

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 residential flats (revised scheme).

LOCATION: Site At, Mount Hermon, St. Peter Port.

APPLICANT: Pulse Mechanical Electrical

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: 14/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates - A220201/10B, 600C & 601C.

Application Ref: FULL/2022/0935

Property Ref: A30491A000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.No development shall begin on site until details of the chimney, dormers, portico/door surround, rear parapet and eaves cornice/fascia at 1:20 scale have been 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 of the proposed features. This condition is imposed to make sure that the design of the building does not have any adverse impact on the character of the Conservation Area.

5.No development shall begin on site until precise details of all hard surfaced areas within the curtilage of the new building have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

6.All new windows on the front (north-west) elevation shall be of vertical sliding sash design and method of opening.

Reason - In the interests of visual amenity.

7.The windows in the north-east (side) elevation at ground floor level serving the bedroom of unit 2 shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) and the lower sash of these windows shall be fixed shut and the windows shall thereafter be retained as such at all times.

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

8.No part of the building hereby permitted shall be occupied until details of the covered bicycle store has been submitted to and agreed in writing by the Authority and the bicycle store has been fully implemented in accordance with the agreed details. The bicycle store shall thereafter only be used by the occupiers of flats 2 and 3.

Reason - To encourage the use of bicycles as an alternative to the car.

9.The heat tube panels shall not be installed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the heat tube panels have been installed and made operational.

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

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

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

Expiry Date: This permission will cease to have effect on 13/12/2025 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/2022/0935
Property Ref: A30491A000
Valid date: 19/04/2022
Location: Site At Mount Hermon St. Peter Port Guernsey
Proposal: Demolish existing building and erect 3 residential flats (revised scheme).

Applicant: Pulse Mechanical Electrical

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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Reason - 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.

OFFICER'S REPORT

Site Description:

The site relates to a dilapidated derelict dwelling located to the south-east of Mount Hermon. The land drops away to the east and south and the rear garden level is approximately 2 to 3 metres below street level.

Flat developments and converted dwellings to flats are common within the area where parking is predominantly on-street. The site is in the St Peter Port Conservation Area and Main Centre Inner Boundary.

Relevant History:

12/04/2019 – FULL/2018/2104 – Permission granted to demolish existing building and erect 3 flats (revised).

06/08/2013 – FULL/2012/1647 – Permission granted to erect three flats.

29/07/2009 – FULL/2009/1877 – Permission granted to erect a building comprising of three flats.

03/07/2006 – PREI/2006/2135 – Permission granted to erect a building comprising of three flats (re-issue).

11/07/2003 – PREI/2003/1574 - Permission granted to erect a building comprising of three flats (re-issue).

28/03/2000 – PAPP/2000/0632 - Permission granted to erect a building comprising three flats.

17/09/1996 – PAPP/1996/3581 - Permission granted to erect a building comprising of three flats.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is requested for a revised scheme to demolish the existing building and to erect 3, one bedroom flats. The proposal involves a 2½-3½ storey pitched roof building (change in levels results in 2½ storey to front and 3½ storey to rear) with single and two storey flat roof sections to the rear which include a balcony at ground floor level (street level). The building is of a traditional design, similar to the adjoining neighbouring property, and would be finished with smooth rendered walls, white uPVC fenestration and a natural slate roof.

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

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

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Representations:

Two letters of representation were received, main points as follows:

- Concerns raised about the loss of privacy from balconies for neighbouring property situated within Abbey Court to the rear, south-east.
- Questions how the development will be connected to the mains drains when Mount Hermon has just been resurfaced.
- Concerns raised about the loss of a view of the townscape from a neighbouring property to the south-west.
- Concerns raised about the additional dwellings increasing the pressure on parking in the area.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.

2. Design 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. Parking provision.

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).**

The erection of a building on this site to create 3 flats was originally approved in 1996 and has been the subject of a series of reissue or revised applications, the last being in 2018 (FULL/2018/2104). The proposed revisions to the 2018 scheme include extending the rear flat roof extension at ground floor level by 1.2m with a balcony above, alterations to the internal layout of units 1 and 2, a revised covered bike store and alterations to fenestration on the side (north-east) elevation.

