

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 2 dwellings, erect 4 dwellings with associated works, alterations to existing and creation of additional vehicle access.

LOCATION: Malusha & Beauvais House, Avenue Vivier, Ville Au Roi Estate, St. Peter Port.

APPLICANT: Mr G Kaye & Mr A Burgess

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: 28/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arch+: 122-3-3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000 & 4100.
Arch+ email dated 22/11/2023

Application Ref: FULL/2023/1586

Property Ref: A404650000+A404660000

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 works related to the creation of the vehicle access to unit 3 shall begin until each tree on either side of the access shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority, and details of the method of construction of the access has been submitted to and 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 and the works shall be implemented in accordance with the agreed method of construction of the access. 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. No dwelling hereby permitted shall be occupied until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

6. The development shall not be occupied until the electric car charging points and all other sustainable design features set out in the Arch+ email dated 22/11/2023 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 27/11/2026 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/2023/1586
Property Ref: A404650000+A404660000
Valid date: 26/09/2023
Location: Malusha & Beauvais House Avenue Vivier Ville Au Roi Estate
Ville Au Roi Estate St. Peter Port Guernsey GY1 1SG
Proposal: Demolish existing 2 dwellings, erect 4 dwellings with
associated works, alterations to existing and creation of
additional vehicle access.
Applicant: Mr G Kaye & Mr A Burgess

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 works related to the creation of the vehicle access to unit 3 shall begin until each tree on either side of the access shown to be retained on the approved plan has

been protected, in a manner previously agreed in writing by the Authority, and details of the method of construction of the access has been submitted to and 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 and the works shall be implemented in accordance with the agreed method of construction of the access. 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. No dwelling hereby permitted shall be occupied until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

6. The development shall not be occupied until the electric car charging points and all other sustainable design features set out in the Arch+ email dated 22/11/2023 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.

OFFICER'S REPORT

Site Description:

The site consists of a pair of semi-detached two storey pitched roof dwellings situated on the Ville au Roi Estate. The site forms a U-shaped plot which is bounded to the north by a neighbouring residential dwelling and to the east, south and west by Avenue Beauvais and Avenue Vivier and is situated towards the access to the estate onto Ruelle Brayes.

The Ville au Roi Estate is generally characterised by a mix of detached and semi-detached dwellings, many of which were constructed in the early-mid twentieth century. Most of these properties contain distinctive features that reflect the period that they were built, together with the tree-lined pavements that add to the estate's character and appearance. The site is in a Main Centre Outer Area.

Relevant History:

FULL/2023/1597 – Application pending to extend, alter and convert 2 dwellings to create 5 flats including raise and alter roof, and erect dwelling to south of site with associated works and create additional vehicle access to west boundary (revised scheme).

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to demolish the existing 2 dwellings and erect 4 dwellings arranged north to south and to approximately align with existing residential dwellings to the north. The proposal involves two, 3 to 4 bedroom detached dwellings, one, 3 bedroom semi-detached dwelling and one, 2 bedroom semi-detached dwelling. All of the dwellings are proposed to be of a traditional 2 storey pitched roof design and finished with a mix of brick and rendered walls, white PVCu or aluminium fenestration and natural slate roofs. Permission is also sought to create an additional vehicle access to serve unit 3 within the east boundary onto Avenue Beauvais.

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

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

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Ten representations were received in response to the application, the main points are as follows:

- Concerns were raised that 7 on-site parking spaces for 4 dwellings is insufficient, the existing pressure on and limited capacity of on-street parking within the area due to use by residents and workers was highlighted and concerns were raised about the loss of on-street parking due to the creation of the new access and the likelihood that the development will increase pressure on on-street parking within the area.
- 12 parking spaces are required to meet the Parking Standards, the proposed reduced provision of 7 spaces does not result in a better overall development and does not accord with Policy IP7.
- Road safety and traffic management concerns due to the existing situation within the estate with on-street parking obstructing traffic flows, the density

of the development and the likelihood that the development will exacerbate existing road safety and traffic management issues. A Traffic Impact Assessment should be undertaken and if necessary the number of proposed dwellings should be reduced.

