

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 dwelling.

LOCATION: Seaview (Garden Plot), Arcade Steps, St. Peter Port.

APPLICANT: Mr T Leech

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: 22/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6337/A/2

Application Ref: FULL/2023/0082

Property Ref: A30086A000

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.

5.No development shall begin on site until further details of the windows 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 windows. This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

6.No development, including site works, shall begin on site until such time as full details of the way in which surface water is to be disposed of from the site have been submitted to and agreed in writing by the Authority.

Reason - To make sure that the site can be drained in a satisfactory way.

7.No dwelling or building shall be occupied or used until such drainage works as are needed for that dwelling or building have been completed, in accordance with the details agreed under the above condition.

Reason - To make sure that the drainage works are completed in a satisfactory way.

Expiry Date: This permission will cease to have effect on 21/03/2026 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/2023/0082
Property Ref: A30086A000
Valid date: 05/01/2023
Location: Seaview (Garden Plot) Arcade Steps St. Peter Port Guernsey
GY1 1JZ
Proposal: Erect dwelling.

Applicant: Mr T Leech

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).

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.

5. No development shall begin on site until further details of the windows 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 windows. This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

6. No development, including site works, shall begin on site until such time as full details of the way in which surface water is to be disposed of from the site have been submitted to and agreed in writing by the Authority.

Reason - To make sure that the site can be drained in a satisfactory way.

7. No dwelling or building shall be occupied or used until such drainage works as are needed for that dwelling or building have been completed, in accordance with the details agreed under the above condition.

Reason - To make sure that the drainage works are completed in a satisfactory way.

OFFICER'S REPORT

Site Description:

The site is located at the top of the Arcade Steps, situated to the west of the Commercial Arcade. The site is elevated above the townscape below, and currently comprises of the residential garden for the adjacent dwelling, Seaview. The garden is separated from the dwelling by the pedestrian access from Arcade Steps to Clifton, and currently accessed through an existing pedestrian gate.

There is an existing raised section to the north of the site, which is approx. 2m higher than the rest of the garden and is currently accessed by steps.

The site is within the Main Centre Inner Area and St Peter Port Conservation Area as defined in the Island Development Plan. The Arcade Steps are also Protected Monument.

Relevant History:

Previously approved applications:

FULL/2012/0274- Erect a dwelling on the plot of land north of Seaview

2009/0130- Erect a dwelling (re-issue)

2006/0369- Erect a dwelling (re-issue)

2003/3610- Erect a dwelling

Existing Use(s):

01 Residential garden in association with the residential use of Seaview

Brief Description of Development:

The application is for the erection of a new dwelling within the existing garden of the adjacent dwelling, Seaview. The proposed dwelling is accessed by the existing pedestrian access from Arcade Steps and is white render with clay pantiles over. The dwelling is two storey, with two bedrooms and bathroom at first floor, with kitchen and open plan lounge/dinner at ground floor. The dwelling is set adjacent to the western boundary, with a small patio and garden to the south and east with a raised garden to the north.

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

MC2 -Housing in Main Centres and Main Centre Outer Areas

GP4- Conservation Areas

GP6 -Protected Monuments

GP8 -Design

GP9 -Sustainable Development

IP6- Transport Infrastructure

Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment.

Representations:

Two letters of representation from neighbours have been received and raise concerns over the access to the private road to which they believe the applicants have no vehicular right of access or connection to utilities.

The neighbours also request a construction management plan.

Consultations:

N/A

Summary of Issues:

The key considerations are:

- The principle of development

- The design of the proposal and amenity issues
- The impacts on heritage assets

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The principle of development is acceptable, as IDP Policy MC2 supports new housing development in Main Centres, subject to accordance with all other relevant policy considerations of the IDP.

Design & Character

The site is located within the St Peter Port Conservation Area and located on the upper tiers of the slopes which comprise the hillside town. The character of development in this area composed by tall, narrow buildings with a vertical emphasis, high solid: void ratio and use of a small palette of materials, and small dormer windows.

IDP Policy GP8 considers that development should achieve a good standard of design which respects and where appropriate enhances the character of the environment. The proposed development is of a similar scale and design to Seaview, relatively narrow and two storey, and replicates the vertical window emphasis of many buildings in the vicinity.

A condition relating to the proposed windows has been added to the consent to ensure that a suitable design is used which respects the local character and Conservation Area setting.

The materials are considered compatible with the surroundings and will allow the development to blend comfortably into the setting. The spacing between the proposed and existing dwellings is acceptable in relation to the existing dense pattern of development.

Lifetime Home standards have been considered, however, given the pedestrian only access via steps to the front garden and location at the top of a steep set of steps providing town centre access, the full requirements have not been included in the design which is, on balance, acceptable given the site access constraints.

