

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 19 dwellings and associated works.

LOCATION: Land to rear of, Le Four Banal, Route Militaire, St. Sampson.

APPLICANT: Rosaire Properties Limited

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 10/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 17-938-P2/PD/01, /02, /03, /04, /05, /06, /07, /08, /09, /10, /11 & /LD/01.

Application Ref: FULL/2023/1720

Property Ref: B007250000 + B00724B000 + B00724A000 + B00727A000

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 shall begin on site until a Construction Environmental Management Plan (CEMP) to include:

I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme).

II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.

III. Details of hours of construction including all associated vehicular movements.

IV. Details of the construction compound.

V. A plan showing construction traffic routes; and

VI. Details on how contamination of the adjacent running douit will be prevented.

has been submitted to and approved in writing by the Authority. The construction shall be carried out in accordance with the approved CEMP.

Reason - In the interests of residential amenity and to protect the adjoining watercourse.

5. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason: To ensure that the development is managed to minimise waste during the

demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

6. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 5 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

7. No development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a desktop study identifying any potential contaminating features.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, but excluding works required to meet the requirements of this condition, shall begin until there has been submitted to and agreed in writing by the Authority a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desktop study.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

9. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. The development shall be carried out only in accordance with the agreed scheme.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

10. Unless the Authority has confirmed in writing that verification is unnecessary, no part of the development shall be occupied or brought into use until there has been

submitted to and agreed in writing by the Authority a report providing verification that the remediation scheme agreed under condition 9 above has been implemented fully in accordance with the agreed details. The development shall be monitored and maintained in accordance with the scheme agreed under condition 9 above for a period of 5 years or in accordance with a programme previously agreed in writing by the Authority.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

11. Notwithstanding the details contained in the Waste Management Plan that accompanies this application the crushing, grinding or other size reduction of bricks, tiles, rubble or concrete with machinery designed for that purpose is expressly precluded by this permission.

Reason - To avoid undue noise and disturbance to the occupiers of surrounding dwellings.

12. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the access roadway/pedestrian footways for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity, traffic and pedestrian safety.

13. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Statement (pages 4 - 6 of the letter from A7 Design Ltd dated 02/10/2023) and in accordance with the details shown on the approved plans regarding electrical vehicle charging points and permeable paving. There shall be no occupation of any dwelling until the electric vehicle charging point to serve it has been installed and made operational.

Reason - In the interests of sustainable development.

14. The landscaping scheme shall be fully completed, in accordance with the details agreed and shown on drawing LD/01, 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.

15. Prior to the commencement of any work in connection therewith details of all hardsurfaced areas within the development site (incorporating permeable paving) shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed in the interests of visual amenity and sustainable design.

16. No part of the development, hereby permitted, shall be occupied until the approved estate road, visitor parking and turning heads have been fully completed in accordance with the details approved under condition 15 above.

Reason - In the interests of highway safety and visual amenity.

17. No dwelling shall be occupied or used until the boundary fence enclosing its rear garden, as shown on the approved plans, has been fully completed.

Reason - To preserve the privacy of occupiers and neighbours of the development.

18. Notwithstanding the details shown on approved plan PD/01 in relation to the proposed hit and miss fencing to the east of the area proposed for public art, prior to the commencement of any work in connection therewith, details of the treatment of the east site boundary adjacent to the area for public art shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The erection of a high timber fence in this prominent location on the site would be detrimental to the design quality of the development and the character and appearance of the locality. This condition is imposed to make sure that the boundary treatment in this part of the site is appropriate and does not have any adverse impact on the character of the area.

19. The first floor bathroom window in the west/rear elevation of plot 5 (unit type A) shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

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

20. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance) no alterations shall be made to the garage door opening of any approved dwelling (Class 1, (5)) nor any extension to hardsurfacing be carried out to the front of any dwelling hereby approved (Class 1 (15)).

Reason - The protection of the appearance of the estate/clos as a whole in the interests of visual and residential amenity.

21. No development shall begin on site until details of the proposed public art installation have been submitted to and agreed in writing by the Authority. The scheme of public art shall be fully completed, in accordance with the details agreed through this condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner.

Reason - To ensure the appropriate provision of public art in accordance with Policy GP18: Public Realm and Public Art.

