

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish existing building and erect 3.5 storey building to create 6 apartments with associated parking, bin store and gated vehicle access to north-east boundary (Revised Scheme).

LOCATION: 21 Charroterie, La Charroterie, St. Peter Port.

APPLICANT: Le Poidevin 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: 05/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 19-1040 PD/06A, PD/07, PD/08B & PD/ 09A; A7 Design Ltd email dated 01/08/2022.

Application Ref: FULL/2022/0645

Property Ref: A40588A000

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 first occupation of any part of the development or the completion of the development, whichever is the sooner, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed or planting schedules for all planters and unit 1 ground floor balconies;
- ii) details of the sedum roof including planting schedules;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) a landscape management plan which sets out long term management responsibilities and maintenance schedules for all soft landscaped areas and including the sedum roof.

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

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 4, 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 - In the interests of visual amenity and to help assimilate the development into its surroundings.

6.The 1.8m high privacy screens along the north-east and south-west elevations of the first and second floor balconies to the rear (north-west) elevation shall be glazed with

obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

7.The development shall not be occupied until the electric car charging points and all sustainable design features set out in the A7 Design Sustainable Development statement dated 01/08/2022 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

8.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 04/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2022/0645
Property Ref: A40588A000
Valid date: 12/04/2022
Location: 21 Charroterie La Charroterie St. Peter Port Guernsey GY1 1EQ
Proposal: Demolish existing building and erect 3.5 storey building to create 6 apartments with associated parking, bin store and gated vehicle access to north-east boundary (Revised Scheme).
Applicant: Le Poidevin Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Site Description:

The site formerly comprised of an industrial style building with a mix of granite and rendered walls, a shallow pitched and lean-to metal clad roof and it incorporated a high granite wall along the street frontage (south-east elevation). The site has since been cleared in preparation for its redevelopment, including the former industrial style building and the high granite wall along the highway. The site is situated to the north-west of La Charroterie, it is within the St Peter Port Conservation Area and Main Centre Inner Boundary and is opposite and close to protected buildings.

Relevant History:

25/01/2022 - PREA/2021/2665 – Pre-application advice regarding proposal to create 7 residential units.

05/03/2020 – FULL/2019/2563 – Permission granted to demolish existing buildings and erect a 3.5 storey building to create 4 apartments and 1 dwelling with associated parking.

Existing Use(s):

Retail use class 10: general retail

Brief Description of Development:

Planning permission is requested for a revised scheme to erect a 2½ storey building comprising of a cycle store and a two bedroom flat and a 3½ storey building comprising of two, 1 bedroom flats and three, 2 bedroom flats fronting onto La Charroterie with a hard surfaced courtyard to the rear providing parking for 4 small vehicles, vehicular access to the neighbouring property to the north-east and a courtyard for one of the flats.

The 2½ storey pitched roof building is proposed to be finished with a 'Bexhill Dark' multi-red brick façade, rendered walls to the side and rear, aluminium fenestration and a natural slate roof. The 3½ storey pitched roof building is proposed to be finished with rendered walls, aluminium fenestration and a natural slate roof.

The application is supported by a Sustainable Development statement and a Waste Management Plan.

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

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

Policy MC6: Retail in Main Centres

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

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

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Planning permission was granted to demolish the former retail building and to erect a building containing 5 residential units in March 2020 (FULL/2019/2563). As a result, the principle of the residential development of the site has already been established. The revised scheme includes a different mix of dwellings but the proposal to create four, 2 bedroom residential units and two, 1 bedroom residential units remains an appropriate mix and type of dwellings taking into account the size and constraints of the site, the character of the surrounding area and its central town location.

The site is within a Conservation Area and is opposite and close to protected buildings. In such circumstances, Policy GP8 seeks to ensure that new development achieves a particularly high standard of design and makes an effective use of land whilst respecting the character of the local built environment. Development should also give consideration to the amenities of occupiers and surrounding neighbours, provide accessibility for all and offer flexible and adaptable accommodation. Within and around the Main Centres, Policies MC2 and GP8 expect development to make the most effective and efficient use of land and for higher density developments in appropriate locations and circumstances.

