

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 dwelling and erect two dwellings with associated landscaping and create vehicle accesses and parking.

LOCATION: The Haven, Les Croutes, St. Peter Port.

APPLICANT: R W Martel Ltd

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 07/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 22-1425 PD/01A, 02B & 03B

Application Ref: FULL/2022/1587

Property Ref: A309240000

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 a full elevation of the new boundary wall to the north boundary, together with a block plan demonstrating the provision of satisfactory sightlines from the access hereby approved, 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 feature. This condition is imposed to make sure that the wall is of appropriate height and would not have any adverse impact on the character of the Conservation Area or neighbour amenity and to ensure satisfactory sightlines are achieved from the new access.

5.The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid and the electric vehicle charge points have been installed in accordance with the approved details.

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

6.Prior to the completion of the development or occupation of any part of the development hereby approved, whichever is sooner, the planters shown forward of the dwellings shall be fully completed, in accordance with the approved plans. The planters shall thereafter be retained in perpetuity.

Reason - To protect the character of the Conservation Area and to prevent the expansion of the parking areas in the interests of road safety.

7.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.

8.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), the hardsurfacing on the driveway/parking areas forward of the buildings at the site shall be laid as approved and shall at no time be extended.

Reason - A limitation on the extent of hardsurfacing is required to protect the character of the Conservation Area and in the interests of road safety.

Expiry Date: This permission will cease to have effect on 06/02/2026 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/2022/1587
Property Ref: A309240000
Valid date: 29/07/2022
Location: The Haven Les Croutes St. Peter Port Guernsey GY1 1QJ
Proposal: Demolish existing dwelling and erect two dwellings with associated landscaping and create vehicle accesses and parking.

Applicant: R W Martel Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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

4. No development shall begin on site until a full elevation of the new boundary wall to the north boundary, together with a block plan demonstrating the provision of

satisfactory sightlines from the access hereby approved, 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 feature. This condition is imposed to make sure that the wall is of appropriate height and would not have any adverse impact on the character of the Conservation Area or neighbour amenity and to ensure satisfactory sightlines are achieved from the new access.

5. The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid and the electric vehicle charge points have been installed in accordance with the approved details.

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

6. Prior to the completion of the development or occupation of any part of the development hereby approved, whichever is sooner, the planters shown forward of the dwellings shall be fully completed, in accordance with the approved plans. The planters shall thereafter be retained in perpetuity.

Reason - To protect the character of the Conservation Area and to prevent the expansion of the parking areas in the interests of road safety.

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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.

8. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), the hardsurfacing on the driveway/parking areas forward of the buildings at the site shall be laid as approved and shall at no time be extended.

Reason - A limitation on the extent of hardsurfacing is required to protect the character of the Conservation Area and in the interests of road safety.

OFFICER'S REPORT

Site Description:

The application site is located to the west of, and slightly below the level of, Les Croutes. The former dwellinghouse at the site was an extended 1.5 storey dwelling attached to the dwelling to the south and set back from the roadside. The dwelling however suffered fire damage and has been demolished. The property did not benefit from vehicular access or parking. The roadside boundary was formed by a low wall, scalloped up to the north and to either side of the pedestrian access. Part of that wall has now been demolished to provide site access, and a ramp has been formed into the site. No permission has been granted for the works which have been undertaken at the site.

To the north of the site there are a pair of semi-detached two storey flat roofed dwellings, with a terrace of two storey dwellings beyond, lining the western side of Les Croutes. The adjacent property is separated from the application site by c2m timber fencing. To the west the site borders the residential properties at Infinity Crescent, the boundary formed by a continuation of the fencing. A tree remains adjacent to that boundary. To the south the previously attached two storey dwellinghouse remains, with the gable of the dwelling and a wall running along the boundary. Across the road to the east is a further dwellinghouse and associated amenity space, separated from the road by a granite wall with fencing above.

The site is located within the St Peter Port Main Centre Outer Area and Conservation Area in the Island Development Plan.

Relevant History:

None relevant.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

The application initially proposed the retrospective demolition of the existing dwelling and construction of a pair of semi-detached 3 bed dwellings, each served by a separate access and parking area to the front and amenity space to the rear. Cycle storage is proposed within sheds to the rear of the property.

Following deferral the following alterations have been proposed to the scheme:

- Redesign of the rear elements of the buildings, from a double gable to a perpendicular gable;
- Reduction in the size of the roadside openings;
- Reduction in the parking provision to a single space per dwelling, and an increase to planting areas forward of the buildings.

