

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect dwelling with associated works to east of site and create vehicle access to south boundary.

LOCATION: La Petite Croute, Kings Road, St. Peter Port.

APPLICANT: Mr & Mrs N Clarkson

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: 17/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH - NC-23-1122-10E
ArcTECH letter dated 04/09/2023

Application Ref: FULL/2023/1544

Property Ref: A307490000

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 the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Authority, and no development shall take place except in accordance with the agreed details.

Reason - The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to the archaeological remains, and/or for archaeological investigation and recording are essential. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

5.Details of the replacement hedge along the south boundary, including the size, species and density of plants at the time of planting, shall be submitted to and approved in writing by the Authority prior to the removal of the existing hedge. The replacement hedge shall then be planted in the first planting season following the first occupation of the dwelling or the completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

6.The cill of all of the rooflights in the south and north elevations shall be set a minimum of 1.7 metres above the finished first floor level.

Reason - To protect the reasonable amenities of neighbouring residents.

7.The solar panels shall not be installed and the permeable hard surfaces shall not be constructed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels, permeable hard surfacing, electric car charging point and all other sustainable design features set out in the ArchTech letter dated 04/09/2023 (dated stamped 25/10/2023) 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 16/11/2026 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/2023/1544
Property Ref: A307490000
Valid date: 12/09/2023
Location: La Petite Croute Kings Road St. Peter Port Guernsey GY1 1QB
Proposal: Erect dwelling with associated works to east of site and create vehicle access to south boundary.

Applicant: Mr & Mrs N Clarkson

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.

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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 the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Authority, and no development shall take place except in accordance with the agreed details.

Reason - The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to the archaeological remains, and/or for archaeological investigation and recording are essential. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

5. Details of the replacement hedge along the south boundary, including the size, species and density of plants at the time of planting, shall be submitted to and approved in writing by the Authority prior to the removal of the existing hedge. The replacement hedge shall then be planted in the first planting season following the first occupation of the dwelling or the completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

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

OFFICER'S REPORT

Site Description:

The site comprises of a traditional semi-detached two storey dwelling fronting onto Kings Road to the west, with parking to the front and a private garden to the rear.

The site is situated to the north-east of the junction between Kings Road and Clos De La Grande Marche and is accessed via the clos road. The site is located in the St Peter Port Conservation Area and Main Centre Outer Area and is within an area of known archaeological interest.

Relevant History:

PREA/2023/1048 – Pre-application advice was sought in this case.

12/07/2023 – FULL/2023/1006 – Permission granted to demolish conservatory, erect single storey extension to east (rear) elevation, remove hedge and erect wall and gate to south boundary.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a 2-bedroom dwelling to the east of the site and to create a vehicle access within the south boundary onto the access road for Clos De La Grande Marche. The dwelling is proposed to be of a 1½ storey pitched roof design, finished with a mix of granite, composite clad and rendered walls, uPVC fenestration and a natural slate roof.

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:

Four letters of representation were received in response to the application, the main points as follows:

- There would be no legal right of way to the proposed development over the clos road.
- The estate road has more than enough traffic already.
- Proposal will devalue neighbours and applicants properties.
- Impact on the amenities of neighbouring residents including noise, overlooking and overshadowing.
- Overdevelopment of the site.

- Neighbours property would overlook the proposed dwelling.
- The east boundary is indicated incorrectly.
- Any damage to the clos road resulting from building works should be borne by that property alone.

Consultations:

States Archaeologist, Culture and Heritage, 22/09/2023

"I would like to make some comments concerning potential archaeological interest at this site.

The garden of La Petite Croute lies just to the south of the focus of Iron Age settlement and burial evidence first discovered with the construction of Acorn House in 1980. Iron Age burials have been excavated in the garden of Stanley House (in 2012), about 25m north-west of this site, and in 1980 in the rear garden of 'Elounda', 1 Clos de la Grand Marché, about 35m to the north-east (see image). Other burials have been excavated further to the north, as part of the Pré au Puits development in 2005-6, and there is settlement evidence from that site and from 5 Clos de la Grand Marché, to the east of the site under consideration here.

