

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 landscaping and erect shed. Excavate to create vehicle access, parking area, bike store and external steps to north of site.

LOCATION: Fernhill, Green Lanes, St. Peter Port.

APPLICANT: Mr & Mrs Cotteril

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: 14/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates drawing no's: 2140 03.01A, 03.02A, Arboricultural Assessment and BillyOh Keeper Overlap Apex Shed details.

Application Ref: FULL/2021/2608

Property Ref: A208010000

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.The stone to be used in the construction of the new walls either side of the parking area and retaining wall around the parking area and access steps permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone. The granite retaining wall around the approved parking area shall be completed in its entirety within four weeks of the new access being formed.

Reason - To preserve the character and appearance of the area.

5.Prior to the commencement of any work in connection therewith details regarding the construction of steps between the parking area and garden, designed to offer suitable access for ambulant disabled persons, shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details to show how this aspect of the development would accord with Policy GP8 f.. The provision of shallow steps between the parking area and garden would allow access for persons with a degree of reduced mobility and this condition is imposed to make sure that the development represents a good standard of design, taking into account the topography of the site, to offer an enhanced level of access between the parking and garden area.

6.For the duration of the construction of the dwelling hereby approved, the trees and root protection areas shown on approved drawing 03.1 shall be protected in

accordance with the details set out in the Arboricultural Impact Assessment produced by Richard Loyd dated 22 November 2021.

Reason - To ensure the root system of surrounding trees are not damaged as a result of the approved development.

7. Prior to the commencement of any work in connection therewith precise details of the Green/Sedum Roof System, including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, shall be submitted to and agreed in writing by the Authority.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its provision is essential to secure the good standard of architectural design and to protect the character and appearance of the locality.

8. No occupation of the new dwelling shall begin until the 'sedum roof' has been completed in accordance with the details agreed under the above condition. It shall then be maintained in accordance with the management and maintenance plan agreed under the above condition.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its provision is essential to secure the good standard of architectural design and to protect the character and appearance of the locality.

9. Prior to the commencement of any work in connection therewith a landscaping scheme to include details of all ground surfaces, including hard areas (incorporating permeable paving) and full details of tree and hedge planting (planting schedules, noting the species, sizes, numbers and densities of plants) for the areas to the east and west of the proposed parking area and the area to the immediate north of the access steps and retaining wall between the garden and parking area shall be submitted to and agreed in writing by the Authority.

Reason - To help assimilate the development into its surroundings.

10. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings.

11. The development hereby permitted shall be constructed in accordance with the details set out in Tyrell Dowinton Associates letter dated 03 March 2022, and there shall be no occupation of the dwelling until the solar thermal panels, electric vehicle charging point bicycle store have been installed and made operational.

Reason - In the interests of sustainable development, and to encourage alternative modes of transport to the private car.

Expiry Date: This permission will cease to have effect on 13/03/2025 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.

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/2021/2608
Property Ref: A208010000
Valid date: 15/12/2021
Location: Fernhill Green Lanes St. Peter Port Guernsey GY1 1TN
Proposal: Erect dwelling with associated landscaping and erect shed.
Excavate to create vehicle access, parking area, bike store and external steps to north of site.

Applicant: Mr & Mrs Cotteril

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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).

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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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Reason - To preserve the character and appearance of the area.

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Reason - The information provided with the application does not include full details to show how this aspect of the development would accord with Policy GP8 f.. The provision of shallow steps between the parking area and garden would allow access for persons with a degree of reduced mobility and this condition is imposed to make sure that the development represents a good standard of design, taking into account the topography of the site, to offer an enhanced level of access between the parking and garden area.

6. For the duration of the construction of the dwelling hereby approved, the trees and root protection areas shown on approved drawing 03.1 shall be protected in accordance with the details set out in the Arboricultural Impact Assessment produced by Richard Loyd dated 22 November 2021.

Reason - To ensure the root system of surrounding trees are not damaged as a result of the approved development.

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8. No occupation of the new dwelling shall begin until the 'sedum roof' has been completed in accordance with the details agreed under the above condition. It shall then be maintained in accordance with the management and maintenance plan agreed under the above condition.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its provision is essential to secure the good standard of architectural design and to protect the character and appearance of the locality.

