

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 17 flats with associated parking and landscaping, relocate vehicle access and erect electric service building to north boundary.

LOCATION: Kings Premier Health Club, Kings Road, St. Peter Port.

APPLICANT: Kings Developments Limited

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: 03/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates drawing no's: 001A, 002A, 003A, 004A, 005A, 006A, 007A, 008A, 009A, 010A, 011A, 012A, 013A & 017.

Application Ref: FULL/2022/0222

Property Ref: A308710000&A30871A000

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. Prior to the commencement of any development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following shall be included:

- a) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme)
- b) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- c) Details of hours of construction including all associated vehicular movements
- d) Details of the construction compound
- e) A plan showing construction traffic routes, traffic and parking management including the movement and use of large scale plant and machinery and parking for site workers during the development and construction works
- f) Pedestrian and construction access and management of the access to Kings Road, Les Croutes and Rue A L'Or including maintaining public access
- g) Details of site lighting and light pollution control.

Reason - To co-ordinate and set out the implementation of construction activities to ensure that the best environmental practice is achieved, reduce the risk of adverse impacts of construction and minimise disturbance and nuisance in the interests of amenity.

5. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this

application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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.

6. No part of the development hereby permitted 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 and monitored fully in accordance with the Site Waste Management Plan approved under Condition 5 above. Where there has been any variation from the approved Site Waste Management Plan, 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.

7. The tree protection measures shown on drawing 017, shall be implemented in full and maintained in place until completion of the development. Within the area fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand, and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

8. The application site is located within an area of known archaeological importance and no development, including site works, shall begin on the application site until the results of an archaeological field evaluation commissioned by the applicant or developer (to include a series of evaluation trenches to determine the extent of buried archaeology) have been submitted to and agreed in writing by the Authority. The applicant or developer shall then arrange for a watching brief to be undertaken so that the excavation is observed and items of interest and finds are recorded. No development shall take place except in accordance with the agreed details.

Reason - The application site is located within an area of known archaeological importance and provision for mitigation measures to avoid damage to the archaeological remains, and/or for archaeological investigation and recording are essential. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

9. Notwithstanding the information submitted, prior to development being commenced on the site, precise details of the:

- a) entrance canopies
- b) balconies including a high privacy screen to the northern edge of the balcony serving unit 6 King Charles House which shall be installed prior to the first occupation of unit 6 and shall thereafter be retained in perpetuity
- c) rooflights
- d) dormers
- e) garage door
- f) ventilation grilles
- g) water fountain

shall be submitted to and approved 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 of the proposed features and in the interests of visual amenity.

10. Prior to the commencement of any work in connection therewith details of any external lighting proposed for the site shall be submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity.

11. Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting of areas to the south, east and north of the building and north and east of the access road to include planting schedules, noting the species, sizes, numbers and densities of plants;
- ii) details of the trellis/green screens referred to on drawing 002 rev. A which shall be installed prior to the first occupation of the dwelling to which it relates;
- iii) details of SUDs permeable surfacing;
- iv) the means of enclosing/markings the boundary between the window of bedroom 3 of unit 2 King Charles House and the patio area for unit 1 King George House. Any such planting or means of enclosure shall be installed prior to the first occupation of either unit and shall thereafter be maintained in perpetuity; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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

12. 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.

13. No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - In the interests of visual amenities and to help assimilate the development into its surroundings.

14. Within four weeks of north and east boundary walls being demolished the end of the remaining wall shall be finished off using materials and a method of construction which match the remainder of the wall and the acoustic fence hereby approved shall be erected in its entirety and thereafter retained in perpetuity.

Reason - In the interests of visual amenity and to preserve the amenities of the occupiers of adjoining dwellings.

15. The stone to be used in the construction of the new works, to extend the boundary wall, hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity.

16. All bathroom/en-suite bathroom windows to all floors in the north elevation of the development hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and all shall be retained in perpetuity.

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

17. All new windows shall be of vertical sliding sash design and method of opening.

Reason - In the interests of visual amenity.

18. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - The substation and development are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents and to the occupiers of the flats hereby approved.

