

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 dwelling and erect replacement dwelling and create vehicle access (revised scheme).

LOCATION: Aquarius, Rue Des Monts, St. Sampson.

APPLICANT: Urban Construction Limited

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: 18/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Limited: 22-1433/PD-01, -02, -03 & -04.

Application Ref: FULL/2023/0497

Property Ref: B005670000

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.Written details and a finished sample of the timber or timber effect cladding proposed to be used in the development hereby permitted shall be submitted to and agreed in writing by the Authority before any such timber cladding is brought onto the site or installed on the building. The agreed finish shall be applied within 28 days of the cladding being installed.

Reason - In the interests of visual amenity.

5.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.

6.The lounge window in the east elevation of the dwelling hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall thereafter be maintained and retained in perpetuity.

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

7.The development hereby permitted shall be constructed in accordance with the details set out in the letter from A7 Design (Sustainable Design Statement on pages 4 and 5) dated 03/03/2023 and in accordance with the details shown on the approved plans regarding an electrical vehicle charging point, and there shall be no occupation of the dwelling until the electric vehicle charging point have been installed and made operational.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 17/04/2026 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/2023/0497
Property Ref: B005670000
Valid date: 06/03/2023
Location: Aquarius Rue Des Monts St. Sampson Guernsey GY2 4BU
Proposal: Demolish dwelling and erect replacement dwelling and create vehicle access (revised scheme).

Applicant: Urban Construction Limited

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. Written details and a finished sample of the timber or timber effect cladding proposed to be used in the development hereby permitted shall be submitted to and

agreed in writing by the Authority before any such timber cladding is brought onto the site or installed on the building. The agreed finish shall be applied within 28 days of the cladding being installed.

Reason - In the interests of visual amenity.

5. 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.

6. The lounge window in the east elevation of the dwelling hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall thereafter be maintained and retained in perpetuity.

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

7. The development hereby permitted shall be constructed in accordance with the details set out in the letter from A7 Design (Sustainable Design Statement on pages 4 and 5) dated 03/03/2023 and in accordance with the details shown on the approved plans regarding an electrical vehicle charging point, and there shall be no occupation of the dwelling until the electric vehicle charging point have been installed and made operational.

Reason - In the interests of sustainable development.

OFFICER'S REPORT

Site Description:

Aquarius, Rue Des Monts occupies a sloping site to the south of Rue Des Monts at the junction of Rue Des Monts, Pied Des Monts and Delancey Park. The dwelling

comprises a number of different elements with a pitched roof structure in the middle with high eaves and a flat-roof element to the west side of the dwelling. This is subservient to the main building but offers two-storey accommodation with access via the lower floor as the structure is set down into the site. A high granite wall exists to the east of the dwelling along the north site boundary and wraps around to form the east boundary of the site. Behind this wall is a conservatory and raised terrace area. A granite wall marks the east site boundary adjacent to a large site currently being redeveloped, Les Bas Courtils.

Sat on the back of the footway the building is a feature in the streetscene when looking west along Pied Des Monts and south from Rue Des Monts.

Residential development surrounds the site in Pied Des Monts to the west, Rue Des Monts to the north and Les Sejours Au Pied to the south.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan. Delancey Park is an Area of Biodiversity Importance and a Conservation Area. The Housing Allocation Site to the east and southeast contains a number of Protected Buildings.

Relevant History:

FULL/2022/1920 - Demolish dwelling and erect replacement dwelling and create vehicle access – withdrawn

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to the demolition of the existing dwelling and the erection of a replacement dwelling on the site. The dwelling proposed comprises three floors of accommodation, a basement facing the garden to the south which would provide two bedrooms and bathrooms, a utility room, store and cupboards. The ground floor would be at street level and provide a kitchen, lounge with balcony and external steps (to the southeast corner), WC and boot room. A garage with electric charging point and bike store is proposed to the west of the building with steps up into the ground floor of the main house. The first floor accommodation is split into two areas accessed by separate staircases. A mezzanine study is proposed looking down over the kitchen/dining area and a master bedroom is proposed with balcony to the south.

The scheme has been designed with a granite roadside ground floor elevation which is largely blank, featuring a single window (larder) and entrance door). The proposed garage with store below is set back from the north roadside boundary and is designed with a flat roof and render exterior. The first floor east elevation is also

shown to have a render exterior. The first floor accommodation sits in two different areas, the mezzanine study within the roofspace of the pitched roof granite element fronting Rue Des Monts whilst the master suite is to be provided in a monopitched roof element with a standing seam zinc clad exterior (roof, east and north elevations).

The scheme has been accompanied by a Waste Management Plan.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

Representations:

One letter of representation has been submitted raising the following points:

- Invasion of privacy from elevated balconies
- Noise and dirt pollution – already an issue from the works at Les Bas Courtil site
- The same level of privacy protection required at Les Bas Courtil for Aquarius should be applied at the Aquarius site for its neighbours

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the proposed development and its impact on the character and appearance of the locality along with the effect of the development on residential amenity having regard to overshadowing and overlooking.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The application relates to the demolition of one dwelling and its replacement with one dwelling, which is not considered new housing. Replacement dwellings on a one for one basis must be assessed against Policy GP13 of the Island Development Plan, this is irrespective of the size of the existing or proposed replacement dwelling.

Design, form, scale and massing of the proposed development

The preceding text to Policy GP13, paragraph 19.14.10 states:

In considering proposals for the replacement of a dwelling on a one for one basis, consideration will be given to the impact of the new building on the openness of the area rather than a comparison between the impact of the existing dwelling compared with the impact of the new. A replacement dwelling can therefore be larger than the dwelling it is replacing and have a greater impact upon the openness of the area concerned compared with the existing dwelling and will be supported where the Authority is satisfied that the proposed impact is acceptable when considered against all relevant policies of the Island Development Plan.