- Concerns were raised about the likely timescale for the construction phase and for noise, disturbance and parking issues during the construction phase to affect the amenities of neighbouring residents.
- The proposal results in an overdevelopment of the site due to the under provision of parking and amenity space and the scale and mass is not appropriate for this site.
- The design of the dwellings does not reflect the Art Deco detailing and features of properties within the estate. The use of brick is not in character with surrounding properties.
- External amenity space for the proposed dwellings is quite small and there is no public open space within a reasonable walking distance.
- Unit 2 has insufficient plot size and parking.
- Concerns raised about the elevated nature and prominence of unit 1 when viewed from the surrounding highways to the east, west and south. It was recommended to omit unit 2 to enable unit 1 to be set back further from the south boundary.
- The site is on a raised plot in a prominent position and concerns were raised about the impact on the natural beauty and landscape quality of the area. Highlighted that the Environment Department Important Open Land survey in 2014 recommended retaining gardens in the Ville Au Roi to differentiate character areas within the area and to provide a green lung in the urban area.
- The impact of the development on the electricity network in the area.
- The application does not consider affordable housing.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. Design and impact of the development on the character and appearance of the area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Road safety, traffic management and parking.

Assessment against:

1 - Purposes of the law.

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

- 3 - General material considerations set out in the General Provisions Ordinance.**
4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

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. The comments in the letter of representation which refer to the Survey of 'Important Open Land' in Proposed Main Centres and Local Centres dated October 2014 references areas of land to the north and east of the Ville Au Roi estate which were subsequently designated as Important Open Land. The Important Open Land survey did not recommend that gardens within the Ville Au Roi estate should be designated as Important Open Land and the site 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. Two of the properties are indicated to be 3 to 4 bedrooms which would not accord with current housing need. However, the existing 2 dwellings to be demolished both have more than 3 bedrooms and the proposed larger dwellings could be viewed as replacing the existing dwellings. The proposed mix and type of dwellings is considered to be appropriate, taking into account the size and nature of the site, the size of the dwellings to be replaced and the character of the surrounding area.

Design and impact of the development on the character and appearance of the area

Existing properties in the area consist of a mix of sizes and architectural styles although the majority are 2 storey detached or semi-detached dwelling houses and many include traditional features and detailing. The proposed dwellings are multi-storey, which is encouraged by Policy GP8 as a means of making a more efficient use of land.

The overall design, scale, form and materials of the proposed dwellings broadly reflect existing properties within the area. Unit 1 would be elevated above the highway, particularly when viewed from the south. However, it would be set back 6-7m from the south boundary and together with its overall scale, height and mass, the dwelling would not have an overbearing impact within the street scene. Whilst entirely rendered finishes are more typical, there are limited examples of the use of brick for properties within the estate. In addition, the site is not within a Conservation Area and there is no requirement for the proposed dwellings to precisely replicate a particular style of dwellings in the area.

The plot size of units 1, 3 and 4 are at the lower end of but similar to the plot size of other properties within the estate. The plot size of unit 2 is smaller than other properties within the estate. However, the scale, design and appearance of units 1 and 2 gives the impression that these dwellings form one larger property when

viewed from the public highways. As a result, the creation of a smaller dwelling in the form of unit 2 would not have a significant adverse effect on the character and appearance of the area. The additional access onto Avenue Beauvais reflects the size and style of accesses on neighbouring properties and provided that existing trees are retained the new access would have no adverse effects. The proposal achieves a satisfactory standard of architectural design and would have no significant adverse effects on the character and appearance of the area, in accordance with Policy GP8.

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

The distance to and relationship with neighbouring properties to the east and west is sufficient to prevent any significant loss of privacy or shading of the neighbouring properties. The positioning of the dwellings will approximately align with the neighbouring property to the north which will minimise the impact on the amenities of the neighbouring property.