19. No occupation or use of the building hereby permitted shall begin until the agreed car parking has been surfaced and marked out, along with the approved servicing arrangements and these shall be fully completed in accordance with the details approved as part of this permission. Those areas shall not thereafter be used for any purpose other than the parking of vehicles and for servicing and shall not be converted to any other use, including any other ancillary domestic use without the express prior written consent of the Authority.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

20. The development hereby permitted shall be constructed in accordance with the details set out in the submission documents/drawings and on drawing 002 A regarding electrical vehicle charging points and SUDs permeable surfacing, and there shall be no occupation of any part of the development hereby approved until the SUDs paving and electric vehicle charging points have been installed and made operational.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 02/05/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for

archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. Measures may 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. The development may also be suitable for the inclusion of ecological measures such as bird and bat boxes and consideration should be given to the incorporation of suitable native species within the landscaping scheme required as part of this permission.

It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

This permission does not relate to the installation of any air conditioning or other similar external heating/cooling equipment associated with the development. A separate permission will be needed for any such equipment to be installed on the roof of the building hereby approved.

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/2022/0222
Property Ref: A308710000&A30871A000
Valid date: 27/01/2022
Location: Kings Premier Health Club Kings Road St. Peter Port
Guernsey GY1 1QF
Proposal: Erect 17 flats with associated parking and landscaping,
relocate vehicle access and erect electric service building to
north boundary.
Applicant: Kings Developments Limited

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.

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6. No part of the development hereby permitted 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 and monitored fully in accordance with the Site Waste Management Plan approved under Condition 5 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

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Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

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- g) water fountain

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Reason - The information provided with the application does not include full details of the proposed features and in the interests of visual amenity.

10. Prior to the commencement of any work in connection therewith details of any external lighting proposed for the site shall be submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity.

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- i) full details of tree and hedge planting of areas to the south, east and north of the building and north and east of the access road to include planting schedules, noting the species, sizes, numbers and densities of plants;
- ii) details of the trellis/green screens referred to on drawing 002 rev. A which shall be installed prior to the first occupation of the dwelling to which it relates;
- iii) details of SUDs permeable surfacing;
- iv) the means of enclosing/marketing the boundary between the window of bedroom 3 of unit 2 King Charles House and the patio area for unit 1 King George House. Any such planting or means of enclosure shall be installed prior to the first occupation of either unit and shall thereafter be maintained in perpetuity; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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

12. 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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submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - In the interests of visual amenities and to help assimilate the development into its surroundings.

14. Within four weeks of north and east boundary walls being demolished the end of the remaining wall shall be finished off using materials and a method of construction which match the remainder of the wall and the acoustic fence hereby approved shall be erected in its entirety and thereafter retained in perpetuity.

Reason - In the interests of visual amenity and to preserve the amenities of the occupiers of adjoining dwellings.

15. The stone to be used in the construction of the new works, to extend the boundary wall, hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity.

16. All bathroom/en-suite bathroom windows to all floors in the north elevation of the development hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and all shall be retained in perpetuity.

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

17. All new windows shall be of vertical sliding sash design and method of opening.

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19. No occupation or use of the building hereby permitted shall begin until the agreed car parking has been surfaced and marked out, along with the approved servicing arrangements and these shall be fully completed in accordance with the details approved as part of this permission. Those areas shall not thereafter be used for any purpose other than the parking of vehicles and for servicing and shall not be converted

to any other use, including any other ancillary domestic use without the express prior written consent of the Authority.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

20. The development hereby permitted shall be constructed in accordance with the details set out in the submission documents/drawings and on drawing 002 A regarding electrical vehicle charging points and SUDs permeable surfacing, and there shall be no occupation of any part of the development hereby approved until the SUDs paving and electric vehicle charging points have been installed and made operational.

Reason - In the interests of sustainable development.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

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It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

This permission does not relate to the installation of any air conditioning or other similar external heating/cooling equipment associated with the development. A separate permission will be needed for any such equipment to be installed on the roof of the building hereby approved.