Amenity

The proposed first floor windows in the south elevation face directly onto the neighbour at Seaview with a separation distance of only 4.5m between the dwellings. However, there are no windows within the neighbour's facing elevation

and so no significant harm in terms of overlooking is expected. The proposal results in a good level of outlook for the future occupants.

As a result of the development, the occupants of Seaview will lose their outdoor amenity space, this is not exceptional as residential development within the town centre often is unable to benefit from the same extent of amenities as a dwelling located Outside the Centres due to the tighter grain of development.

In terms of internal space, the proposed dwelling has a combined kitchen, living, dining and bathing space provision of 27.63m² which meets the minimum size (27m²) for a 4 person dwelling. The two bedrooms proposed provide a total sleeping accommodation of 17.7m² which is only sufficient for 2 people (12m²), as the minimum for 3 people is a total of 19m². This means that the proposed dwelling is only adequate in terms of space standards for occupation by 2 people, when considered against the Guernsey Technical Standards G7. However, it is not considered appropriate or enforceable to condition the use of the dwelling by only two people.

By contrast, the proposed dwelling would fail to achieve the UK's DCLG minimum space standards, as neither bedroom is large enough to be considered a double bedroom, and the standard requires a dwelling with two or more bedspaces to have at least one double bedroom. In addition, under the UKs standards, the two-storey dwelling would require a total internal floor area of 70m² to be used as a two-bedroom dwelling for 3 people. The total internal floor area is approx. 60m² which slightly exceeds the requirement of 58m² for occupation by 2 people. However, the DCLG standards are not adopted and are only used as a measure of best practice within Guernsey. The Guernsey Technical Standards provide the required space standards, and it is these minimum standards which must be met by the application to be considered acceptable.

In summary, the proposal meets the minimum requirements under Guernsey Space Standards for a two person dwelling, with small bedroom but more spacious living accommodation adequate for 4 person occupation. The dwelling does not appear to readily achieve Lifetime Home standards, but its lack of car parking and location adjacent to the steep steps into town means that some aspects of this requirement cannot be achieved.

Despite the relatively small internal standards, the proposed dwelling benefits from private outdoor amenity space, good outlook with good levels of daylight/sunlight and privacy. It is therefore considered, on balance to be acceptable in relation to Annexe 2 of the IDP.

Impact on historic environment

The site is located within the St Peter Port Conservation Area, the proposed dwelling is considered acceptable due to its narrow design, vertical emphasis, high solid:void ratio and appropriate use of materials which will allow the new dwelling to blend into the slopes of the hillside town. The proposal is therefore acceptable in relation to Policy GP4.

The site is also adjacent to a Protected Monument, Arcade Steps (PM22) which includes the steps themselves and the pathway linking the top of the steps from Clifton, which means Policy GP6 applies.

Where a Protected Monument (PM) is an object, such as fountain or statue, the setting is considered the immediate area around the object and land adjoining it, and this has a high degree of sensitivity to change or development. In this case, the PM is a lane and steps where the special interest is understood through the physical experience of its use, made up of components such as the views and glimpses encountered, the sense of enclosure, permeability achieved and the materiality of the stone steps/cobbles. This means that the erection of a building adjacent to the steps does not affect the components which form the special interest of the monument. This means that the proposal complies with Policy GP6, this states that proposals for development outside of the protected monument site, but which affect its setting will be supported where the development does not adversely affect the particular monument and the proposal accords with other relevant policies of the IDP.

A levels condition has been applied to the development to ensure that the hipped roof of the proposed building does not project above the arcade steps as this would significantly impact upon the character of the area and block historic views which are important within the Conservation Area and form a significant aspect of the special interest of the Arcade Steps.

Impact on Traffic and Highways

The site is accessed via the access from Clifton to Arcade Steps, and on road parking is possible in the first, wider section of the access although there is no on-site vehicular parking and no vehicular access to the site. Given that the site is located within the Main Centre, with good access to public transport links, and bicycle parking is possible within the proposed shed or can be installed elsewhere in the garden. This is acceptable under policy IP6 and the Parking Standards SPG.

Other matters:

A condition requiring details of surface water drainage has been used use to the elevated position of the site and loss of garden area. This is required in accordance with Policy GP9.

Neighbours have raised concerns over the right of access to the site, particularly for vehicles and the ability to connect to services, however, this is civil matter and not a material planning consideration.

Neighbours have also requested a Construction Management Plan due to the access constraints. As the proposal is a relatively small-scale development, a Construction Management Plan has not been considered necessary on this occasion.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or on SSS's. The impact on the Protected Monument has been considered in Section 2 above.

Date: 21/03/2023