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

MC2	Housing in Main Centres and Main Centre Outer Areas
GP4	Conservation 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:

One letter of representation has been received requesting sight of 3D visualisations to show potential overshadowing. Following review of the revised plans, the author confirms that the shadowing on the analysis is accurate and that they are informed that there will not be a significant impact to the main seating areas associated with the adjacent property.

Consultations:

Traffic and Highway Services commented on the initial submission as follows:

The site adjoins a one-way Neighbourhood Road within the Town 25mph speed limit cordon. There is considered to be no significant speed reducing features on approach to the access and therefore the 33m minimum sightline standard is recommended.

The proposals seek to create 2 accesses to accommodate 2 parking spaces for each unit. The level of parking does not exceed the maximum standard for a property located within the Main Centre Outer Area.

The layout of 3 of the 4 spaces would encourage drivers to reverse in and exit forward facing. There would be no onsite turning points but this is not considered to be a significant issue given the layout and categorisation of this portion of Les Croutes as a Neighbourhood Road.

The sightline in the direction of oncoming traffic for the driveway/parking area serving unit A would be a maximum of circa 10m. This measurement accounts for the driver line along Les Croutes being influenced by the slight bend to the north and

the footpath on the western side of the road at that point. The sightline would be limited due to the height of the northern boundary wall and there is also a risk that a vehicle parked in the space closest to the planter could obstruct the sightline for drivers attempting to exit the other space.

The sightline in the direction of oncoming traffic for the driveway/parking area serving unit B would be a maximum of circa 25m taking into account the driver line as detailed in the above paragraph. The sightline would be limited due to the height of the northern boundary wall and there is also a risk that a vehicle parked in the space closest to the planter could obstruct the sightline for drivers attempting to exit the other space.

Taking into account the above, the proposals create no traffic management concerns but there are road safety grounds to oppose the application in its current form due to the substandard sightlines and particularly so for Unit A where it would fall significantly short of the recommended minimum standard.

Summary of Issues:

Principle of development;
Design and impact on the character of the Conservation Area;
Amenity of the proposed units;
Provision of access and parking;
Impact on neighbour amenity;
Sustainable development.

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).**

Principle of development

The proposal is for 2no three bedroom dwellings. Whilst this does not comprise a mix of housing types, it does address one of the most significant needs in terms of identified housing requirements and would be acceptable in this case.

Design & impact on the character of the Conservation Area

Policy GP8 (Design) sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment. In this case the proposal must also accord with the requirements of Policy GP4 (Conservation Areas), and meet the statutory duties in respect of Conservation Areas.

The application site is visible for a short section of Les Croutes from the north-east, from in front of the site, and from the south-west, and the new dwellings may be glimpsed from Route Isabelle from the south-west, however the surrounding built form will generally restrict views from that direction. Approaching the site along Les Croutes from the north, the road is enclosed by a traditional terrace fronting on to the road to the east and high boundary treatments or the gables of dwellings to the west. To either side of the application site the building line steps back from the road, with low roadside walls. Taking into account the age, design and detailing of the properties in the immediate area, the character of this particular part of the Conservation Area is mixed.

The proposed dwellings would represent an increase in height over the former dwelling at the site, and the surrounding properties. Buildings in this area however take a variety of forms, with varying ridge heights, and, in this respect, the proposed dwellings would not be out of character. Furthermore, the increased building height would represent a more efficient and effective use of land. The orientation to the road would also differ from the dwelling formerly on the site, and the adjacent dwelling to the south. Taking into account the arrangement of the properties to the north, it is however considered that this would not have a significant adverse impact. The design of the dwellings themselves is well composed. On balance, the proposed buildings would achieve an appropriate standard of design which would respect the character of the Conservation Area.

A noticeable feature of this part of the Conservation Area is that there is little parking within property frontages, as the terraced dwellings to the north are built on the roadside and the roadside walls at the application site and its neighbours were, until the unauthorised works at the application site were undertaken, continuous with only pedestrian openings. These roadside walls are simple low structures which, whilst not forming a particularly strong defining feature, do form part of the character of this part of the Conservation Area, together with the planted garden spaces behind them. As initially proposed, the application sought to remove c10m of roadside wall and to create a large area of hardsurfaced parking within the property frontage. This was judged to have an adverse impact on the character of the Conservation Area. Following deferral, the size of the openings in the roadside wall and the extent of hardsurfacing have been reduced. On balance, the amendments made are considered sufficient to overcome the concerns relating to the impact on the character of the area.