OFFICER'S REPORT

Site Description:

King's Health Club is a multi-storey building occupying a large site situated to the west of Kings Road. The site contains a health club and children's day nursery. The

buildings are set back from the road with an access driveway along the south site boundary. Car parking associated with the existing development is situated adjacent to the west and north site boundaries. Four tennis courts currently exist to the east of the building, projecting towards the site entrance. Leylandii trees exist on the site and offer screening of the tennis courts and other parts of the site.

A high granite wall exists to the north boundary with the elevated bungalow, Belvoir and a vehicular access has been formed adjacent to this neighbouring property, currently secured by hoarding. Residential properties to the east of the site, north of Belvoir are two/two and a half-storey dwellings. Two storey dwellings with accommodation in the roofspace exist to the east of the site, on the opposite side of Kings Road. Highfield House is a care home situated adjacent to the site access road. The property is two and a half storeys in height with a two-storey flat roof element running along the site boundary.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan. The development site, fronting Kings Road, is allocated for housing development in the Plan and the site is located adjacent to a Conservation Area. A tree that is the subject of a Tree Protection Order is situated in the existing access driveway serving Kings Health Club.

Relevant History:

June 2013 - Remove two existing tennis courts and leylandii hedge and erect 13 apartments with underground parking and construction of new roadway - Refused.

May 2014 - Appeal against refusal - Dismissed.

FULL/2015/2467 – erect 13 apartments with underground parking, new roadway and junction and remove Leylandii hedge and tennis courts – Granted and the approved development was commenced.

Existing Use(s):

21 sport and fitness (health club)

18 non-residential health/welfare services (day nursery)

Brief Description of Development:

The application relates to the removal of two existing tennis courts and the construction of a two and a half/three and a half storey building containing 17 flats and underground parking for 27 cars incorporating electric vehicle charging points and for bicycles.

The building has been designed with a pitched, slate roof, painted render exterior and timber sash windows. The east elevation to Kings Road has been designed to resemble three terrace houses. As amended, the scheme incorporates additional and

revised dormers and new balconies to a number of the proposed units and incorporates 4 x 3 bedroom units and 13 x two bedroom units.

The scheme also proposes the formation of a new access road along the north boundary served from the vehicular access adjacent to Belvoir and to the east boundary adjacent to the rear gardens of properties fronting Les Croutes. Leylandii trees along the boundary of the site are also shown to be removed.

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

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

Four letters of representation from two households have been submitted raising the following points in relation to the application as originally submitted:

- what mitigation will there be for the loss of trees?
- external lighting should be eco lighting (soft red glow with PIR detector) – the night sky here is good and there are three species of bats found in the immediate area along with nesting birds
- the development will generate noise and nuisance (dust) to surrounding residents
- the development will generate more traffic on Les Croutes
- Les Croutes should be made safer for pedestrians as the development will impact Les Croutes
- Cars driving at excessive speeds
- The developer has not discussed the removal of the existing stone wall with the owners of Belvoir and which is owned by Belvoir – it is approx. 44m in length
- The development could affect the foundations of the boundary wall and neighbouring property
- the developer has approached neighbouring residents regarding a 5m strip of garden with proposals relating to additional car parking/parking for residents. This would result in the loss of a buffer to the proposed development but if it is to happen there would be a preference for vehicular access to the garden to be provided and would offer a benefit from the development
- the loss of green space will take food from birds and bats
- it would be unfair to increase traffic on Les Croutes and for this to impact on proposals of nearby residents to create off-road parking

- will the developer require access to adjoining properties/gardens for stabilisation works?
- will the Victorian wall be affected?

