

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 commercial storage building and erect 2 residential dwellings with associated landscaping.

LOCATION: Linwood, Brock Road, St. Peter Port.

APPLICANT: Mr J Gamble

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: 19/05/2023

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

Drawing Nos: A7 Design Ltd: 19-1061 PD/01 & PD/02A.

Application Ref: FULL/2022/2391

Property Ref: A202700000

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 other development at the site, excluding demolition, the wall hereby approved along the west boundary of the site shall be constructed as approved.

Reason - To define the site boundaries and protect the amenity of adjoining residential properties.

5.The first floor windows in the south elevations of the dwellings hereby approved and the associated screening features shall be installed as approved prior to the occupation of the associated dwellinghouse. The windows shall remain as approved and the screening features shall thereafter be retained at all times. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

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

6.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 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.

7.The dwelling hereby permitted shall not be occupied until full details of the photovoltaic panels have been provided and those 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.

8.The dwellings hereby permitted shall not be used or occupied until the agreed scheme for cycle storage has been fully implemented. The provision for cycles shall be retained at all times.

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

Expiry Date: This permission will cease to have effect on 18/05/2026 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/2022/2391
Property Ref: A202700000
Valid date: 12/12/2022
Location: Linwood Brock Road St. Peter Port Guernsey GY1 1RR
Proposal: Demolish commercial storage building and erect 2 residential dwellings with associated landscaping.

Applicant: Mr J Gamble

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.

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.

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constructed as approved.

Reason - To define the site boundaries and protect the amenity of adjoining residential properties.

5. The first floor windows in the south elevations of the dwellings hereby approved and the associated screening features shall be installed as approved prior to the occupation of the associated dwellinghouse. The windows shall remain as approved and the screening features shall thereafter be retained at all times. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

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

6. 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 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.

7. The dwelling hereby permitted shall not be occupied until full details of the photovoltaic panels have been provided and those panels have been installed and made operational.

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

OFFICER'S REPORT

Site Description:

The application site is located to the rear (east) of a property known as Linwood and the adjacent residential properties fronting on to Brock Road, and has pedestrian access from that road between Linwood and the adjacent property to the north. To the north the site is bounded by the gardens of the roadside properties, and benefits from pedestrian access along the rear of those gardens from the land to the north-east. To the south the site is bounded by a further residential property, to the south of which is the Ebenezer development site, and to the east is a further residential development site.

The dwellinghouses to the south of Linwood, and Ebenezer Church itself, are protected buildings, although the intervening boundaries do not form part of the listing.

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

Relevant History:

Pre-application advice regarding erection of new dwellings.

Existing Use(s):

Storage building.

Brief Description of Development:

Permission is sought to erect two new 2 storey 2 bed semi-detached dwellings, with private amenity spaces incorporating two sheds for each dwelling to the south. A wall would be constructed along the new boundary with Linwood.

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

MC2	Housing in Main Centres
MC5(C)	Industry, Storage and Distribution Uses in Main Centres – Change of Use
GP4	Conservation Areas
GP5	Protected Buildings
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and communal car parking

Representations:

None received.

Consultations:

None undertaken.

Summary of Issues:

Principle of development;
Design & 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

Policy MC5(C) supports the change of use away from existing storage uses where the alternative use contributes positively to the vitality and viability of the Centre. The site is located in a predominantly residential area, and the proposed use would be more appropriate to this setting, whilst contributing to the viability of the Centre through the provision of additional accommodation.

The proposal is for 2no two 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 respect of Policy MC2.

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 Policies GP4 (Conservation Areas) & GP5 (Protected Buildings), and meet the statutory duties in respect of protected buildings and Conservation Areas.

The application site is located behind the terraced roadside development and would not be visible from Brock Road. Whilst there may be glimpsed views from the shared

areas within the Grange Mews and Ebenezer sites to the south and east, and at a distance from the north, the proposed buildings would be of limited impact in these views and would read as part of the surrounding development.

Taking into account the position of the dwellings, the form, design and materials proposed, the development would achieve an appropriate standard of design which would respect both the character of the Conservation Area and the setting of adjacent protected buildings.

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.

Amenity of the proposed units

The proposed dwellings have been designed to maximise outlook from and sunlight to the living spaces and 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. The occupants of Unit B would have to cross in front of the kitchen window to Unit A to access that property, however the window has been set back from the direct line of travel, is high level and there is sufficient space to prevent significant impacts on privacy.

The proposed bedrooms would each be served by either one or two rooflights, together with a window in the south elevation. As initially proposed there were concerns regarding overlooking of the property to the south from the windows. In amending the scheme to address these concerns, the outlook from and daylight to the proposed windows have been compromised. Taking into account the additional light and ventilation provided by rooflights, the low standard of amenity achieved by these bedrooms is not considered to warrant refusal of the application.

Provision of access and parking

The dwellings would benefit from pedestrian access only, with no vehicular access to the property. Given the sustainable location of this site, within the Main Centre and therefore in close proximity to facilities and bus routes, the provision of parking is not a requirement in this case.

Cycle storage is proposed within sheds to the rear of each dwelling, which would be accessible along the side of each dwelling and from the pedestrian routes from the surrounding roads. Provision of such storage can be controlled by condition.

Impact on neighbour amenity

The site is bounded by residential properties in all directions.

The proposal would be partially located within the amenity space associated with the roadside dwelling, however would retain sufficient amenity space associated with that property, and includes the construction of a boundary wall to maintain the privacy of that space, which can be controlled by condition.

The proposed dwellings would replace an existing two storey structure. Taking that into account, together with the positioning and design of the proposed dwellings, and the location of fenestration, with the exception of the first floor fenestration to the south elevation, the proposals would not have any significant impacts on the amenity of the adjacent properties.

The southern elevations of the proposed dwellings would be located c7m from the south boundary of the site, which adjoins a residential property. As initially proposed, there were concerns that the proposed first floor fenestration would overlook the adjacent property. Following deferral, the scheme has been amended to incorporate design features which would either redirect views away from, or obscure views into, the adjacent property. Subject to the installation of these features, the amended design would not result in any overlooking of the adjacent property. The proposed features would not have any adverse impact on the appearance of the buildings or the character of the area, and impacts on amenity have been addressed above.

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). Whilst not specified on the submitted plans, the covering letter states that all hardsurfacing will be of permeable materials, and this can be controlled by condition. No renewable technologies were initially proposed, however, following deferral, solar PV panels are proposed to the west elevation of each unit. There is no detail of those proposed to Unit B, however this can be controlled by condition.

The proposed development would be partially located within the amenity space of an adjacent property, and would result in the loss of a grassed area and two trees. These elements would not provide significant biodiversity contributions and, whilst the planting proposed under this application is unlikely to compensate for the loss of these elements, the overall impact on biodiversity would not be significant.

A Waste Management Plan is not a policy requirement in this case.

Conclusion

The proposed development is for 2no two bedroomed dwellings, in accordance 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) and IP7 (Private and Communal Car Parking), as set out above, and consequently it is recommended that the application be approved, subject to the identified conditions.

Date: 18/05/23