The site is located in the St Peter Port Main Centre and does not form Important Open Land. The limited size and characteristics of the site reduces the variety of dwellings that could be provided and as such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan.

The site is surrounded by high density development with developments of flats and dwellings converted to flats being common within the area. As a result, the use of the site for 3 flats is compatible with the character of the surrounding area.

The massing and form of the building would be 3½ storeys in height to the rear with a 2 storey flat roof extension. From street elevation, given the difference in ground levels the building would appear to be 2½ storeys. The building would have a lower ridge height than the adjoining dwelling which would mimic the stepped ridge line from Mount Hermon towards Victoria Road. Flat roof dormers would be constructed to the front similar in design and proportions to the adjoining dwelling and decorative fascia and barge board detailing and a chimney would also match the neighbouring property. The building would be constructed of rendered walls and a natural slate roof. To the front elevation there would be a small rendered wall with metal railings on the road frontage. A portico entrance to flats 2 and 3 would be provided from the street, access to flat 1 would be provided via steps to the north-east of the building, an enclosed garden area beyond would be provided for unit 1 including a small timber shed. The flat roof extension would be screened by a parapet.

Although the building would be substantially bulkier than the current dilapidated structure, the step down in ridge height and its location offers a natural end to this row of properties. It is contained within the existing site and the design is similar to the character of the dwelling to which it is adjoined and is proportionate and in keeping with this in terms of scale and massing. The development adjoins a protected building and there are other protected buildings within the area but due to its scale and design, the proposal would have no adverse effects on the setting of the protected building. The proposal would conserve the character and appearance of the Conservation Area, in accordance with Policies GP4 and GP8.

The proposal includes measures to limit privacy issues with neighbouring properties, such as fixed lower panes and obscure glazed sash windows in the side north-east elevation and the use of a 1.8m high wall to the side (north-east) elevation of the unit 2 balcony to the rear. Although the unit 2 balcony extends 1.2m closer towards neighbouring properties to the south-east, the distance between the unit 2 balcony and neighbouring properties to the rear (south-east) is sufficient to prevent undue overlooking within this highly developed urban setting. The proposal would have no material adverse effects on the amenities of neighbouring residents.

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 amenities provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

All of the dwellings substantially exceed the Guernsey Technical Standards minimum internal space standards and they all exceed the best practice minimum internal space standards which are published on the Authority's website. Unit 1 would provide adequate privacy, daylight, sunlight and external space although it is noted that the privacy of the windows in the side (north-east) elevation would be affected by the use of the bike and bin store by occupiers of units 2 and 3. The outlook of unit 1 would be limited due to its lower ground location and the scale of boundary walls and neighbouring development. Unit 2 would provide adequate privacy, daylight and sunlight and includes a small balcony to the rear. The outlook of the unit would be limited due to the front windows serving a bathroom and hallway, the bedroom being served by obscure glazed windows and the scale of boundary walls and neighbouring development to the rear. Unit 3 would be dual aspect and would provide adequate privacy, daylight, sunlight and a good outlook. Although no external space is provided, this would be partially offset by the good outlook from the unit over the townscape to the rear and the street to the front. Overall, despite some deficiencies, given the central town location and the nature of the development, the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Concerns have been raised about the increased pressure on existing on-street parking as a result of the development. The scheme includes provision for bicycle storage for the flats and considering the nature of the development (3x1 bed flats) and its proximity to the services and amenities of St Peter Port (within walking distance), in this case the provision of on-site parking is not required. The creation of 3x1 bed flats is unlikely to have a significant impact on road safety and traffic management and the proposal accords with the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance and Policies IP6 and IP7.

The agent advises that the proposal will meet Building Regulations with an improved thermal envelope, the property will benefit from solar gain through generous glazing in the south elevation and heat tubes are proposed at first floor level. Whilst limited, the information submitted is sufficient to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

With regards to the comments in the representations, how the property is to be connected to the main drains is not a material planning consideration and drainage will be assessed where necessary at the Building Control stage. The loss of a private view of the townscape is not a material planning consideration. The 2 storey flat roof element to the rear would project above the existing south-west boundary wall by a marginal amount and would have no adverse effects on the amenities of neighbouring residents.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 14/12/2022