Six letters of representation were submitted following the receipt of revised plans reiterating the points raised above and highlighting the following:

- although this application sees the number of flats reduced and tennis courts retained it is a scheme that still generates the same problems that were raised/dealt with at the OPM some years ago

Visual amenity

- it is not environmentally friendly to demolish a granite wall and replace it with a timber fence
- the development would result in the unacceptable loss of green space
- the density of development is unacceptably high
- the height of the development is excessive, out of keeping with properties nearby
- the scheme would ruin the view/landscape looking down Kings Road – site poles would be useful to ensure the development respects the height of others in the vicinity and to enable residents to more fully assess the scheme

Highway safety/parking

- the development would generate a significant amount of traffic in an area that is already congested and dangerous and there is no provision for visitor parking resulting in competition for on-street parking and inconvenience for residents
- this development is in addition to The Hermitage, Stanley Road, Route Isabelle, Le Foulon and on Kings Road and there has already been a noticeable, unacceptable increase in traffic
- it is not safe for pedestrians to walk in Les Croutes – it is particularly dangerous at night and at school time and the new two-way access road will not be safe with vehicles speeding along it and will increase chaos at the junction with Les Croutes
- Access and egress creates a dangerous situation because it does not recognise existing roads/entrances nearby. Speed limit signs should be installed and vehicles driven at lower speeds will generate less noise

Residential amenity

- the development will generate air and noise pollution disrupting the enjoyment of children at the Monkey Puzzle nursery – what will be done to ensure the children are not affected?
- The loss of the Victorian wall would result in the loss of noise protection to adjoining gardens and the fence will not provide rear access to the gardens (historically exists) leaving them boxed in with front access only onto the unsafe Les Croutes – it is fair for this to be requested/provided (pedestrian and/or vehicular) given the busy road that will pass along the rear of gardens

- There should be no light pollution reaching neighbouring gardens

Other matters

- A garden bat survey has indicated that there is a flight path of Pipistrelle and Natterers bats that use the green spaces behind houses in Les Croutes, gardens and the application site – an independent bat survey should be carried out and under the Animal Welfare Act it is illegal to disturb the foraging and nesting sites of native species
- There's a significant breeding population of sparrows that use the gardens and the site of the proposed road for nesting and foraging – an independent ecological report should be undertaken and native birds are protected by the Animal Welfare Act
- The Strategy for Nature is best practice so that developments like this provide a net gain for the environment – the proposed landscaping will not mitigate the loss of old trees
- A no animal companion clause should be included in lease agreements as the development/building is not animal friendly
- How do the plans accommodate extra parking for the site along with parking required for gym users
- How is there sufficient electricity load available for 17 new flats when existing residents have been denied the opportunity to switch to electric heating

La Société Guernesiaise - highlight that existing landscape features, particularly perimeter trees and hedging would be removed as part of the redevelopment and recommend that such areas are retained wherever possible.

La Societe point out that (in line with development frameworks for other sites) opportunities may exist through careful design and landscaping (including retention of natural habitat) without compromising other policy objectives.

It is recommended that the site be subject to an independent ecological assessment, prior to any clearance works, in order to assess its current biodiversity value. The findings of the survey would identify any important wildlife such as nesting birds, or site features which could host bats. This information could then be used to draw up mitigation measures to reduce the ecological impacts associated with clearing and developing the site. This would also help towards achieving a net ecological balance for the project – a priority under the Strategy for Nature.

If the application is subsequently approved, La Societe also request that any site clearance be undertaken outside of the main bird breeding season (March-July inclusive) and that the site is inspected for possible use by roosting bats. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

Finally La Societe recommend the following -

1. As much of the existing natural habitat as possible be retained

2. Any development scheme incorporate ample green space
3. The landscaping scheme include a high proportion of suitable native species
4. Appropriate bird and bat boxes be incorporated into the design (including within the buildings themselves).

Consultations:

Office of Environmental Health and Pollution Regulation – expressed concerns regarding the scheme as originally submitted due to the potential for nuisance to arise both during and post construction and request that additional information is provided:

- There is indication on the 'roof plan as proposed' at the inclusion of several air conditioning units. Further details are requested in relation to these units and evidence that the units will operate at a rating level at least 5 dB(A) below the existing LA90 background level. If these are likely to form part of a separate application this information should be stated within this submission.
- Request confirmation that there will be no mechanical ventilation system incorporated within the underground car park.
- Request an explanation be provided as to why an acoustic fence has been proposed. If this is in relation to a specific noise mitigation, then details of the acoustic properties of the fencing should be provided.