The previous building which has since been demolished did not make a positive contribution to the character and appearance of the area. The layout of the development, with buildings fronting onto La Charroterie, and the overall revised design, scale and form of the development including stepping up in height between existing neighbouring buildings, narrow plot widths, vertical fenestration, pitched roofs and the palette of materials, reflects the existing local built environment. The density of the development is compatible with neighbouring developments which include high density blocks of flats. The proposal achieves a particularly high standard of architectural design and would enhance the character and appearance of the Conservation Area and the setting of existing protected buildings, in accordance with Policies GP4, GP5 and GP8.

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwellings all exceed the Guernsey Technical Standards minimum internal space standards, all of the 2 bedroom units exceed the best practice minimum internal space standards which are published on the Authority's website. The one bedroom units would meet the best practice minimum internal space standards for a one person dwelling but would fall below the best practice minimum internal space standards for a two person dwelling (proposed 41.5sqm; best practice 50sqm plus 1.5sqm built-in storage). All of the dwellings are dual aspect, including south facing glazing, and would have adequate daylight and sunlight. Levels of privacy would be similar to neighbouring properties and would be adequate given its

central town location and the character of built development in the area. All of the units have access to some form of outdoor space, either balconies or a private courtyard. Although the outdoor spaces are of limited size and quality and are mainly north facing, all of the properties also include an outlook over the public street and given the central town location and the nature of the development, the proposed provision of and access to outdoor space could be adequate in this instance. Overall, despite some deficiencies, the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

The rear balconies would result in a degree of overlooking of neighbouring properties. Privacy screens are proposed to the side (north-east and south-west) elevations of the balconies which would reduce potential overlooking of neighbouring properties. The highly developed nature of the area already affects the level of privacy currently enjoyed by neighbouring properties. No windows would directly face neighbouring properties either side (to the north-east and south-west) and the proposed development, including the rear balconies, is unlikely to result in a significant adverse effect on the level of privacy currently enjoyed by neighbouring properties.

By virtue of the layout of the development, with buildings fronting onto La Charroterie and not extending beyond the two storey extension on the neighbouring property to the north-east, the height of the proposed buildings which step up to the south-west and the layout of the rear extension and outbuildings on the neighbouring site, the proposal would not cause undue overshadowing or have a material overbearing impact on the neighbouring property to the north-east.

The development would result in a blank 3 storey gable facing towards La Charroterie Mills apartments. The gable would be set back approximately 5 metres from the windows of La Charroterie Mills. Although the development would cause some shading, the layout of the development fronting onto La Charroterie would confine the greatest impact to windows at the south-eastern end of La Charroterie Mills where the flats are also served by south facing glazing onto La Charroterie. The relationship with and distance to La Charroterie Mills is not unreasonable considering the central town location and the proposal would not have a material adverse effect on the amenities of neighbouring residents.

The development would utilise an existing access road onto La Charroterie which serves La Charroterie Mills apartments. The marginal increase in the intensity of use of the access is unlikely to have any significant adverse effects on road safety or traffic management. The proposal does not conflict with Policy IP9.

On-site car parking provision is limited but adequate for the size and type of dwellings proposed and considering the proximity of the site to the shops and services of the St Peter Port town centre. Adequate secure and covered bicycle parking is provided and the proposal accords with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is supported by a sustainable development statement which sets out how the development has been designed to take into account sustainable design principles. A Waste Management Plan has also been submitted. Overall the layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

The agent advises that internal layouts and spaces have been designed in accordance with the principles set out in the Lifetime Home Design Guide, with specific measures identified on the plans. A lift would serve unit 2 to 5 which would improve accessibility compared to the previously approved scheme. The information submitted is sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

The proposal respects the character and appearance of the Conservation Area. Given the urban character of the area and the scale of buildings in the vicinity, the development would have no impact on the setting of nearby protected monuments or buildings.

The application accords with Policy MC2 and other relevant policies of the Island Development Plan as discussed above and it is recommended that the application is approved.

Date: 01/08/2022