The southern boundary of this focus of Iron Age activity is not known, but it is likely that it continues beneath the garden of La Petite Croute, on the good soil which must have been one of the reasons that this area was attractive for settlement. For that reason I would like to request that an archaeological condition is imposed on the development. From an archaeological point of view the optimum approach would be to dig one or two test-pits within the footprint of the proposed house, and then to monitor the excavation of the footings trenches for the walls. Further details of this can of course be discussed with the applicants and their agent".

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 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).**

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 Inner Boundary 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

Existing properties in the area consist of a mix of sizes and architectural styles although dwellings in the immediate vicinity are predominantly 2 storeys. The proposed dwelling is multi-storey which is encouraged by Policy GP8 as a means of making a more efficient use of land.

The proposed 1½ storey design does not replicate existing dwellings within the clos. However, the scale, form and materials of the proposed dwelling is of a traditional design which respects the traditional design of properties along Kings Road and it achieves a high standard of design. In addition, it is noted that a 2 storey building in this location is likely to have an adverse impact on the amenities of neighbouring residents. Sited to the rear of the existing dwelling, the proposed dwelling would not form a prominent feature within the wider Conservation Area, including when viewed from Kings Road. Overall the proposal would conserve 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

Although sited to the south of a neighbouring property, due to a combination of its ridge height, the distance to the north boundary and the layout of the neighbouring property, the proposed dwelling is unlikely to have a significant overshadowing effect on the neighbouring property to the north. All first floor rooflights are indicated to be positioned at high level which is sufficient to prevent a significant loss of privacy for neighbouring residents. The use of the site for a separate residential dwelling is unlikely to create any significant additional noise disturbance for neighbouring properties. Overall the proposed dwelling is unlikely to have any material adverse effects on the amenities of neighbouring residents.

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

The proposed dwelling substantially exceeds the Guernsey Technical Standards minimum internal space standards and it exceeds the best practice minimum

internal space standards which are published on the Authority's website. The dwelling is dual aspect and would have adequate daylight and sunlight. The distance between first floor windows on neighbouring properties and the proposed dwelling is sufficient to prevent undue overlooking of the proposed dwelling and the level of privacy for the proposed dwelling is adequate. The outdoor amenity space is small but adequate to serve a dwelling of this size and nature and sufficient outdoor space would be retained for the existing dwelling. Overall, the proposed dwelling would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Road safety, traffic management and parking

Two on-site parking spaces are indicated which is adequate for a dwelling of this size in this Main Centre location. A shed for bicycle storage is to be provided. The creation of an access onto the estate road and the modest increase in the intensity of use of the estate road is unlikely to result in any significant road safety or traffic management concerns. The proposal accords with Policies IP6, IP7 and IP9.

Other matters

The States Archaeologist advises that evidence of Iron Age settlement have been found within the vicinity of the site and it is likely that Iron Age activity could be found on this site. The States Archaeologist recommends that 1 or 2 test-pits are dug within the footprint of the proposed house and the excavation of the footings trenches for walls are monitored. The recommended measures are proportionate to the potential archaeological importance of the site and it is therefore recommended that a methodology for archaeological investigations is developed, this can be dealt with by condition.

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 achieving thermal insulation values to exceed regulatory requirements, the use of Structural Insulated Panels, designing fenestration to take advantage of solar gain, the use of permeable paving and the installation of an electric vehicle charging point. 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 comments in the representations regarding there being no legal right of way to the proposed dwelling over the clos road, the devaluation of properties and the payment of costs towards damage caused to the clos road from building works are not material planning considerations. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice. With regards to the position of the east boundary, during the course of consideration, revised plans were submitted which relocated the dwelling, parking

area and shed approximately 0.8m to the south so that it is located entirely on land within the applicant's ownership.

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: 15/11/2023