It is likely that OEHPR will be recommending conditions in relation to the submission of a Construction Environmental Management Plan and a condition to control the noise level of any air handling plant and equipment.

Further comments were submitted following the receipt of revised plans:

Construction Environmental Management Plan (CEMP)

Prior to any development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

- I A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme)
- II A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- III Details of hours of construction including all associated vehicular movements
- IV Details of the construction compound
- V A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Control of noise level of plant/machinery

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

I note that any previous reference to AC units on the main roof has been removed for the purpose of this application, and that any requirements for plant, AC units or solar panels will be subject to a further planning application. In the event that such an application should be forthcoming it is likely that this department may recommend further conditions or to seek further evidence that the above noise level stated will not be exceeded.

Traffic and Highway Services - commented on the previously approved (2015) scheme:

There are no significant Road Safety or Traffic Management grounds on which to oppose the application in its current form but it is believed that improvements could be made from a pedestrian safety perspective.

Provided certain conditions were met, the Traffic Services Unit position would remain unchanged in regard to the access design, parking arrangements and predicted vehicle movements.

It is noted ... that the internal access roadway is now straight and as a consequence has a beneficial effect on the egress, particularly of larger vehicle types, to the north – direction of Les Croutes. This aspect is welcomed by the TSU.

The sightlines that would be observed from the proposed access would meet the minimum standards required and the access road width and bell mouth radii would provide good access/egress in both directions.

The revised plans indicate access to the underground parking area via an access whose width is shown as being 2.4 metres. This would fall short of the minimum Engineering Guideline width required for single file access, of 2.8 metres. It would appear from the plans that the shortfall in access width could be satisfactorily addressed and the TSU would strongly recommend that serious consideration is given to providing an access that satisfactorily accommodates single file flow as a minimum.

The design and layout of the underground parking would appear to be satisfactory, however the 'doubling up' of spaces 6 – 13 could prove awkward

even allowing for each driver living within the same household. Whilst not ideal, in terms of traffic management, it would not be considered to be of particular significance however.

In terms of the overall parking provision, this would appear to be commensurate with a development of this scale.

The supplied plans indicate the provision of a pedestrian pavement that extends from within the development towards Rue A L'Or to the south as well as providing a pedestrian link to the north in the direction of Belmont Rd/Les Croutes junction; both of these aspects are welcomed by the TSU.

In view of the fact that the proposed development is of a slightly smaller scale than previously proposed (evidenced by reduction in parking provision), the TSU would not have any significant concerns relating to the numbers or types of vehicle movements associated with the proposed development or impact on traffic flows in the area.

It has been noted that the ramp at the eastern end of the proposed raised table would be positioned parallel with the ends of the public footpath. Whilst it is probably intended that pedestrians would cross on the plateau of the table, the blind or partially sighted may not realise this and cross to an uneven surface (the ramp). In light of this, and also noting it would be beneficial for drivers to be exiting onto the public highway from a relatively level surface, it is recommended in this instance to separate the traffic calming measure from provision for pedestrians. This would mean revising the proposal to set the raised table at least a car length back into the site and the public footpath kerbs being lowered to flush with the road surface and tactile paving being installed. However, the provision of flush kerbs in this scenario could have drainage implications and therefore discussions would need to take place with the Public Services Department Road Engineers in this regard.

Archaeology – commented on the revised scheme:

The proposed development encompasses a relatively large area at the northern end of Kings Road and La Rue a L'Or and is within an area deemed to have a high potential for archaeological remains. The site is 55m to the east of several prehistoric monuments and find spots and 130m north of an important Iron Age occupation site. The site apart from rudimentary landscaping has not been built upon or put under glass and therefore there is a higher probability for the survival of unforeseen archaeology.

Due to the proximity of known archaeological remains it would be prudent to investigate the site in advance of any groundworks. I would request that if permission was granted for the development, then a series of evaluation trenches should be excavated to determine the extent of the archaeology. In addition, an

archaeological watching brief should be maintained during the course of the groundworks.