Expiry Date: This permission will cease to have effect on 09/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

In relation to the conditions regarding contaminated land (conditions 7 - 10) the phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

It is recommended:

- a) a desktop study is undertaken in accordance with guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice.
- b) a site investigation report is undertaken in accordance with BS:10175
- c) a verification report that includes:
 - (i) as built drawings of the implemented scheme;
 - (ii) photographs of the remediation works in progress;
 - (iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>

In reference to conditions 5, 6 and 11 the way in which waste is dealt with on the site (reused, recycled or disposed of) should be recorded during the clearing of the site and the construction process. This information will be required in order to inform the final Site Waste Management Plan document that is required by conditions 5 and 6 to be submitted to the Authority at the end of the process. For further information on the Site Waste Management Process please refer to Advice Note for Site Waste

Management Plans found under the Site Waste Management Plan link at https://gov.gg/planning_building_permissions.

For the purposes of condition 12, any lighting scheme should include:

1. an accurate plan showing the areas to be lit;
2. details of the number, location, height and colour of any lighting columns or other fixtures;
3. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each; and
4. a diagram showing the predicted levels of illumination at the site boundaries and affecting any adjacent dwellings.

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/2023/1720
Property Ref: B007250000 + B00724B000 + B00724A000 + B00727A000
Valid date: 04/10/2023
Location: Land to rear of Le Four Banal Route Militaire St. Sampson
Guernsey GY2 4DZ
Proposal: Erect 19 dwellings and associated works.
Applicant: Rosaire Properties Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. No development shall begin on site until a Construction Environmental Management Plan (CEMP) to include:

I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with,

reviewed and recorded (including details of any considerate constructor or similar scheme).

II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.

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VI. Details on how contamination of the adjacent running douit will be prevented.

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Reason - In the interests of residential amenity and to protect the adjoining watercourse.

5. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

6. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 5 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

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Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, but excluding works required to meet the requirements of this condition, shall begin until there has been submitted to and agreed in writing by the Authority a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desktop study.

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Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

10. Unless the Authority has confirmed in writing that verification is unnecessary, no part of the development shall be occupied or brought into use until there has been submitted to and agreed in writing by the Authority a report providing verification that the remediation scheme agreed under condition 9 above has been implemented fully in accordance with the agreed details. The development shall be monitored and maintained in accordance with the scheme agreed under condition 9 above for a period of 5 years or in accordance with a programme previously agreed in writing by the Authority.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

11. Notwithstanding the details contained in the Waste Management Plan that accompanies this application the crushing, grinding or other size reduction of bricks, tiles, rubble or concrete with machinery designed for that purpose is expressly precluded by this permission.

Reason - To avoid undue noise and disturbance to the occupiers of surrounding dwellings.

12. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the access roadway/pedestrian footways for the site have been submitted to and agreed in writing by the Authority. Any lighting

to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity, traffic and pedestrian safety.

13. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Statement (pages 4 - 6 of the letter from A7 Design Ltd dated 02/10/2023) and in accordance with the details shown on the approved plans regarding electrical vehicle charging points and permeable paving. There shall be no occupation of any dwelling until the electric vehicle charging point to serve it has been installed and made operational.

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Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

15. Prior to the commencement of any work in connection therewith details of all hardsurfaced areas within the development site (incorporating permeable paving) shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed in the interests of visual amenity and sustainable design.

16. No part of the development, hereby permitted, shall be occupied until the approved estate road, visitor parking and turning heads have been fully completed in accordance with the details approved under condition 15 above.

Reason - In the interests of highway safety and visual amenity.

17. No dwelling shall be occupied or used until the boundary fence enclosing its rear garden, as shown on the approved plans, has been fully completed.

Reason - To preserve the privacy of occupiers and neighbours of the development.

18. Notwithstanding the details shown on approved plan PD/01 in relation to the proposed hit and miss fencing to the east of the area proposed for public art, prior to the commencement of any work in connection therewith, details of the treatment of the east site boundary adjacent to the area for public art shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The erection of a high timber fence in this prominent location on the site would be detrimental to the design quality of the development and the character and appearance of the locality. This condition is imposed to make sure that the boundary treatment in this part of the site is appropriate and does not have any adverse impact on the character of the area.

19. The first floor bathroom window in the west/rear elevation of plot 5 (unit type A) shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

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

20. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance) no alterations shall be made to the garage door opening of any approved dwelling (Class 1, (5)) nor any extension to hardsurfacing be carried out to the front of any dwelling hereby approved (Class 1 (15)).

Reason - The protection of the appearance of the estate/clos as a whole in the interests of visual and residential amenity.

21. No development shall begin on site until details of the proposed public art installation have been submitted to and agreed in writing by the Authority. The scheme of public art shall be fully completed, in accordance with the details agreed through this condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner.