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Reason - To help assimilate the development into its surroundings.

10. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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.

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11. The development hereby permitted shall be constructed in accordance with the details set out in Tyrell Dowinton Associates letter dated 03 March 2022, and there shall be no occupation of the dwelling until the solar thermal panels, electric vehicle charging point bicycle store have been installed and made operational.

Reason - In the interests of sustainable development, and to encourage alternative modes of transport to the private car.

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.

OFFICER'S REPORT

Site Description:

Fernhill is a detached chalet bungalow situated to the north of Green Lanes. A detached garage is positioned to the front/south of the dwelling, adjacent to the road. The property is situated at a lower level than the road, with steps to access the front door. The property has been extended to the rear and pergola structures exist to the west and north of the dwelling. A greenhouse is situated to the west of the dwelling and steps provide access down to a largely level garden to the north of the property. A folly/outbuilding exists on the east site boundary and to the north of this the site slopes steeply to Valnord Lane (one way road). The bank is covered in a weed suppressant material and the boundary with Valnord Lane is currently open (wall removed).

An electricity substation is situated to the west of the site, adjacent to Valnord Lane. To the north of the lane is a Clos of two and one and a half-storey dwellings. To the east is a one and a half-storey dwelling with glazed gable and ground floor windows in the west elevation of the property facing the application site and partially obscured by the granite boundary wall.

Relevant History:

FULL/2018/2871 – Rebuild and alter north roadside boundary wall - granted, concluding that whilst the height and form of the replacement roadside wall will be subtly different to the existing, the scale, materials and appearance would be sympathetic to its surroundings. Holly, hawthorn and blackthorn were proposed to be planted on top of the bank.

FULL/2021/0810 - Remove section of wall, excavate and erect retaining walls and steps to create additional vehicular access and parking area to north boundary – refused on the grounds that the proposal would result in the loss of a the high granite retaining wall which contributes to the wider landscape character contrary to Policy GP1 or Policy GP8(c).

Pre-application advice was sought in this case. Pre-application advice has highlighted a number of significant constraints with the site including the loss of trees and the creation of an access onto Valnord Lane and the impact on the character of the area

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a single-storey flat roof dwelling with render and timber clad exterior. The dwelling is proposed to be set back in its plot

with the rear wall of the property forming the dividing boundary with Fernhill. Vehicular access is proposed to be formed in the north site boundary with Valnord Lane. An area of garden is proposed to the front of the dwelling with a timber shed proposed adjacent to the east site boundary.

The application drawings show the position of three trees situated to the west of the proposed dwelling and a further two trees to the northeast of the property, adjacent to Valnord Lane but all located outside the site boundary.

The application was deferred due to a lack of information relating to sustainable development with regard to Policy GP9 of the Island Development Plan. The application drawings were amended and a supporting letter submitted to address sustainable development. The information outlines that the building design, layout and orientation is informed by the constraints of the site and offering good quality natural light to the living areas. The scheme has been designed to exceed the current Building Regulations with regard to thermal insulation U-Values and is designed to achieve a high level of air tightness. A mechanical ventilation system is also proposed with a heat recovery system. Permeable paving is proposed to the parking area with large areas of soft landscaping across the site to reduce surface water run-off. A modular tray green roof system will also assist in reducing surface water run-off from the flat roof. Solar thermal panels are proposed along with an electric vehicle charging point.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

IP6: Transport Infrastructure and Support Facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been submitted objecting to the application and raising the following points:

- Draw attention to FULL/2021/0810 which was refused on the grounds that the proposals would result in the loss of a specific distinctive feature, the high roadside granite retaining wall, that contributes to the wider landscape character.”
- Policy GP1 – the removal of the granite wall would not respect the character of the area and the actions to remove all trees, bushes and vegetation from atop the granite wall have already changed the character of the landscape.