Summary of Issues:

The key issues in this case relate to the principle of residential development in this location, highway and traffic matters, the design and appearance of the development with regard to the character and appearance of the locality and impact on residential amenity with regard to overshadowing and overlooking.

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 residential development

Planning permission has previously been granted for residential development on this site however since that time the Urban Area Plan has been superseded by the Island Development Plan. There has been a material change in the policies against which an application must be considered although the principle of residential development on this site has been accepted and the site is allocated in the IDP for housing development.

The loss of tennis courts has previously been accepted through the grant of permission in 2015. They are a private facility and are not protected from loss by planning policy in the same way as community services or educational facilities. There are no grounds on which to resist the loss of the two private tennis courts in planning terms.

Policy MC2 makes provision for housing development in the Main Centre Outer Area where all other relevant policies are satisfied and, where possible, an appropriate mix and type of dwellings can be provided. The application site is an allocated housing site identified in the Island Development Plan therefore the site can only be developed for housing. In relation to allocated housing sites a Development Framework is required for proposals of 20 or more new dwellings, sites over 0.25 hectares and proposals exceeding 2000 sqm of gross floor area. In this case, none of the thresholds are met and a Framework is therefore not required.

Visual amenity

A previous reason for refusal relating to scale, mass and impact on the character of the area was addressed and overcome as part of the 2015 revised scheme and this current proposal does not substantially alter from the 2015 approval in this respect.

On the whole, the area is residential in nature and the architectural style of the buildings generally reflects the era of their construction which ranges from traditional pre-18th century building, Regency, Victorian, Edwardian and mid-late 20th Century buildings. Highfield Care homes and Kings itself represent exceptions to this general character in terms of scale and mass. The proposed building would generally appear as a substantial two and a half storey building within the street scene (south east and west elevations), and 2 and a half storey above an undercroft along the access road, and is to be finished predominantly in render and slate. It is of a traditional design, generally with pitched roofs and sliding sash style windows.

The scheme has been developed to reduce the overall scale and mass of the building by introducing a façade to Kings Road that appears as a terrace of three dwellings. Furthermore, flat roofs are proposed hidden behind the outward facing pitched roofs in order to further manage the height, scale and bulk of the development. The site frontage is currently dominated by the existing access arrangements and part of the development site, enclosed by hoarding. The proposed development is in keeping with the form of development along Kings Road and will represent an enhancement to the existing situation on site.

The scheme has been designed having regard to its overall scale and mass in relation to surrounding built development. The scheme represents a good standard of architectural design which respects the character of other buildings in the vicinity and respects the existing built environment in accordance with Policy GP8 of the IDP. With site levels included on the drawings it is not necessary to impose a planning condition to specifically address this matter. Planning conditions may be imposed regarding external materials, large scale joinery details, details of railings and limiting additional vents/flues to the front facades of the buildings in the interests of visual amenity and to ensure the quality of finish.

The proposed substation will not have a detrimental impact on residential amenity nor the character and appearance of the locality. It will not appear as an alien feature in this urban and built-up environment and aspects associated with its external appearance/railings can be managed by condition. The existing granite wall at the entrance to the site, south of Belvoir is shown to be retained in part. Within the site, along the south boundary an acoustic timber fence is proposed along the boundary between Belvoir and the access road. This is shown to continue along the boundary with the rear gardens of properties fronting Les Croutes the timber acoustic fencing will offer privacy screening and mitigation of the vehicle movements associated with this multi-use site. If any of the boundary walls fall outside the ownership and control of the applicant then planning permission cannot permit their removal without the owners agreement. The acoustic fence should be installed

within a specified timeframe following the demolition of the wall in order to preserve the amenities of adjoining residents.

A protected tree is situated on the site which contributes to the character of the locality. The scheme has addressed this through the siting of development, landscaping around the tree and inclusion of tree protection measures which can be managed by condition.