The site is located in the Main Centre Outer Area where development is varied in terms of its height and design. Whilst it is noted that the proposed dwelling is higher than the existing building on the site it is located on a sloping plot that is capable of accommodating a higher and larger building. Furthermore, Policy GP13 clearly sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new.

The dwelling retains its road frontage through the formation of a granite roadside wall which forms the front elevation of the dwelling and is broken down into different elements, a flat roof rendered element adjacent to the west boundary, a pitched roof granite and clad element, a flat roof element siting behind the roadside wall and a taller, mono-pitched roof zinc clad element adjacent to the west boundary. This design approach helps reduce the overall bulk of the building and also offers multi-storey development representing efficient and effective use of land.

The existing building has limited window and door openings in the north elevation which would not substantially change as a result of the proposed development. In the streetscene the granite wall will appear as a roadside boundary feature, with development behind. It is also noted that the arrangement of fenestration, primarily to the south, has regard to solar gain.

The Island Development Plan must balance public interest and individual choice but should protect and where possible enhance the built and natural environment. Outside of designated areas there is more flexibility with regard to new development. In this case there is no uniform design or palette of materials in the vicinity of the site. The vertical cladding and standing seam zinc are matters that can be controlled by planning condition if necessary.

Impact on visual amenity

The Island Development Plan allows for greater flexibility with regard to new development proposed in non-designated areas such as this and a development should preserve or enhance the character and appearance of the locality. With the varied nature of development in the locality it is concluded that the dwelling proposed will not appear unduly visually intrusive and would not be out of keeping in the locality. Although the building will be visible from Les Bas Courtils Road to the south it will be seen in the context of existing built development. The building has been broken down into different elements and will not appear unduly visually intrusive. The replacement dwelling proposed will not appear unduly obtrusive, have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality and therefore the aims of Policies GP13 and GP8 of the Island Development Plan have been satisfactorily addressed in this respect.

Impact on neighbour amenity and the living environment of future occupiers

The proposed dwelling retains a subservient, flat roof element adjacent to the west site boundary in order to mitigate the potential for overshadowing and loss of light to the occupiers of this adjoining dwelling. At present, the site to the east is undeveloped and as a result the proposed replacement dwelling incorporating balconies would not result in unacceptable overshadowing or overlooking to the large amenity space rear of Les Bas Courtils. As noted in the planning history above however, permission has been granted for the redevelopment of the building to the immediate east of the site (Barn B). The common boundary between the two sites would be raised in order to create the gable end walls of the development. A 1.8m high timber 'fin' privacy screen is also proposed along part of the boundary. This would be at second floor level at Barn B but represents street level at Delancey Park, adjacent to the application site.

The height and scale of the proposed development in relation to the approved scheme at Barn B would ensure that no unacceptable overshadowing or loss of light will occur. Limited fenestration is proposed to both the west elevation of Barn B and the east elevation of Aquarius and therefore the potential for overlooking and loss of privacy is limited. The built form of Barn B once complete would also direct views from the proposed balconies to the south and away from this adjoining site. It would be reasonable to impose a planning condition regarding the east facing lounge window to manage potential mutual overlooking issues.

Tranquil, 1 Les Sejours Au Pied is situated to the immediate south of the site and a single-storey flat roof extension wraps around from the north to the east of the building. Furthermore, this property is set at a lower level than Aquarius. As a result, the small balconies proposed at Aquarius will not result in unacceptable overlooking or loss of privacy to the external amenity space or fenestration associated with this

adjoining dwelling. The western edge of the balconies is formed by a solid wall which also direct views away from properties to the west.

The scheme has been designed to provide for the future occupiers of the dwelling with flexible living accommodation, off-road parking and private amenity space which will enable future occupiers to remain in the property for longer. Internally, accommodation on the ground floor is not on a single level and stepped access is required to the first floor and basement levels. Nonetheless, this would still offer access for ambulant disabled with provision on the ground floor for wheelchair users to access the lounge and WC whilst recognising the constraints of this site. Overall, the scheme satisfactorily addresses the requirements of GP8 in this respect.

Car parking provision and effects on surrounding highway

The scheme makes provision for one off-road parking space in the proposed garage along with secure and covered cycle storage in line with the aims of Policies IP6 and IP7. The replacement dwelling, where the existing does not benefit from off-street parking, will not alter highway capacity as occupiers of the existing dwelling may own one or more cars, parked on-street or in other rented parking. Vehicles stopping in the roadway to reverse into the garage would not unduly impede the free flow of traffic to the detriment of road safety. Furthermore, if vehicles reversed out of the garage into the public highway visibility is generally good to the north with vehicles travelling south along the one way section of Rue Des Monts towards the site. The scheme therefore satisfies the requirements of Policy IP9.

Waste Management Plan

The application has been accompanied by a brief Waste Management Plan which is considered to be satisfactory in this case to meet the aims of Policy GP9 in this respect and can be managed by condition.

The scheme makes reference to the inadequacies of the existing building, the provision of permeable paving/SUDs, water saving technologies, resistance to flooding, use of insulation and glazing to manage heat loss and roof overhangs and natural ventilation to reduce overheating. With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment and can be managed by condition.

Conclusion

In view of the above it is concluded that the scheme accords with all relevant policies in the Island Development Plan, and it is recommended that planning permission is granted for the replacement dwelling subject to planning conditions relating to GP9, Waste Management Plan, materials and obscure glazed lounge window (east elevation).

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; any possible fall-back position by way of extant planning permissions or exempt development; 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).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 13 April 2023

