

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, erect 2 residential dwellings, erect garden rooms to south boundary, associated works and alterations to vehicle accesses (Revised Scheme).

LOCATION: The Bungalow, Saltpans Road, St. Sampson.

APPLICANT: NT Construction 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: 24/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Company Ltd: 2023/654/02

Application Ref: FULL/2023/1408

Property Ref: B008740000

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 dwelling hereby permitted shall be first occupied until the roadside boundary walls have been built in the positions shown and in accordance with the details shown on the approved drawing ref: 2023/654/02 (date stamped received 20/11/2023).

Reason - To secure the satisfactory appearance of the completed development, in the interests of visual amenity and to ensure the additional sections or roadside wall are completed in a timely manner.

5.The areas of planting shall be fully completed, in the positions shown and in accordance with the details shown on the approved drawing (ref: 2023/654/02 date stamped received 20/11/2023) 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 the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6.Prior to the first occupation of the dwellings hereby permitted full details of the bike barns shall have been submitted to and approved in writing by the Authority and the bike barns shall have been constructed in the positions shown and in accordance with the details approved under this condition.

Reason - In the interests of the amenity of future occupants of the development and to encourage sustainable modes of transport other than the private car.

Expiry Date: This permission will cease to have effect on 23/11/2026 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/2023/1408
Property Ref: B008740000
Valid date: 21/08/2023
Location: The Bungalow Saltpans Road St. Sampson Guernsey GY2 4LY
Proposal: Demolish existing dwelling, erect 2 residential dwellings, erect garden rooms to south boundary, associated works and alterations to vehicle accesses (Revised Scheme).

Applicant: NT Construction 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. No dwelling hereby permitted shall be first occupied until the roadside boundary

walls have been built in the positions shown and in accordance with the details shown on the approved drawing ref: 2023/654/02 (date stamped received 20/11/2023).

Reason - To secure the satisfactory appearance of the completed development, in the interests of visual amenity and to ensure the additional sections or roadside wall are completed in a timely manner.

5. The areas of planting shall be fully completed, in the positions shown and in accordance with the details shown on the approved drawing (ref: 2023/654/02 date stamped received 20/11/2023) 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 the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. Prior to the first occupation of the dwellings hereby permitted full details of the bike barns shall have been submitted to and approved in writing by the Authority and the bike barns shall have been constructed in the positions shown and in accordance with the details approved under this condition.

Reason - In the interests of the amenity of future occupants of the development and to encourage sustainable modes of transport other than the private car.

OFFICER'S REPORT

Site Description:

The application site comprises a vacant site situated to the south of Saltpans Road. Previously a detached bungalow occupied the site which has since been demolished following the grant of planning permission to demolish the dwelling and erect two dwellings on the site (ref: FULL/2021/0703).

Surrounding the site, the area comprises residential dwellings of mixed building types and design in all directions. A former vinery site is situated to the southeast of the site, which now comprises an allocated housing site (Franc Fief) as allocated in the Island Development Plan.

The application site is situated within a Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

FULL/2021/0703	Demolish dwelling and erect 2 dwellings and associated vehicular access.	Granted 26/01/2022
PAPP/2006/1016	Erect a dwelling, boundary wall and create vehicular access.	Permission in principle granted 12/04/2006
PAPP/2002/3751	Erect a dwelling, boundary wall and create vehicular access.	Permission in principle granted 13/12/2002

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to demolish the existing dwelling, to erect two dwellings, erect garden rooms to the south boundary and alterations to the vehicle access. This is a revised scheme following the grant of planning permission for two dwellings at the site subject to application reference FULL/2021/0703.

During the course of consideration, the application was deferred to seek amendments to the scheme. Revised drawings have been submitted to reduce the width of the vehicle openings to the roadside elevation and to omit the render line detailing initially proposed to the front and side elevation of the properties.

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

Island Development Plan Policies:

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

GP8: Design;

GP9: Sustainable Development;

IP6: Transport Infrastructure and Support Facilities

IP7: Private and Communal Car Parking;

IP9: Highway Safety, Accessibility and Capacity.

Representations:

None

Consultations:

None

Summary of Issues:

- Whether the principle of residential development is acceptable in this location
- Impact on the character and appearance of the area and whether the design of the scheme is acceptable;
- The impact of the development on the amenity of people living in the area.
- Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
- Road safety, traffic management and parking.

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.

Whether the principle of residential development is acceptable in this location

The application site is situated within the Main Centre Outer Area as identified on the Island Development Plan Proposals Map. Within such areas Policy MC2: Housing in Main Centres and Main Centre Outer Areas; supports proposals for new residential development provided that the development is in accordance with other relevant policies of the IDP; and where able accommodates a variety of dwellings and a mixture of types.

In respect of the mix and type of housing proposed, the preceding text (which carries equal weight) states that, where new housing proposals can accommodate a variety of dwellings, it will normally be expected that the mix and type of dwellings is reflective of the demographic profile of households requiring housing.

The States Strategic Housing Indicator (approved 2023) identifies the additional housing requirement for the period 2023 to 2027 with a specific requirement for 1, 2, and 3 bedroom houses, with an emphasis on two bedroom units.

The proposal includes the provision of two, three bedroom units which complies with the housing need study/requirements. Although criterion (b) of Policy MC2 requires an appropriate mixture and type of dwelling to be provided given the relative limited size of the site the mixture and type of housing that can be provided on this site is restricted. On balance therefore it would seem unreasonable in this

instance to request that a mix and type of housing is provided. Provided that the development accords with all other relevant policies of the IDP, (which is assessed in detail in the following sections of this report) the principle of residential development at this site is acceptable.