Residential Amenity

The siting of the development is such that it will not result in overshadowing or loss of light to the occupiers of any surrounding buildings. The development is set away from the majority of other properties around the site and will not result in undue harm to residential amenity. The distance separation between the north elevation, with its staggered façade, and Belvoir house is such that the windows facing this adjoining property (primarily bedrooms and bathrooms (the latter of which can be required to be obscure glazed)) will not result in unacceptable overlooking or loss of privacy to the occupiers of this adjoining dwelling.

Concerns raised regarding the new access road are noted however, this has previously been granted planning permission and there have been no substantial changes in terms of policy considerations that would alter the conclusion that this internal access road to the development and the Kings Club site is acceptable and will not result in undue harm to residential amenity. External lighting is likely to be required to ensure the development complies with the current Building Regulations but is also a matter that can be managed by planning condition in order to mitigate the effect of lighting on residential amenity.

The development meets the aims of Policy GP8 and Annex I of the IDP with regard to internal space provision, privacy for occupiers, aspect, outlook and daylight. The occupiers of the development will not be unduly affected by the use of the external facilities at Kings Club in terms of noise/privacy and the interface between second floor balconies is acceptable subject to a condition relating to the northern edge of the balcony serving unit 6 of the building called King Charles House. The site is situated in a sustainable location within walking distance of public open space thereby offering adequate access to external open space, in addition to the external spaces and balconies proposed, when considering the aims of the IDP and Annex and the scheme is considered satisfactory in this respect. Overall the development provides accessible and adaptable accommodation able to respond to the needs of occupiers over time.

Highway and parking considerations

The existing access to Kings Club is acknowledged to form an awkward junction with the surrounding roads, and the access roadway within the site is narrowed by a Protected Tree. Highway safety matters were not a reason for refusal previously, and the Appeal Tribunal considered the proposed new access represented a net

improvement to road safety and the access itself has been installed. This meets the recommended design standards and provides a two-way access, separate from the junction with Rue a L'Or. Traffic and Highway Services have previously stated that there are no significant road safety or traffic management reasons to oppose an application for residential development on the site and in this respect the scheme meets the requirements of Policy IP9 of the IDP.

The level of off-road parking is considered satisfactory and accords with the requirements of Policies IP6 and IP7 in relation to car and cycle parking. Although designated motorcycle parking is not provided the allocated parking provision enables occupants to use the spaces in a way that suits their needs and the parking spaces could be utilised by motorcycles or cars.

Sustainable Development

The application has been accompanied by a brief Waste Management Plan which is considered to be satisfactory in this case to meet the aims of Policy GP9 in this respect. It is also noted that the development incorporates refuse storage areas.

The scheme as amended has sought to enhance the sustainable design of the development in terms of construction and has regard to maximising solar gain in developing the internal layout of accommodation. Electric vehicle charging points are also proposed within the undercroft parking area and can be required by condition. Consideration has been given to the risk of flooding that could result from the site layout in the area of the entrance to the undercroft parking and this is mitigated against through the use of SUDS surfacing (a matter that can be controlled by condition). Flood detection and drainage sump and pumps in the garage area have been included to reduce the risk of flooding in the basement itself. The design of the scheme is such that plant/equipment such as air conditioning equipment could be added at a later date and which could be used for solar panels subject to further permissions being granted. This demonstrates that consideration has been given to sustainable design with regard to Policy GP9.

Other matters

Matters relating to leases for proposed properties, the ownership of land/walls, access to adjoining land for access or negotiating access rights (pedestrian/vehicular) have been raised but these are private civil matters that cannot influence the assessment and determination of a planning application. The use of on-street parking by any members of the public (residents living in the area, visitors to the area etc.) is undertaken on a first come, first served basis. The scheme complies with the requirements of the IDP regarding parking provision and public parking in the wider area cannot affect the outcome of the application.

Matters relating to wildlife and biodiversity are also noted however the site is not situated within a Site of Special Significance or Area of Biodiversity Importance. A landscaping scheme for the site can be managed by condition and informative notes

used to highlight relevant ecological issues. In this respect, matters relating to the timing of work will need to be managed by the developer having regard to the Animal Welfare Ordinance.

Conclusions/Conditions

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

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. These issues where relevant have been considered in the assessment of this application.

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: 28 April 2023