Reason - To ensure the appropriate provision of public art in accordance with Policy GP18: Public Realm and Public Art.

INFORMATIVES

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

In relation to the conditions regarding contaminated land (conditions 7 - 10) the phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

It is recommended:

- a) a desktop study is undertaken in accordance with guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice.
- b) a site investigation report is undertaken in accordance with BS:10175
- c) a verification report that includes:
 - (i) as built drawings of the implemented scheme;
 - (ii) photographs of the remediation works in progress;
 - (iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>

In reference to conditions 5, 6 and 11 the way in which waste is dealt with on the site (reused, recycled or disposed of) should be recorded during the clearing of the site and the construction process. This information will be required in order to inform the final Site Waste Management Plan document that is required by conditions 5 and 6 to be submitted to the Authority at the end of the process. For further information on the Site Waste Management Process please refer to Advice Note for Site Waste Management Plans found under the Site Waste Management Plan link at https://gov.gg/planning_building_permissions

For the purposes of condition 12, any lighting scheme should include:

- 1. an accurate plan showing the areas to be lit;
- 2. details of the number, location, height and colour of any lighting columns or other fixtures;
- 3. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each; and
- 4. a diagram showing the predicted levels of illumination at the site boundaries and affecting any adjacent dwellings.

OFFICER'S REPORT

Site Description:

The application site is situated to the rear/east of frontage residential development on Route Militare. Access is via an existing access (see planning history below) between Le Four Banal where the boundary is marked by a low rendered wall and Grove Cottage where a high rendered wall has been erected. A low granite wall marks the roadside boundary.

Le Four Banal is a detached, pitched roof bungalow with single-storey extension to the rear. Part of the side site boundary remains open as does the rear boundary with the application site. Grove Cottage is a one and a half-storey dwelling with catslide dormer and small balcony and two rooflights to the rear. Vehicular access to the property is via the north site boundary. A detached garage/outbuilding is situated adjacent to the west site boundary.

The west and south boundaries are marked by a mix of timber fencing and hedges. The east boundary is largely open with small sections of wall present and several trees adjacent to the boundary and dought. The north boundary is marked by mature landscaping.

The site is in a Main Centre Outer Area as designated in the Island Development Plan. A Key Industrial Area is situated to the east of the site but is currently undeveloped.

Relevant History:

DF/2017/2581 – Le Four Banal Development Framework

Pre-application advice was sought in this case.

FULL/2021/1264 – Install estate road entrance with associated boundary treatments – granted

Existing Use(s):

28 agricultural land

Brief Description of Development:

The application relates to the erection of 19 dwellings on land to the rear of frontage properties to the east of Route Militaire to be accessed via an existing vehicular access which has been formed between Le Four Banal and Grove Cottage (see planning history above).

Three pairs of semi-detached properties are proposed to the rear of Grove Cottage, adjacent to the south site boundary with a terrace of four to the rear of Le Four Banal; a detached dwelling is proposed to be situated to the north of the terrace, to the rear of a retail showroom which fronts Route Militaire. A further four pairs of semi-detached properties are then proposed adjacent to the east site boundary.

All the dwellings are two-storeys in height designed with shallow, pitched roofs with a standing seam finish. The external materials are shown to be a mixture of render and timber effect cladding, grey UPVCu windows and grey composite doors.

All the properties are to be served by an integral garage (for car and cycle parking) along with a further one off-road parking space each. An area has been set aside for visitor parking (7 spaces) with two turning heads provided within the site, one of which could provide access to an adjoining development site in future which was part of the approved Development Framework.

The development comprises a mix of 2-bedroom properties with a box room/study and three-bedroom dwellings (7 three bed and 12 two bed).

The application has been accompanied by a landscape plan which shows a hedged landscape buffer to the west, north and south site boundaries. Each property has a small area of soft landscaping to the frontage area and gardens to the rear of each property. Gardens are to be divided by hit and miss fencing. Timber palisade gates and fencing are proposed along the east site boundary with the douit which is identified to replace the existing boundary wall.

The application has also been accompanied by a Waste Management Plan and information to address sustainable development. Provision is made within the development for the inclusion of public art in an area which could, in future, alternatively provide a link to the adjoining Key Industrial Area.

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

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP10: Comprehensive Development

GP18: Public Realm and Public Art

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment

Supplementary Planning Guidance: Le Four Banal Development Framework

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation - there are several issues of concern to be raised.