These actions left the roadside wall unsafe and Valnord Lane closed. The wall and vegetation added to and enhanced the distinctive feature of a “quiet backwater” on the outskirts of St Peter Port

- Attention is drawn to the dwelling constructed to the east of Fernhill but it is understood that permission was denied for access onto Valnord Lane because the owner did not own the land over which the access would have been made
- The removal of the granite wall/bank would also require the permission of the land owner (States of Guernsey) as the wall and bank are contained within the same land parcel that forms a triangle, including the States Electricity sub-station
- The granite wall forms one continuous line of granite wall from the States houses up Valnord Lane as far as the junction with Green Lanes
- GP8 – the submission makes sweeping statements about how the proposed development would enhance the area particularly with the use of a sedum roof but this is only to ensure that the building doesn’t interfere with views from the rear of Fernhill. Policy GP8 is not in place to ensure that properties have sea views but to ensure that a development enhances its environment whilst meeting the Islands future housing needs
- The site layout and property does not and cannot fulfil the requirement of GP8 (accessibility to and within a building for people of all ages and abilities) – the proposed property is up steps, around 10m in height which means that the property cannot be easily accessed by people with visual impairments nor wheelchair access
- The application contradicts itself setting out that property has a “large garden with a terrace” but also identifying the garden as an asset for future extensions
- The Tree Survey was carried out after the removal of vegetation from on top of the granite wall and the removal of one large sycamore and severe pollarding of two sycamore trees that form the boundary and owned by the occupiers of the property to the west of the site – permission has not been given to the applicant for any work to be carried out to these trees. Since 1999, under the advice of the then Island Development Committee, these trees have been maintained to continue to provide “an important feature of the hillside vista of St Peter Port” seen from Les Ozouets Road/Les Baissieres and surroundings. They have been desecrated and prior to this were cared for in accordance with guidance received from the Chair of Guernsey Trees for Life, Mr P Collenette. It is argued that the applicant deliberately removed one and damaged trees resulting in their poor condition and to enable development of the site.
- Whilst providing accommodation is an urgent requirement and policy of the States of Guernsey, new properties should not be built at the cost of destroying history and the quality of the environment for islanders, now and in the future
- The undermining of the wall to Valnord Lane should not prejudice any decision of the Authority to maintain a quality environment

- If the wall is demolished the applicant should be required to rebuild the wall and retrospective permission should not be granted

Consultations:

Traffic and Highway Services commented on the previous application which was refused planning permission and raised no objections on road safety and traffic management grounds. The following comments were provided:

The site is situated between Valnord Lane and the Green Lanes. The main entrance for access to the property is via the Green Lanes and has its own driveway. The natural vehicle use of the driveway would be to drive in and reverse out on to the broad footpath outside the neighbouring property before pulling forward along the Green Lanes, a one-way road.

The location of the proposed additional vehicle parking area and stepped access to the garden of the dwelling is in Valnord Lane. Valnord Lane, St Peter Port is classified as a Neighbourhood Road as defined in the Traffic Hierarchy. This road has a 25mph speed limit past the site. Therefore, a recommended sightline of 20m would apply.

Using a datum of 2m from the carriage way, the 7.5m proposed access enables sightlines of 31m in the direction of oncoming traffic (Collings Road). The drawings submitted detail a proposed granite boundary wall at a height of about 1.2m. The retaining wall that extends backwards from the footpath edge raises in height as it does so.

In the proposed additional driveway, there would be room for two vehicles to park whilst maintaining the ability for a vehicle to turn around.

The current proposal relates to the formation of a 6m wide access however the application drawings indicate that a visibility splay 33m in the direction of oncoming traffic would be achievable therefore the comments above remain relevant.

Summary of Issues:

The key issues in this case relate to the principle of the erection of a dwelling on the site, the impact of the dwelling and proposed access on the character and appearance of the area and on the amenities of surrounding dwellings.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Principle of erecting a dwelling

Policy MC2 makes provision for the erection of new units of residential accommodation within the Main Centres and Main Centre Outer Areas. Where possible an appropriate mix and type of dwellings should be provided. The site is located in the Main Centre Outer Area and given its size would not be capable of accommodating more units of accommodation to offer a mix. The proposal accords with the aims of Policy MC2 of the Plan.

Design and appearance of dwelling

The flat roof, contemporary style dwelling proposed represents a good standard of architectural design and respects the character of the local built environment. The siting of the dwelling, away from the north boundary ensures that it will not result in harm to the character of the area in accordance with Policy GP8 of the Plan. The introduction of a sedum roof enhances the overall design of the dwelling and would help assimilate the development into its surroundings. It is reasonable therefore, to require the sedum roof to be installed and retained/maintained by way of a planning condition.