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

The proposed dwellings substantially exceed the Guernsey Technical Standards minimum internal space standards and they exceed the best practice minimum internal space standards which are published on the Authority's website. The dwellings are all dual aspect and would have adequate daylight, sunlight and privacy. All of the dwellings include a small private garden. Although the gardens are smaller than the majority of existing properties within the estate, they are adequate for the nature and size of the dwellings 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

A number of representations raise concerns about the proposal to provide 7 on-site parking spaces for the 4 dwellings and the likelihood that the development will increase pressure on on-street parking within the area. Reference is also made to the Parking Standards and the need to provide 12 parking spaces for a development of this nature. However, the Parking Standards set maximum as opposed to minimum standards for the number of car parking spaces for new developments. For the proposed development the maximum number of parking spaces as set out in the Parking Standards would be 11 (3 for each of units 1, 3 and 4; and 2 for unit 2). However, in the interests of the effective and efficient use of land and the overall quality of the development, and considering the proximity of the site to the shops and services of St Peter Port and the St Martins Local Centre and the access to public transport, it would not be desirable or necessary for the development to provide the maximum number of on-site parking spaces. The development may result in a marginal increase in the demand for on-street parking within the area but considering the nature of the surrounding highways it is unlikely to result in any significant traffic management concerns.

The scale of the development does not trigger the need for a Traffic Impact Assessment. A new access and parking area is proposed within the east boundary

onto Avenue Beauvais to serve unit 3. There would be insufficient space for vehicles to turn around within the site and sightlines from the access are likely to be partially obstructed by vehicles parked along the highway. However, as set out in the Traffic Engineering Guidelines for Guernsey, the adjoining highways are classified as Neighbourhood Roads where the functional emphasis is primarily one of access to individual properties and provision for vulnerable road users. Due to the relatively low traffic flows along Neighbourhood Roads, the control of frontage activities is not important and a greatly relaxed regime of traffic management is permissible. In this case, due to the nature of the highway, the relatively low traffic flows and the likely low traffic speeds as vehicles negotiate parked vehicles within the highway, the deficiencies noted with the new access and the modest intensification of use of the access serving units 1 and 2 are unlikely to result in any significant road safety or traffic management concerns.

Individual bicycle sheds are indicated for each dwelling. Whilst the sheds have the potential to provide secure and covered bicycle storage, there are some concerns about the size of the sheds, the positioning of doors and the ease of use for the minimum required number of bicycles. Further details of the design of the bike sheds will be required to ensure that they provide adequate bicycle storage, this can be dealt with by condition.

The proposal accords with Policies IP6, IP7, IP9 and the adopted Parking Standards.

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 application is supported by information which sets out how the development has been designed to take into account sustainable design principles. The agent advises that the dwellings will be insulated beyond the requirements set out in the Guernsey Technical Standard Part L1, although precise levels will depend on the type of construction used. In addition, the dwellings will exceed minimum Building Regulations for air tightness, each dwelling will have an electric car charging point and the dwellings will be fully supplied by electric provided that there is sufficient supply in the area. A Waste Management Plan has been submitted detailing how waste is to be minimised and managed. Overall the layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

With regards to the concerns raised about the likely timescale, noise, disturbance and parking issues during the construction phase, a degree of disturbance is an inevitable but temporary consequence of most building operations and separate controls exist under Environmental Health legislation to deal with any statutory nuisance that may arise. In this case, due to the character of the area and the relatively modest scale of the development, it would not be reasonable to place any additional controls on the construction phase of the development.

The erection of 4 dwellings does not meet the threshold for affordable housing and there is no requirement to provide affordable housing on the site. Due to the modest scale of the development, the proposal is unlikely to have an adverse effect on the electricity network in the area.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been considered in the assessment of this application.

It is recommended that the application is approved, subject to conditions.

Date: 28/11/2023