

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 4 dwellings with associated parking and landscaping. (Revised).

LOCATION: Linden Grove, Nocq Road, St. Sampson.

APPLICANT: Mr M & Mr D Dorey

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: 17/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP drawing no's: 3170-DR-01A, -02F, -04B, -05B, -06B, -07B, -08C & -09C.

Application Ref: FULL/2022/2258

Property Ref: B003790000

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, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of all buildings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings and takes into account flood risk.

5.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting; and
- ii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in the interests of visual amenity.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, 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 make sure that a satisfactory landscaping scheme for the development is agreed, in the interests of visual amenity.

7. Prior to the first occupation of unit 4, the first floor window in the south-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 minimise the effect of the development on the privacy and amenities of nearby residents.

8. No part of the development hereby permitted shall be used or occupied until the bicycle storage sheds have been fully implemented.

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

9. No part of the development hereby permitted shall be used or occupied until the proposed flood defences have been fully implemented.

Reason - To ensure that the development has been designed to take into account and be resilient to flooding.

10. The solar 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 solar panels and electric car charging points and all other sustainable design features 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.

Expiry Date: This permission will cease to have effect on 16/10/2026 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/2022/2258
Property Ref: B003790000
Valid date: 06/12/2022
Location: Linden Grove Nocq Road St. Sampson Guernsey GY2 4PA
Proposal: Erect 4 dwellings with associated parking and landscaping.
(Revised).

Applicant: Mr M & Mr D Dorey

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.

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4. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of all buildings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings and takes into account flood risk.

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

INFORMATIVES

OFFICER'S REPORT

Site Description:

The site comprises of a detached two storey pitched roof dwelling situated on a good sized plot and to the north-east of Nocq Road. The site is in the Bridge Main Centre Inner Boundary and Leale's Yard Regeneration Area.

Relevant History:

12/10/2022 – PREA/2022/1701 – Pre-application advice regarding erect four dwellings.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is requested to erect a terrace of 4 dwellings to the rear of the existing dwelling. The dwellings would comprise of 2, three bedroom houses; 1, two bedroom flat; and 1, three bedroom flat. The dwellings are proposed to be of a two storey pitched roof design with rendered walls, uPVC fenestration and a 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 MC11: Regeneration Areas
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 and impact of the development on the character and appearance of the 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, traffic management and parking.

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).**

Whether the principle of new housing is acceptable

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Inner Boundary and does not form Important Open Land. Policy MC2 therefore supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to the site provides an appropriate mix and type of dwellings.

Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 and 3 bedrooms. The proposed mix and type of dwellings broadly reflects current housing need and is considered to be appropriate, taking into account the size and nature of the site and the character of the surrounding area.

Design and impact of the development on the character and appearance of the area

The site is bounded to the south-east and north-west by residential properties and to the north-east by the Leale's Yard development site. Existing properties in the area consist of a mix of sizes and architectural styles. The proposed dwellings are multi-storey, which is encouraged by Policy GP8 as a means of making a more efficient use of land.

The overall design, scale, form and materials of the proposed dwellings broadly reflect existing properties within the area. Considering the urban setting of the site, within the Bridge Main Centre Inner Boundary and backing onto the Leale's Yard development site to the north-east, the backland form of the development and the overall density of the site is appropriate. The proposal achieves a satisfactory standard of architectural design and would have no significant adverse effects on the character and appearance of the area, in accordance with Policy GP8.

The impact of the development on the amenity of people living in the area

The proposed dwellings are set back from the existing dwelling and the proposed arrangement of fenestration will prevent privacy issues with the existing dwelling. The proposed dwellings include 1st and 2nd floor windows in the south-east and north-west elevations which face towards neighbouring properties. However, the windows in the north-west elevation are set back a minimum of 10m from neighbouring properties which will reduce the degree of overlooking in this direction. To the south-east, the windows will overlook the car park of the neighbouring property and is therefore unlikely to result in any significant loss of privacy.

Overall, the proposed dwellings will have some adverse effects on the amenities of neighbouring residents due to the 1st and 2nd floor windows in the south-east and north-west elevations. However, the degree of harm is unlikely to be sufficient to have a material adverse effect on the amenities of neighbouring residents.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

The proposed dwellings substantially exceeds the Guernsey Technical Standards minimum internal space standards and they exceed the best practice minimum internal space standards which are published on the Authority's website. The dwellings are all dual aspect and would have adequate daylight and sunlight. Details of landscaping for the planters can be requested to ensure that adequate privacy is provided for the ground floor flat, this can be dealt with by condition. All of the dwellings have access to some form of outdoor space, most of which is adequate for the nature and size of the dwellings they would serve. The outdoor space for unit 3 is of limited size and quality for a 3 bedroom property and is detached from the dwelling itself, but the dwelling would have an outlook over surrounding properties 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, the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Road safety, traffic management and parking

In total 6 on-site parking spaces are provided for the existing and 4 proposed dwellings which is adequate in this Main Centre location considering the proximity of the site to the shops, services and public transport network of the Bridge. A shed for bicycle storage is provided for each of the dwellings. Sightlines from the existing access are limited due to the height of the roadside wall and pillars. However, as set out in the Traffic Engineering Guidelines for Guernsey, the Nocq Road highway is classified as a Neighbourhood Road where the functional emphasis is primarily one of access to individual properties and provision for vulnerable road users. Due to the low traffic flows along Neighbourhood Roads, the control of frontage activities is not important and a greatly relaxed regime of traffic management is permissible. In this case, due to the nature of the highway, despite the deficiencies in the sightlines, the modest increase in the intensity of use of the access is unlikely to result in any significant road safety or traffic management concerns. The proposal accords with Policies IP6, IP7 and IP9.

Other matters

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 agent sets out how the development has been designed to take into account sustainable design principles including highly energy efficient and air tight buildings to at least meet current Building Regulations, the installation of solar panels and electric vehicle charging points. The rear section of the site is located within a 1:50, 1:100 and 1:250 year flood risk area. To address the potential flood risk the agent advises that the dwellings will be lifted by 300mm, it is noted that the masonry boundary walls would provide good short term protection and a flood barrier is proposed at the entrance to the site. Overall the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources and has been designed to be resilient to flooding, in accordance with Policy GP9.

The site is within the Leale's Yard Regeneration Area. The site did not form part of the outline planning application for the Leale's Yard Regeneration Area (OP/2022/0761) and due to the layout and nature of the proposed development and the sites location on the southern edge of the Regeneration Area, the proposal would not inhibit the wider development of the Regeneration Area. The use of the site for housing accords with the approved Development Framework and the proposal accords with Policy MC11.

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: 13/10/2023