Impact on the character and appearance of the area and whether the design of the scheme is acceptable

Policy GP8 requires all new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment. Proposals for new development will be expected to:

- a) Achieve a good standard of architectural design, including the design of necessary infrastructure and facilities;*
- b) Demonstrate the most effective and efficient use of land;*
- c) Respect the character of the local built environment or the open landscape concerned;*
- d) Consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space;*
- e) Provide soft and hard landscaping where this reinforces local character and distinctiveness;*
- f) Demonstrate accessibility to and within a building for people of all ages and abilities; and*
- g) With regard to residential development, offers flexible and adaptable accommodation that is able to respond to people's needs over time.*

Following the grant of planning permission ref: FULL/2021/0703, the existing dwelling has been demolished and a large part of the roadside wall has been constructed. The permission included a three bedroom dwelling and a four bedroom dwelling positioned on an east to west axis horizontal to the road.

Existing properties in the area comprise of a mix of one and a half and two storey dwellings (further along Saltpans Road) which vary in architectural styles, material and composition. Both proposed dwellings are multi-storey, which is encouraged by Policy GP8 of the IDP as a means of making a more efficient use of land. The overall scale and massing of each of the dwellings has been reduced (when compared to the previously approved scheme) with the re-orientation of the properties to a north to south axis with a gable onto the road. There are other examples of properties positioned with a gables facing the road within the immediate street scene. The dwellings as proposed would therefore not be out of character with or overly dominate existing properties.

The overall design, layout, scale and form of the development broadly reflects the settlement pattern and scale of properties within the area, consisting of dwellings of a mixture of type and size fronting onto the highway with parking to the front and amenity space/soft landscaped gardens to the rear.

With regard to the modern design of the dwellings, the site is not within a Conservation Area and by virtue of the mix of styles of properties within the area, the proposed design of the development, achieves a satisfactory standard of design.

As part of the original application alterations were included to the vehicle accesses when compared to the previous approval. The alterations were deemed to be excessive in terms of the width of the access points proposed for each dwelling and the lack of roadside enclosure that would be provided. Revised plans have been submitted which has reduced the width of the opening to each dwelling to ensure that a suitable roadside boundary is provided in-keeping with the character and appearance of the surrounding area.

A garden room is proposed for each dwelling, which situated to the rear of the property at single storey level with a flat roof would be unseen from the surrounding area. The garden rooms would also not harm residential amenity.

For these reasons the design of the scheme complies with the relevant criteria of Policy GP8 of the IDP and a refusal based on density or design would not be reasonable or justifiable.

The applicants' agent has provided confirmation that the design and specification of the dwellings proposed comply with all parts of the Guernsey Technical Standards 2012, specifically in terms of: thermal efficiency (insulation); drainage; water efficiency; materials to be used; waste storage and disposal; and the conservation of fuel and power.

Sufficient evidence has been provided within the application to demonstrate that the proposal has been designed to take into account the use of energy and resources and to reduce any impact on the environment in accordance with Policy GP9 of the Island Development Plan.

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

The application site is surrounded in all directions by residential properties. Setback from the road the proposed dwellings will be situated circa 20m distance from the front elevation of the neighbouring properties on the opposite side of Saltpans Road (to which they will face towards) and at this distance it is considered that any detrimental effects on the amenities of the properties in this direction would not be so substantial to warrant the refusal of planning permission.

At first floor level no windows are proposed in the east or west facing elevations (side) and the proposed velux windows will be positioned to prevent any views towards neighbouring properties. To the rear the properties will follow a similar position to those previously approved and any additional harm with regards to overlooking would not be so substantial to warrant the refusal of planning permission.

By virtue of the separation distances and relative orientation between the proposed dwellings and neighbouring properties, and the scale and height of the proposed dwellings, the proposal would result in any significant loss of light or overbearing impacts on neighbouring residents.

For these reasons any detrimental impact on amenity afforded to the occupiers of neighbouring properties as a result of the development proposed would not be so substantial to warrant the refusal of planning permission.

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

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwellings substantially exceed the Guernsey Technical Standards minimum internal space standards and they all exceed the best practice minimum internal space standards which are published on the Authority's website. The dwellings are dual aspect, including south facing glazing, and would have adequate daylight and sunlight. Levels of privacy would be adequate. Both units have access to private gardens with an amount of useable space which is proportionate to the type and nature of dwellings that they would serve. 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.

As referred to above the application was deferred during the course of consideration to reduce the widths of the proposed vehicle access points and to extend the boundary walls between, to define the boundary and to provide an element of enclosure which is encouraged from a highway safety perspective. The boundary walls to the front/side of the property will be 600mm in height which maintain/provide sufficient visibility splays in both directions.

The site is located in a Main Centre Outer Area as defined in the IDP. The parking provision indicated on the plans supplies 2 spaces allocated for each dwelling in accordance with the provisions of Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment and therefore complies with Policy IP7 of the IDP.

Although a turning facility to enable cars to enter and leave the site forward facing has not been provided this is an existing situation for many of the properties in the

surrounding area and sufficient visibility splays exist for a vehicle to safely reverse into the driveway or out onto the highway.

Bike barns are proposed for each property in a suitable and easily accessible location to allow them to be safely stored at the site in accordance with Policy IP6.

For the above reasons the proposal would not cause a detriment to highway safety.

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 effect of the proposed which the site could be put without further planning permission; 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 not impact on any Protected Buildings, trees, monuments or on any SSS's.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 22/11/2023