There is no Construction Environmental Management Plan (CEMP) submitted with the application nor referred to in the submission. The site is situated adjacent to several residential properties that may be affected by disturbance the construction may cause through noise, vibration, dust and construction traffic and a condition is recommended in order to manage this.

Historically there were heated greenhouses installed on the site and there is consequently the potential for the land to be contaminated where new homes and gardens are proposed. Conditions and informative notes are recommended to manage and mitigate this.

The Waste Management Plan states that rubble will be crushed on site and recycled within the development. With residential properties adjacent to the development site, the site is a noise sensitive area and it is not a suitable option to crush rubble on site. A condition is recommended setting out that such activity will not take place on site.

Summary of Issues:

The key issues in this case relate to the principle of the development, the design and appearance of the buildings and impact of the site layout on the character and appearance of the locality along with matters relating to privacy and overlooking both to existing residential properties and within the development itself.

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.

Policy MC2 supports provision of new housing development and for sites of this nature a Development Framework is required. This offers a gateway for the development of the land for residential development and a Development Framework (DF) has been adopted for the site. The DF addresses matters including comprehensive development of the site, density, mix and type of dwellings, affordable housing, parking/access arrangements, biodiversity, design and sustainable development.

The application site does not however, relate to the entire DF site (parcels E to G and not A to D) so effectively this site and application relate to phase 1 of the Four Banal site. As submitted, an access road with associated turning head and parking adjacent to the north site boundary. This could provide an access to the remaining parcels of land should they be presented for development at a later date. This approach is

considered therefore, to address the matter of Comprehensive Development (Policy GP10). The DF also refers to linking to the adjoining undeveloped KIA. This has not been precluded by the proposed layout although any such future link would impact on the proposed public art shown adjacent to the east site boundary.

The Housing Needs Survey continues to identify a need for 1-, 2- and 3-bedroom properties and the development incorporates a mix of 2- and 3-bedroom dwellings which addresses the mix and type currently required and the aims of Policy MC2. The 19 units proposed sits within the density requirements as set out in the Development Framework for 25-35 units per hectare.

The provision of affordable housing is independent of the Development Framework for the site. The Development Framework site area is larger than the application site however, there is no guarantee that any or all the remainder of the site that is covered by the Development Framework will come forward for development later. In relation to affordable housing provision therefore, the application must be considered on its own merits. The scheme as submitted does not meet the threshold for the provision of affordable housing and therefore the requirement for affordable housing on this site is not triggered, and nor is Policy GP11, because it is not possible to apply the affordable housing requirement pro-rata to this application. The scheme proposes multi-storey development that seeks to make efficient and effective use of land when considering Policy GP8.

Units 1 – 4 and 18 – 19 have been orientated to direct most views away from the adjoining gardens of properties fronting Route Militare. Units 6 – 17 would be set sufficient distance from adjoining properties so as not to impact on residential amenity in relation to existing neighbouring dwellings. The proposed internal layout of unit type 'A' would introduce only one bedroom and one bathroom, obscure glazed to be managed by condition, facing west from proposed unit 5 towards the rear gardens of existing dwellings fronting Route Militare to manage the potential for overlooking and loss of privacy.

The development has been designed to limit the potential for overshadowing and loss of light to adjoining gardens with the gardens of units 14 – 19 ensuring overshadowing of gardens to the south of the site will not occur. Unit 5 is also set sufficient distance from the boundary with the existing commercial unit fronting Route Militare so as not to result in harm in this respect. Unit 1 is situated close to the east site boundary with two residential neighbours. The scheme has been designed with a shallow pitched roof sloping down towards the common boundary and with an eaves level of approximately 5.5m in height. This is likely to result in some overshadowing of the eastern end of neighbouring gardens, furthest from the dwellings, early in the day however, for most of the day the terrace of dwellings will not impact on sunlight or daylight to the gardens given the orientation of the existing properties, site and positioning of proposed dwellings and overall is considered acceptable.

The layout of the development and positioning of fenestration is such that future occupiers of the development should benefit from satisfactory living environments in terms of overshadowing, privacy and overlooking. Units 1 – 4 have north facing gardens and living accommodation on the ground floor but the remainder of the development shows properties with principal living accommodation and gardens facing west, east and south. The design of the development seeks to reduce the overall height of buildings which, in turn, reduces the potential for dwellings to overshadow their own amenity space. Each property benefits from an area of external open space to be divided from its neighbour by timber fencing which can be managed by condition in order to offer privacy for all occupiers.

