

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 outbuilding, erect 2 dwellings with associated landscaping and parking and alter vehicle access to west boundary (revised scheme).

LOCATION: La Rochelle Villa, Vale Road, St. Sampson.

APPLICANT: Ivy Developments 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: 21/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctec - JW-22-1096-02C & 03C

Application Ref: FULL/2023/0280

Property Ref: B006350000

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.Within four weeks of the revised front access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

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 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.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.

7. Notwithstanding the details show on the approved plan, JW-22-1096-02C, elevation plans of the proposed sheds located within the rear gardens of the dwellings hereby approved shall be submitted and approved in writing by the Authority. The sheds shall then be erected according to the approved details.

Reason- to ensure the sheds are appropriate in relation to neighbouring amenity.

Expiry Date: This permission will cease to have effect on 20/03/2026 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/2023/0280
Property Ref: B006350000
Valid date: 10/02/2023
Location: La Rochelle Villa Vale Road St. Sampson Guernsey GY2 4DN
Proposal: Demolish existing dwelling and outbuilding, erect 2 dwellings with associated landscaping and parking and alter vehicle access to west boundary (revised scheme).

Applicant: Ivy Developments 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).

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. Within four weeks of the revised front access being brought into use, the ends of

the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

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 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. 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.

7. Notwithstanding the details show on the approved plan, JW-22-1096-02C, elevation plans of the proposed sheds located within the rear gardens of the dwellings hereby approved shall be submitted and approved in writing by the Authority. The sheds shall then be erected according to the approved details.

Reason- to ensure the sheds are appropriate in relation to neighbouring amenity.

OFFICER'S REPORT

Brief Description of the site:

The property "La Rochelle Villa" is a pre-1900 two and a half storey villa which faces west onto Vale Road. The dwelling is attached to its neighbours on either side and has three dormers to the front elevation.

The site is located within the Main Centre Outer Area as defined in the Island Development Plan (IDP).

Relevant History:

FULL/2022/2114- Demolish existing dwelling and outbuilding, erect 3 dwellings with associated landscaping, parking and widen vehicle access to west boundary.

This application was refused as it introduced an undesirable form of backland development which intrudes into the residential garden area and undermines the existing pattern and grain of development.

The proposed access to the front was also found to be unacceptable in relation to the loss of boundary wall and the impact on the character and appearance of the locality.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Demolish existing dwelling and outbuilding and erect 2 x 2.5 storey with rear gardens, associated parking and access to both the eastern and western boundaries.

The 2.5 storey dwellings are proposed to take the form of two pairs of semi-detached dwellings of a traditional design which as a pair replicates the proportion of the original dwelling and each have a central catslide dormer to the front elevation and a large single box dormer to the rear. The dwellings are proposed to be finished with smooth rendered walls with natural slate roof.

The proposed rear access is from Clos de Petites Maison, and provides parking for two cars.

The garden is to be divided into two, with the existing boundary wall retained at the rear boundary. The front garden is also to be used for car parking, with the removal of some of the existing low front boundary wall to the southern side and erection of new matching boundary wall to the northern side to create a central access.

The application is accompanied by a Sustainability and Waste Management Strategy dated 21/10/2022.

The revised plans have removed the bungalow to the rear, increased the depth of the ground floor of the dwellings, amended the front access to include the retention of the low boundary wall and introduced two car parking spaces, access and turning to the rear of the site.

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

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

Policy GP8: Design

Policy GP9: Sustainable Development
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

1 letter of representation was received, the main points were as follows:

- Loss of privacy due to the large rear dormers proposed.
- Noise and disturbance during construction.
- Damage to neighbouring property's structure, foundations and shared chimney during construction.

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 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).**

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 set out in 2 below.

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

The site is located in a Main Centre Outer Area 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 proposal is for 2x 3 bedroom, and which reflects current housing need, and the proposal is considered to

provide an appropriate mix and type of dwellings whilst making an effective and efficient use of land.

Impact on Character

The immediate area is characterised by 2-2.5 storey villas which are set back from the road, with relatively long rear gardens bounded by Clos des Petites Maisons. Most front boundary walls are present to some extent, some dwellings have reasonable sized rear outbuildings, and parking to the rear.

The proposal is to demolish the main dwelling and erect a pair of dwellings of a similar scale and design to nearby dwellings, which complies with Policy GP8 of the Island Development Plan, making an effective use of land whilst respecting the character of the local built environment.

In addition, the proposal retains and reinstates sections of the existing front boundary wall which contributes to the enclosed character of many frontages in the area. This is an improvement on the previous scheme which achieves compliance with Policy GP8.

Design and impact of the development on the amenity of the area

The proposed scale and proportions of the 2.5 storey dwellings replicate the existing building and are not considered out of character or overly dominant. The overall design, scale, layout, and form of the 2.5 storey development including the use of cat slide dormers to the front elevation and palette of materials reflects the existing local built environment.

The rear dormers proposed are a box design, which adds bulk, however these are considered an acceptable addition in design terms, as they are located to the rear elevation and are adjacent to the large box design of the neighbour to the south. They introduce new overlooking at this level and neighbours have raised concern regarding this; however, third floor level dormer windows are present in both the adjacent neighbouring dwellings and so the impact is considered acceptable in this context and not out of character.

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

The objective to build at higher densities is to be balanced, but not override, the need to create acceptable living environments.

Both the dwellings are dual aspect and would have sufficient daylight and sunlight and the outdoor amenity space for each dwelling is sufficient. The dwellings exceed the Guernsey Technical Standards minimum internal space standards and are considered to comply with provisions of Policy GP8 and Annexe 1 (Amenities) of the Island Development Plan.

Road safety, traffic management and parking

The 5.5m wide design of the access would provide adequate sightlines, and together with the relatively modest intensity of use of the existing access the proposal is unlikely to result in any significant road safety concerns and retains the boundary

enclosures which has a positive impact on the character of the locality. The proposal accords with Policy IP9 and GP8.

A total of 4 on-site parking spaces are to be provided, with sheds located in the rear garden which could be utilised for bike stores. The car parking provision is adequate for this location and accords with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Other Matters

The application is supported by a sustainability statement which sets out how the development has been designed to take into account sustainable design principles and a condition will be used to secure the implementation of the submitted waste management plan. Further details of the permeable paving will also be requested by condition, in order to ensure any surface water is dealt with on site.

Overall, the layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

The potential for additional noise and disturbance during construction is considered to be intrinsic to development and short term in nature only.

Neighbour concerns regarding overlooking have been dealt with above, concerns have also been raised with regards to the potential for damage to be caused to neighbouring properties during construction, however these are private civil matters and not material planning considerations which would influence a decision on this planning application.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include: the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

No protected trees, monuments, buildings or SSS's are affected by the proposal.

Recommendation:

Grant with Conditions



Date: 17/03/2023