Overall, the proposed dwellings would achieve an acceptable level of design which would not have an adverse impact on visual amenity or the character of the Conservation Area.

The buildings are designed to Lifetime Homes standards, including level thresholds, relevant clear zones and an adaptable layout to address requirements of various abilities or to allow for aging in place. The revised plans provide for pedestrian access from the highway to the dwellings.

Amenity of the proposed units

The proposed dwellings would be served by adequate external amenity space, and the arrangement of the adjacent properties and nature of the boundary treatments would prevent any significant overlooking of those spaces.

Provision of access and parking

Policies IP9 (Highway Safety, Capacity and Accessibility) is relevant with respect to the impacts of the proposed new accesses on road safety and traffic management. As set out above, in respect of the proposals initially submitted, Traffic and Highway Services found that the principle of parking, and the adoption of a layout which did not permit turning on site, did not raise traffic management concerns, however it was identified that sightlines from the accesses would be impeded by the north site boundary wall and potentially by other vehicles parked at the site. The reduction of parking proposed under the revised scheme would limit the impacts of the latter point. It is however recommended that the decision be conditioned to require the retention of the planters as shown, and to prevent the enlargement of the hard surfaced parking areas to ensure that the parking is not increased without planning permission. The amended plans also state that the wall is to be rebuilt at a lower height to improve visibility. No details are however provided of this work. Subject to the provision of details demonstrating that acceptable sightlines can be achieved from the proposed accesses, and details of any associated works to boundary features, the proposal would address the road safety concerns raised.

The application must also accord with Policy IP7 (Private and Communal Car Parking) and with the requirements of the Parking Standards. The Parking Standards set out a maximum parking provision of 2 parking spaces per dwelling of the size proposed under this application. The proposed parking provision therefore falls within the maximum parking standards.

Cycle storage is proposed within sheds to the rear of each dwelling.

Impact on neighbour amenity

The site is bounded by residential properties to the north, south and west, and across the road to the east.

The positioning and design of the proposed dwellings, and arrangement of the adjoining properties to the south and west, would prevent any significant impacts on the amenity of those properties.

Whilst the increased height of the buildings may result in additional views into the amenity space associated with the adjacent property across the road to the east, this would be at an angle and a distance of 11m, and is a common relationship within the urban area, where density of development is generally higher.

The proposals would result in the increased bulk and massing of built form, in closer proximity to the boundary, with the property to the north. Concerns were raised in respect of potential overshadowing from the scheme as originally submitted. The shadow analysis submitted in respect of the revised scheme demonstrates that the former dwelling at the site caused negligible overshadowing of the rear amenity space of the adjacent property to the north. The revised dwellings proposed under the current application would not cause any notable overshadowing to the majority of the external amenity space associated with the adjacent dwelling, however would cause some overshadowing of the patio area immediately to the rear of that dwelling in the middle of the day during the shoulder months. Taking into account the limited area and times of overshadowing, together with the fact that comments have been received from the current occupant of the adjacent property which do not raise concerns regarding the potential for overshadowing, it is considered that the level of overshadowing generated is not sufficient to warrant refusal of the application. There would be no overlooking of this property. No heights are provided of the proposed wall along the north boundary and details should be required by condition.

Overall the revised proposals are considered to limit the extent of impact on adjacent properties to a level which is acceptable under policy.

Sustainable development

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency, including the orientation of the buildings, design of the built form, positioning of fenestration and layout of accommodation, and the current Building Regulations in accordance with Policy GP9 (Sustainable Development). All hardsurfacing will be of permeable materials. No renewable technologies are proposed, however electric vehicle charge points are to be installed. The decision should be conditioned to require submission of details where necessary, and implementation of these features.

A Waste Management Plan has been submitted in accordance with the Planning Advice Note entitled Site Waste Management Plans, although not a policy requirement in this case and therefore it is not proposed to condition the decision to require further information in respect of this Plan.

Conclusion

The proposed development is for two three bedroomed dwellings. Analysis of the KPMG Guernsey Housing Market Review (2017) and the Annual Housing Stock Bulletin (2019) demonstrates that this provision would accord with the identified requirement for housing in the Island and the application would therefore comply with Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

The detailed design of the amended scheme accords with Policies GP4 (Conservation Areas), GP8 (Design), GP9 (Sustainable Development), IP6 (Transport Infrastructure and Support Facilities), IP7 (Private and Communal Car Parking) and IP9 (Highway Safety, Accessibility and Capacity), as set out above, and consequently it is recommended that the application be approved, subject to the identified conditions.

Date:

02/02/23