Overall therefore, the development addresses the health and well-being of future occupiers.

The scheme demonstrates consideration for the need for flexible and adaptable accommodation and a site which offers access to and within buildings for people of all ages and abilities (GP8).

Each dwelling is shown to have one parking space and one garage to meet the needs of occupiers which accords with the maximum parking standards set out in the SPG: Parking Standards and Traffic Impact Assessment (December 2016). It is noted that in many cases garages are not used for their intended purpose but become an area of overflow storage for the dwelling nonetheless, being able to accommodate cycle and motorcycle parking within the garages, potentially alongside car parking, would address the aims of Policy IP6.

Planning conditions can be imposed to address proposed hardsurfacing and external lighting serving the road/pedestrian footway.

It is reasonable to consider the removal of exemption rights relating to replacing a door or window in an existing, new or altered opening (Class 1 (4) and (5) of the 2023 Exemptions Ordinance) which would occur should the garages be converted to additional living accommodation. On the one hand, this would offer more flexible and adaptable accommodation but on the other would place additional pressure on the site in terms of on-street parking or for front garden areas to be converted to additional parking (where space permits). With regard to additional hardstanding within the front garden areas of the properties within the development there are a number of matters to note. Firstly that to remove the approved landscaping within the first 5 years would require it to be replaced on a like for like basis to avoid a breach of planning condition (unless planning permission is expressly granted for development within the front garden area). Secondly the 2023 Exemptions do not permit the formation of hardsurfacing in connection with a vehicle or pedestrian access onto a highway i.e. to extend the drop kerb from the estate road and widen the vehicular access or where cars would bump up the kerb rather than using the designed vehicular access serving the site. In view of this it is reasonable to remove exemptions rights in relation to both alterations to fenestration (front elevation only) and hardstanding (front garden areas only) given the overall design vision and

layout for the site and, without further assessment of such proposals through a formal application the overall design quality of the site could be eroded which, in turn could impact on residential amenity.

Confirmation has been received that the proposed development has been designed to consider matters of energy efficiency and current Building Regulations in accordance with Policy GP9 and the submission has addressed how the scheme has been designed in a way to deliver more sustainable development (design, layout, location, materials etc).

The submission addresses the matter of sustainable development outlining that Sustainable Urban Drainage Systems (SUDS) techniques will be used with all hardsurfacing being constructed using permeable surfacing with no discharge from the site to the douit.

The scheme proposes electric vehicle charging points within the garages, also a matter that can be managed by condition. Reference is made to the fact the roof faces are suitable for the installation of solar panels, if desired, but do not form part of the application submission. Their installation would however, represent exempt development under Class 1 of the 2023 Exemptions Ordinance.

As required by Policy GP1 the application incorporates a landscaping plan. This shows a proposed hedge boundary to the north, south and west site boundaries to provide a landscape buffer to existing development. Individual trees are shown to be planted within the front gardens of each dwelling along with hedges to separate the properties from one another. Existing trees along the east site boundary are shown to be removed and replaced with a variety of trees, one per garden. The provision/retention of landscaping can be controlled by planning condition.

OEHPR have commented on the proposals and recommend a Construction Environmental Management Plan via planning condition to manage impact on residential amenity during construction. Given the relationship of the site to neighbouring residential properties it has been highlighted that crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles, rubble or concrete would be harmful to residential amenity and must be expressly excluded from a planning permission. Given the historic use of the site various conditions are also proposed to manage the risk of contamination for the benefit of future occupiers of the site. Subject to the recommended conditions the scheme is considered satisfactory in terms of the amenities of occupiers and neighbours of the development having regard to Policy GP8 and GP9 of the Plan.

Policy GP18 relates to public realm and public art. The scheme considers the enhancement of the public realm by design allowing connectivity to adjoining sites to the north and east which would be of public benefit in the longer term. The site generally is flat and will offer accessibility across the public areas of the site for people of all ages and abilities.

The policy also encourages public art, either integrated or stand alone. This application proposes a standalone feature which would be visible when driving into the site from Route Militaire. The details of this feature are not set out in the submission but precise details can be controlled by condition in accordance with the requirements of the Development Framework and the aims of Policy GP18. It is noted that a high timber fence is shown adjacent to the area of public art which will be prominently situated when entering the site. To enhance the public realm within the development this should be excluded and details of an alternative, more appropriate boundary treatment provided, via condition, for approval by the Authority.

In view of the above it is recommended permission is granted for the proposed residential development.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

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

Date: 08/11/2023

