

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 outbuilding and erect dwelling and associated works to north of site.

LOCATION: Fairleigh, Cambridge Park Road, St. Peter Port.

APPLICANT: Fairleigh Property 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: 29/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Altered Homes - 22-008 PD.00-01, 22-008/PA.03.02A, 03.03A & 03.04A.
Altered Homes letters dated 08/11/2023 and 23/08/2023.
Richard Loyd Arboricultural Impact Assessment dated 06/07/2023

Application Ref: FULL/2023/1521

Property Ref: A112040000

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 each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5.The development shall not be occupied until the electric car charging point and all other sustainable design features set out in the Altered Homes letters dated 08/11/2023 and 23/08/2023 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

Expiry Date: This permission will cease to have effect on 28/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, to view the footing trenches when they have been excavated and it is requested that you contact them to make arrangements for archaeological recording. The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

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/2023/1521
Property Ref: A112040000
Valid date: 30/08/2023
Location: Fairleigh Cambridge Park Road St. Peter Port Guernsey
GY1 1UF
Proposal: Demolish outbuilding and erect dwelling and associated works
to north of site.

Applicant: Fairleigh Property 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 development, including site works, shall begin on site until each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5. The development shall not be occupied until the electric car charging point and all other sustainable design features set out in the Altered Homes letters dated 08/11/2023 and 23/08/2023 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, to view the footing trenches when they have been excavated and it is requested that you contact them to make arrangements for archaeological recording. The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

OFFICER'S REPORT

Site Description:

The site consists of a traditional 2½ storey dwelling fronting onto Cambridge Park Road with an associated garden and garage/outbuilding to the rear accessed via a gravelled track. The site is in the St Peter Port Conservation Area and Main Centre Outer Area and a number of neighbouring properties along Cambridge Park Road and Candie Road are protected buildings.

Relevant History:

04/04/2023 – PREA/2023/0515 – Pre-application advice regarding erect dwelling to rear of existing property.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to demolish garage and erect a dwelling to the rear of the existing dwelling. The proposed dwelling is of a two storey pitched roof design with single storey wings on either end. The dwelling is orientated east to west and positioned inside of and along the north boundary wall. The dwelling is proposed to be finished with Cedral wood effect cladding, timber fenestration and a natural slate roof.

The application is accompanied by an Arboricultural Impact Assessment dated 06/07/2023.

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

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

Policy GP4: Conservation Areas

Policy GP7: Archaeological Remains

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Three letters of objection were received, main points as follows:

- Concerns raised about the mass, height and proximity of the building to the north boundary wall and the impact on neighbouring properties due to its visibility above the boundary wall, its overshadowing effect and the loss of privacy.
- Concerns raised about the removal of well-established trees.
- The site notice was not displayed correctly.
- The submitted shadow analysis indicates the date when the building would cause the least amount of shading and it does not take into account other periods of the year.

One letter of objection was received in response to the additional information submitted, main points as follows:

- Concerns remain about the mass and height of the building, the resultant shadowing effect and the impact on the neighbouring property to the north.
- Notes that a single level building with a roof height a bit above the wall would not be unreasonable.

Consultations:

States Culture and Heritage, 22/09/2023

"I would like to make a brief comment concerning potential archaeological interest at this site.

Apart from the garage and the small greenhouse scheduled to be demolished, there does not appear to have been any significant previous development within the area of the proposed new building. We would therefore be grateful for the opportunity to view the footings trenches when they have been excavated".

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 and appearance of the Conservation 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 dwelling.
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).**

Whether the principle of new housing is acceptable

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. 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 to erect a 2 bedroom dwelling reflects current housing need and is considered to be appropriate,

taking into account the size and nature of the site and the character of the surrounding area.

Design and impact of the development on the character and appearance of the Conservation Area

The site is bounded in all directions by residential properties which front onto the surrounding highways. Existing properties in the area consist of a mix of sizes and architectural styles, although the majority of properties are of a traditional design and a number of properties along Cambridge Park Road and Candie Road are protected buildings.

The proposed dwelling is multi-storey, which is encouraged by Policy GP8 as a means of making a more efficient use of land. Whilst representations have been received about the height and mass of the dwelling, in terms of its visual impact on the character of the area, the proposed dwelling would not be out of character with or overly dominate existing properties.

Situated behind neighbouring properties, the dwelling would not form a prominent feature from public view. The overall design, layout, scale, form and materials of the proposed dwelling achieves a high standard of design.

The nearby protected buildings to the east and south are set within their own grounds and designed to face onto the adjacent highways. By virtue of its layout, scale and design, the proposed dwelling will have a negligible effect on the setting of the nearby protected buildings.

The application is accompanied by a tree impact assessment which includes an assessment of the condition of larger trees on neighbouring properties and sets out recommendations for the management of the construction phase and the creation of construction exclusion zones to minimise the risk of adversely affecting the trees. Based on the information submitted it is likely that measures can be put in place during the construction phase to prevent adverse effects to the most significant trees on neighbouring properties, this can be dealt with by condition.

Overall the proposal conserves the character and appearance of the Conservation Area, in accordance with Policies GP4 and GP8.

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

The siting, height and mass of the proposed dwelling will cause some shading of neighbouring properties to the north. However, the first floor element is set back from the north boundary by approximately 1.4 metres and the orientation of the dwelling results in the roof sloping away from the neighbouring boundary. Whilst the siting, height and mass of the proposed dwelling is unneighbourly, the degree of harm caused is unlikely to be sufficient to have a material adverse effect on the amenities of neighbouring residents. The rooflights in the north elevation and gables windows are indicated to be at a high level and are unlikely to cause overlooking of the neighbouring properties to the north.

To the south, a combination of the distance to and height of the south boundary wall will minimise the potential for overlooking and together with the layout and length of the neighbours gardens, the proposal is unlikely to have any material adverse effects on the amenities of the neighbouring residents.

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

The proposed dwelling substantially exceeds the Guernsey Technical Standards minimum internal space standards and exceeds the best practice minimum internal space standards which are published on the Authority's website. The dwelling would have adequate daylight, sunlight, privacy and outdoor space and it would provide a good quality of residential environment for future occupiers, in accordance with Policy GP8.

Road safety, traffic management and parking

Two on-site parking spaces are provided, whilst retaining the ability for vehicles to turn around on site, which is adequate for the size and nature of the dwelling in this Main Centre Outer Area.

An area of previously proposed parking to the southwestern corner of the site has been removed due to concerns regarding the over-provision of parking.

A bicycle store is indicated to serve the dwelling. The proposal is likely to result in a modest increase in the intensity of use of the access onto Cambridge Park Road but due to the overall low intensity of use and the nature of the highway (classified as a Neighbourhood Road), this is unlikely to raise any significant road safety or traffic management concerns. The proposal accords with Policies IP6, IP7 and IP9.

Other matters

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The agent sets out how the development has been designed to take into account sustainable design principles including utilising an offsite manufactured superstructure which will minimise waste and result in a thermally efficient building which will exceed minimum Building Regulation requirements. In addition, the agent advises that the form and orientation of the dwelling will provide good levels of daylight, an electric vehicle charging point is to be provided and the orientation of the dwelling will enable photovoltaic systems to be installed in the future. Overall 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.

To address the comments raised by the States Archaeologist, it is recommended that a note is attached to the decision notice requesting access to view footing trenches when they have been excavated.

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.

It is recommended that the application is approved.

Date: 28/11/2023