Policy GP8 does however seek to make efficient and effective use of land. The erection of a single-storey dwelling rather than multi-storey development would not make the most efficient use of land. Comments received through the consultation process suggest that the scheme has been designed to maintain views for the occupiers of Fernhill. Notwithstanding this however, the erection of a one and a half or two-storey dwelling would have greater impact on the character and appearance of the locality and could result in mutual overlooking and loss of privacy between existing development surrounding the site and the proposed dwelling. On balance therefore, the erection of a single-storey dwelling is appropriate in this particular case and the development would make appropriate use of the site with regard to Policy GP8.

Impact on residential amenity

The siting of the dwelling, away from the site boundaries ensures that the development will not result in overshadowing or loss of light to the occupiers of surrounding dwellings. Secondary windows only are proposed in the east and west elevations of the dwelling which would be screened by the granite wall to the east and hedgerow (or other exempt boundary treatments) to the west. The south elevation of the dwelling is blank and the distance of the property to those to the north is such that the significant areas of glazing will not result in unacceptable overlooking or loss of privacy to any surrounding residential occupiers in accordance with Policies GP8 and GP9 of the Island Development Plan.

Future living environment of proposed and existing occupiers

The scheme has been designed to be substantially single aspect, with large areas of glazing facing north across the proposed terrace and garden area. The scheme offers adequate external amenity space to serve the property which would not be unacceptably overlooked by any surrounding dwelling, despite only being situated to the front of the property. The scheme has been designed to offer adequate sunlight and daylight to the proposed accommodation. The accommodation is on a single level which provides accessibility within the building to people of all ages and abilities.

The application submission sets out that the access steps from the parking area to the garden will exceed current Building Regulations with a level pathway across the garden to the house. It is noted that the parking area is of sufficient size to offer accessible parking bays.

Paragraph 19.9.6 of the Island Development Plan states *“proposals for development offer the opportunity to secure a more accessible environment for both the users of the site and those travelling in the area. Access requirements of people of all levels of mobility and health need to be considered at an early stage in the design process of a development proposal.”*

Concerns have been raised through the consultation process regarding access from the parking area to the property. Providing a ramp would not be an easy adaptation because it would require significant excavations. Given the earlier refusal of planning permission, further excavation of the site could result in harm to the character and appearance of the area but would need to be the subject of a separate application, assessed on its merits and against the policies in place at the time. Shallow, accessible steps from the parking areas to the property would not allow for wheelchair access but would provide a suitable access for ambulant disabled people. On balance criterion f) of Policy GP8 has been addressed in this case.

The comments received in relation to the application make reference to the loss of garden should future occupiers erect extensions to the dwelling. The internal layout of the dwelling is such that it would be possible to alter and adapt the layout of the accommodation to respond to the changing needs of occupiers. Although planning permission would be required to construct an extension to the front of the dwelling there is no evidence to demonstrate that an extension would entirely undermine the level of external amenity space to serve the dwelling and, to a degree, the balance between living accommodation and external amenity space is a matter of personal preference. Overall therefore, the scheme does offer flexible and adaptable accommodation in accordance with Policy GP8 g.

With regard to the occupiers of Fernhill, the development is situated to the north of the dwelling and has been designed to be single-storey. As a result, the scheme will not result in overshadowing or loss of light to the property or garden retained by this dwelling. As outlined above, the orientation of the proposed dwelling is such that it

would not result in a loss of privacy to the occupiers of the existing dwelling. The area of external amenity space associated with Fernhill would be substantially reduced as a result of the proposed development however the plot size would not be dissimilar to others found in the locality and adequate external amenity space would be retained to serve occupiers. The scheme therefore meets the aims of GP8 in this respect.

Impact on trees

The application has been accompanied by an Arboricultural Impact Assessment which sets out tree protection methods that may be appropriate in order to protect trees and their roots during construction and the activity associated with it. The trees are identified as generally being of moderate or low quality with a life expectancy of between 20 (moderate quality), at least 10 years (low quality) and some with a life expectancy of no more than 10 years.

Concerns have been raised through the public consultation process regarding the works that have been undertaken on site prior to the submission of this planning application and the resulting impact on trees. None of the trees on site are protected therefore the Planning Service cannot control or prevent their removal at any time.

