845 – Permission granted to demolish existing dwelling and garage and erect 4 dwellings with associated parking and landscaping, relocate vehicular access and form new access road.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested for a revised scheme to demolish the existing dwellings and erect 5 dwellings (3x3 bedrooms, 1x2 bedroom, and 1x1 bedroom) with associated parking and amenity space, relocate vehicular access and form new access road. Units 1 to 4 are proposed to take the form of two pairs of semi-detached two storey pitched roof dwellings of a traditional design and detailing. Unit 5 is proposed to be a single storey pitched roof dwelling situated to the south of the site. The dwellings are proposed to be finished with rendered walls, timber fenestration and clay pan tile roofs.

The application is accompanied by a Design and Sustainability Statement dated 09/11/2021 and a Site Waste Management Plan.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP10: Comprehensive Development
Policy IP6: Transport infrastructure and support facilities
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation was received from the neighbouring property to the east, main points as follows:

- The application amounts to an overdevelopment.
- Concerned about the siting of the dwelling adjacent to their garden and notes that other properties gardens are adjoined by gardens.
- The shoe-horning in of another property with more car parking very close to our boundary does not seem to be in keeping with the original ethos of the estate or the status of a Conservation Area.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design and impact of the development on the character and appearance of the Conservation Area.
2. The impact of the development on the amenity of people living in the area.
3. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
4. Road safety, traffic management and parking.

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).**

Planning permission was granted to demolish the existing dwelling and erect 4 dwellings in January 2021 (FULL/2020/1845), with variations to the roof forms approved in September 2021 (FULL/2021/1755). Units 1 to 4 of this current application are as per the previously approved plans. The revisions to the scheme involve the erection of a fifth dwelling (unit 5) to the south of the site where it was previously proposed to create a communal allotment, and alterations to the siting and layout of the visitor parking and the turning head. Unit 5 is proposed to be a single storey pitched roof one bedroom dwelling.

As a result of the previously approved schemes, the principle for additional housing has been established and the design and impact of units 1 to 4 on the character and appearance of the Conservation Area, the impact of units 1 to 4 on the amenities of neighbouring residents and the quality of the living environment for the occupiers of units 1 to 4 has been assessed and it is concluded that they meet the relevant policies of the Island Development Plan. The revised mix and type of dwellings, with the addition of a one bedroom dwelling, continues to broadly reflect the current housing need.

Design and impact of the development on the character and appearance of the Conservation Area

The siting of unit 5, aligning with the rear gardens of neighbouring properties to the east, does not replicate the positioning of neighbouring properties to the east. However, it does respond to the irregular shape of the site and the layout of the previously approved residential scheme and it does result in an efficient use of land. The shallow pitched roof form and low profile of unit 5 is similar to the neighbouring property to the east and the materials of the dwelling are consistent with units 1 to 4. Due to a combination of its siting, set back from the highway, and its low profile, unit 5 would not be overly prominent when viewed from Monument Gardens and it would be viewed in context with neighbouring properties, limiting its impact on the character and appearance of the Conservation Area.

Unit 5 would be sited close to the observatory to the south which is a protected building. The observatory faces south and east, and in effect turns it back on the application site, presenting a blank north elevation towards the site. Together with the well-defined boundary between the site and the observatory, the layout of the application site and the modest single storey form of the dwelling, unit 5 is unlikely to have an adverse effect on the setting of the protected building.

The proposal would conserve the character and appearance of the Conservation Area and the setting of the adjoining protected building, in accordance with Policies GP4, GP5 and GP8.

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

Unit 5 would cause some overshadowing of the neighbouring property to the east. However, due to a combination of its low profile, the distance it would be set back from the boundary and its orientation to the west of the neighbouring property, it is unlikely that the harm caused by unit 5 would be to such a degree as to have a material adverse effect on the amenities of neighbouring residents. A ground floor window in the east elevation of unit 5 faces towards the neighbouring property but it would be set back 3 metres from the boundary and it is likely that the proposed hedge planting along the boundary would provide an appropriate boundary treatment to prevent undue privacy issues between the properties. It is recommended that the boundary hedge is planted prior to the first occupation of unit 5, this can be dealt with by condition.

In summary the revised scheme as proposed is unlikely to have any material adverse effects on the amenities of neighbouring residents.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

Unit 5 would substantially exceed the Guernsey Technical Standards minimum internal space standards and it would meet the best practice minimum internal space standards which are published on the Authority's website. Unit 5 is dual aspect and would have sufficient daylight, sunlight and privacy. The outdoor amenity space is limited but as a whole the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Road safety, traffic management and parking

The design of the access remains the same as the previously approved schemes. The marginal intensification of use of the access resulting from the addition of unit 5 is unlikely to cause any adverse effects on road safety and traffic management. The car and bicycle parking provision is adequate for this town centre location and accords with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Other Matters

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is supported by a sustainability statement which sets out how the development has been designed to take into account sustainable design principles. This includes the incorporation of permeable paving for all hardstanding areas to mitigate flooding and confirmation that any surface water runoff will be dealt with on site. Further details of surface water management are required to ensure that surface water run-off from the site is properly managed and controlled, this can be dealt with by condition. A Waste Management Plan has also been submitted. Overall the layout and form of the development and 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.

The submitted Design and Sustainability Statement sets out measures to be incorporated to ensure that the dwellings provide adaptable and flexible accommodation. The information submitted is sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

To address previous comments raised on behalf of La Société Guernesiaise, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012.

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: 02/03/2022