The trees surveyed sit outside the application site but with root protection areas shown on the application drawings, within the application site. Subject to an appropriate planning condition regarding these root protection areas the trees that contribute to the character of the area will be suitably protected during development works.

Access and parking

The provision of two off-road parking spaces, a cycle store accessed from the parking area and shed meets the aims of Policies IP6 and IP7 of the Island Development Plan. The vehicular access proposed would not have a detrimental impact on highway safety or unacceptably impact on the free flow of traffic in accordance with Policy IP9.

Valnord Lane is characterised with trees and granite retaining walls lining each side. The roadside boundaries are largely uninterrupted. There is one turning off the lane into Valnord Court which is sited nearly opposite the proposed vehicular access to serve the proposed dwelling along with an access serving houses to the west of the site.

The Island Development Plan states that care will be taken to ensure that development does not result in the unnecessary loss of open space or erosion of the character of the landscape of the locality concerned. Wherever possible, development will also be expected to avoid the unnecessary loss of natural landscape or built features, such as walls, parish boundary markers, etc., that contribute positively to the character of an area.

The character of the lane is an important feature within the area and the granite retaining wall to its south is an integral part of that character. Since the earlier refusal, the vehicular access has been reduced from 7.5 to 6m and relates to the formation of a vehicular access to serve a new dwelling rather than a secondary access to serve Fernhill which benefits from off-road parking from Green Lanes. The scheme also shows a reduction on the extent of ground being excavated with granite retaining walls proposed to the higher ground.

The revisions proposed in connection with the creation of the vehicular access, notably the proposed materials and width of opening reduce the impact of the proposed access on the character and appearance of the area. The proposed granite retaining walls respects the character of the area and the introduction of landscaping along the bank will help assimilate the development to its surroundings. The proposal is considered to respect the character of the area and would not have such a detrimental impact on the locality to warrant the refusal of planning permission. The scheme accords with Policy GP1 and GP8 of the Island Development Plan in this respect.

Sustainable Development

The application has been supported by supporting information regarding sustainable development setting out how consideration has been given to the position of windows and opportunities natural light and ventilation. The submission sets out the various ways the scheme will meet or exceed the current Building Regulations with regard to thermal efficiency, air tightness etc. The statement also makes reference to the fact the site will be served by an electric boiler and that solar thermal panels are proposed to the roof.

The additional information submitted indicates permeable paving to the parking area, with reference to SUDS, and an electric vehicle charging point although the application drawings do not specifically show either. A condition can be imposed relating to the provision of permeable paving on the site.

Having regard to the above, the scheme demonstrates how the scheme can incorporate sustainability measures and that it has been designed to take account the use of energy and resources and has regard to the location, orientation and appearance of the dwelling therefore Policy GP9 has been satisfied in this respect.

Other matters

The comments made in the application submission and through the public consultation process regarding adjoining development have been noted. Such development would not set a precedent for further development as each application must be considered on its own merits and having regard to the planning policies in place at the time. Rendezvous is a detached one and a half-storey dwelling with dormers in the east roofslope. The west roofslope facing the site is blank. Permission

for this dwelling was granted in 2006, 10 years before the introduction of the Island Development Plan against which the current proposals must be assessed.

The comments and concerns raised regarding the application site boundary have been noted, however determination of a planning application does not override any legal rights relating to land ownership and the application has been accompanied by a declaration confirming that all the information is correct. The concerns raised regarding land ownership cannot therefore, prevent the determination of the application.

With regard to the application process, the Authority's scheme of delegation makes clear that not all applications are considered at an Open Planning Meeting. Whilst concerns have been raised by one interested party in connection with this application it would not represent a particularly contentious scheme and is therefore to be determined under delegated powers.

(<https://www.gov.gg/CHttpHandler.ashx?id=80249&p=0>).

Should planning permission not be forthcoming for the development of the site for a dwelling then there would be the option for Planning Enforcement to investigate and, if appropriate, pursue the breach of planning control relating to the removal of the high wall fronting Valnord Lane.

Conclusions

In view of the above it is recommended planning permission is granted for the proposed development subject to conditions.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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 have no adverse impact on protected trees, buildings or sites.

Date: 10 March 2022

